



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL

FROM: KATIE KENT, COMMUNITY DEVELOPMENT DIRECTOR

RE: 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.

DATE: OCTOBER 22, 2024

Summary:

Before the Town Council on October 22, 2024 is the first reading of Ordinance 24-13. This Ordinance proposes a modification to Frisco Town Code, Chapter 180, Section 6-17, as discussed at a work session on September 24, 2024.

At the [September 24th work session](#), Council and Staff held a discussion regarding screening requirements for recycling facilities installed as a result of Ordinance 22-04 regarding Universal Recycling. Proposed modifications were recommended by Planning Commission at their September 19th public hearing and Town Council directed Staff to move forward with proposed code changes with the recommendations from Planning Commission.

The proposed modification to Town Code would allow existing developments that have been developed prior to March 22, 2022 (When Ordinance 22-04 regarding Universal Recycling went into effect) to construct or establish screening that varies from the otherwise-applicable Code requirements concerning the nature and location of screening as they install recycling facilities. The developments would still be required to have recycling containers, but they would not be required to screen them in full compliance with Chapter 180 which currently requires four walls and a roof. The recycling containers would still need to be wildlife resistant and meet the other criteria set forth for approval of an administrative variance to the otherwise applicable requirements.

Background:

Through Ordinance 22-04, all commercial customers, including Homeowner Associations (HOAs), must have recycling containers onsite on or before June 1, 2025. Per Frisco Town Code, Chapter 180, these recycling containers must be kept in an enclosure that contains four walls and a roof.

The proposed code amendments are being brought before the Town to address concerns raised by existing developments (primarily HOAs) regarding the requirement to add screening for these recycling facilities. The addition of recycling is not a concern, it is the cost of designing and constructing an enclosure that contains four walls and a roof. Some developments have also voiced concerns over the added space they need to find to provide the required recycling and screening facilities. Whereas the Code allows a development to convert up to three (3) parking spaces for refuse/recycling facilities, developments have stated they cannot just give up parking spaces due to all spaces being assigned and necessary for residential unit parking and/or commercial unit customer parking.

This topic is before Town Council because pursuant to sub-section §180-2.4.3.D, an amendment to the text of the UDC is a legislative decision by the Town Council. Prior to the Town Council's consideration of an Ordinance to amend the text of the UDC, the Planning Commission must first review the proposed amendment and forward a recommendation to the Town Council. The Planning Commission reviewed the proposed modifications on September 19, 2024, and forwarded a recommendation to Town Council as was presented at the September 24th work session.

There are no screening requirements for legal nonconforming refuse and recycling facilities installed prior to the code requirements. If an HOA or commercial business already has trash and recycling onsite, there is no requirement for them to screen these containers as they are deemed legal nonconforming. When a modification is made, such as adding recycling to the site, then the property is required to be brought up to Town Code, including adding screening.

Analysis:

Through Universal Recycling, Frisco Town Code, Chapter 124 requires recycling to be provided on properties. Properties that are already built out with development are having difficulty finding the adequate space to add recycling and the accompanying enclosure required by Frisco Town Code, Chapter 180. Concern has also been expressed about the cost to design and construct enclosures for recycling facilities.

Ordinance 24-13 proposed code language to be inserted into Section 180-6.17, as fully described in the attached Ordinance 24-13, states:

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 variance 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.

Planning Commission Recommendation:

Town Code, 180-2.4.3 requires that the Planning Commission recommend approval or disapproval, either in whole or in part, of a change to the text of this Chapter. At the September 19, 2024 Planning Commission meeting, Commissioners reviewed the item with draft minutes from the meeting reflecting:

Commissioners discussed the various situations that developments are in and what options could be provided including:

- A temporary waiver to provide more time for budgeting
- A permanent waiver for properties that do not have space for an enclosure.
- Could the Town provide standard architectural plans that developments could utilize
- Should there be a difference between a recycling facility and a toter
- Developments could increase trash pick-ups to reduce dumpster sizes and make more room for recycling

Commissioners agreed that adding recycling was most important to the Town, and screening is secondary. Commissioners agreed that new projects should always be required to meet screening requirements. Commissioners recognized the financial burden that screening requirements could lead to for older HOAs, including the financial impact to affordable housing unit owners.

After discussing various options and the proposed modification presented to Commissioners, modifications were agreed upon and suggested as a recommendation to Council.

B. Multifamily residential, mixed-use, and non-residential developments which have been constructed and received Certificate of Occupancies by July 1, 2025 MARCH 22, 2022 may be exempt from screening requirements for recycling facilities to accommodate the installation of a recycling collection area to serve the needs of the development. Screening exemptions 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. ~~The homeowner's association has signed an agreement with the Director stipulating that the building will maintain a contract for on-going recycling and service is to be provided in a wildlife resistant facility; and~~
4. If partial screening is proposed (ex: four walls but no roof), the proposed structure shall meet all building and safety codes.
5. **Screening is provided from public areas including ROWs, public lands, etc.**
6. **Screening is provided from adjacent properties to the greatest extent possible.**
7. **Screening may be provided in various forms including but not limited to walls, fences, mature landscaping, or other methods proposed by the Applicant deemed acceptable by the Director.**

Commissioners recognized that there is always the option for people to apply for a variance if there is truly a hardship that they cannot meet partial, or full, screening.

PUBLIC COMMENTS: No Public Comments

MOTION:

WITH RESPECT TO FILE NO. MAJ-24-0001, COMMISSION MEMBER STABILE MOVED THAT THE RECOMMENDED FINDINGS SET FORTH IN THE SEPTEMBER 19, 2024 STAFF REPORT BE MADE AND THAT WITH THE MODIFICATIONS DISCUSSED DURING THE MEETING, THE PLANNING COMMISSION RECOMMENDS APPROVAL TO TOWN COUNCIL OF CODE TEXT AMENDMENTS TO CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SECTION 180-6.17, REFUSE MANAGEMENT.

MOTION SECONDED BY PLANNING COMMISSION MEMBER CONNOLLY.

**VOTE: YEAS: CONNOLLY – YEA, DE – YEA, FORSYTH – YEA, LESMES – YEA, STABILE – YEA, WITHROW – YEA
NOES: NONE**

MOTION: PASSED

Financial Impact: The financial impact of installing screening to newly required recycling facilities is not a set price since it is dependent on the engineering, design, and construction bids that the development receives. The recently constructed enclosure provided near Emily Lane was valued at \$50,000. The Town Hall enclosure was over \$100,000. In 2024 the Town budgeted \$64,000 for grant funding for this purpose. In 2025 the Town has budgeted \$79,000.

Staff Recommendation: Staff recommends that the Town Council approve the first reading of Ordinance 24-13, a proposed Code Amendment to Chapter 180, Sections 6-17, regarding refuse management.

Reviews and Approvals: This report has been reviewed and approved by:

Diane McBride, Assistant Town Manager
Tom Fisher, Town Manager
Leslie Edwards, Finance Director

Attachments:

Attachment 1 – Ordinance 24-13