

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 20-23**

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SUBSECTION 180-2.5.2.B.1, CONCERNING THRESHOLDS FOR SITE PLAN REVIEW TYPE; AND SUBSECTION 180-5.1.5, CONCERNING THE TABLE OF ALLOWED USES; AND SECTION 180-5.2, CONCERNING USE SPECIFIC STANDARDS; AND SUBSECTION 180-5.2.3, CONCERNING OUTDOOR STORAGE AREAS; AND SUBSECTION 180-5.3.3, CONCERNING SOLAR ENERGY FACILITIES; AND SECTION 180-6.4.1, CONCERNING IMPROVEMENTS AGREEMENT; AND SECTION 180-6.5, CONCERNING LAND-DISTURBING ACTIVITIES; AND SECTION 180-6.6.2, CONCERNING DRAINAGE PLANS, DESIGN STANDARDS; AND SECTION 180-6.6.4, CONCERNING EROSION AND SEDIMENT CONTROL; AND SECTION 180-6.7, CONCERNING WATER QUALITY; AND SUBSECTION 180-6.11.2, CONCERNING NON-VEHICULAR ACCESS REQUIREMENTS; AND SUBSECTION 180-6.13.1, CONCERNING PARKING AND LOADING REQUIREMENTS, APPLICABILITY; AND SUBSECTION 180-6.13.3, CONCERNING ON-PREMISE PARKING REQUIREMENTS; AND SUBSECTION 180-6.13.4, CONCERNING BICYCLE PARKING; AND SUBSECTION 180-6.13.7, CONCERNING SNOW STORAGE AREAS; AND SUBSECTION 180-6.14.2, CONCERNING LANDSCAPING AND REVEGETATION REQUIREMENTS, APPLICABILITY; AND SUBSECTION 180-6.14.5.E, CONCERNING REVEGETATION OF DISTURBED LAND; AND SECTION 180-6.17, CONCERNING REFUSE MANAGEMENT; AND SECTION 180-9.3, CONCERNING GENERAL DEFINITIONS.

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, in connection with regulations concerning development and building construction, the Town has adopted policies to promote environmental sustainability; and

WHEREAS, the Town Council desires to amend the Unified Development Code in order to enhance sustainability standards for land use and development and, in connection therewith, to amend existing code provisions concerning the same or similar subjects.

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

Section 1. Subsection 180-2.5.2.B.1 of the Frisco Town Code, Concerning Thresholds For Site Plan Review Type, is hereby amended to read as follows:

TABLE 2-1: SITE PLAN REVIEW THRESHOLDS	
Site Plan Review Process	Comments
Administrative Site Plan Review	
Interior Remodels and Tenant Finishes	
Exterior Finish	(E.g., repair, replacement, alteration, and addition of windows and doors, roofing, siding, painting, etc.)

Decks, Patios, and Sheds	For single-household and two-household development only
Landscaping and Tree Removal	
Driveways, Parking Areas, and Sidewalks	
Trash Enclosures	
Hot Tubs	
Exterior Lighting	
Solar Energy Facilities mounted on principal and accessory buildings	Includes Solar Energy Facilities as an Accessory Use
<u>Grading Permit</u>	
Minor Site Plan Review	
Decks, Patios, and Sheds	Multi-family, mixed-use, non-residential
New Single-Household and Two-Household	Including garages, additions, and associated accessory buildings/ structures that are not considered “administrative”
Additions and Accessory Buildings/ Structures to Multi-Family, Mixed-Use, and Non-Residential	Maximum 1000 sq ft GFA or 1000 sf lot coverage
<u>Wetland Disturbance Permit</u>	
<u>Construction Staging (Off-site)</u>	
Major Site Plan Review	
New Multi-Family	Including additions and accessory buildings/ structures that do not qualify as minor site plans
New Mixed-Use	Including additions/accessory buildings/ structures that do not qualify as minor site plans
New Non-Residential	Including additions and accessory buildings/ structures that do not qualify as minor site plans
<u>Large Scale Solar Facility</u>	

Section 2. Subsection 180-5.1.5., of the Frisco Town Code, concerning the Table of Allowed Uses, is hereby amended to read as follows:

TABLE 5-1 TABLE OF ALLOWED USES																
● = Permitted ◐ = Conditional Use 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		
RESIDENTIAL USES																
Group Living	Group care facility					◐	◐				◐					
	Senior housing					◐	◐				◐					
Household Living	Cabin housing		●	●	●	●					◐	◐			180-5.2.1 *on Granite & Galena Streets only	
	Duplex and two-unit townhomes		●	●	●	●					●	●			180-5.2.8	
	Fractional ownership unit					◐	●				◐	◐				

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		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	
	Multi-unit dwellings				●	●	◐			●	◐				180-5.2.8
	Single-household detached dwelling	●	●	●	●	●				●	◐				180-5.2.8
	Townhomes, attached or standalone			●	●	●				●	◐				180-5.2.8
PUBLIC, INSTITUTIONAL, AND CIVIC USES															
Community and Cultural Facilities	Activities for conservation of natural resources and the environment	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Arts and entertainment center						●	●		●	●				
	Community center					◐	◐	●		●	◐			●	
	Church or place of worship and assembly			◐	◐	◐				◐	◐			◐	
	Homeowner association recreation facility	◐		◐	◐	◐									
Child Care Facilities	Child day care center		◐	◐	◐	◐		◐			◐				
	Family day care	●	●	●	●	●									
Educational Facilities	School, Type 1			◐	◐	◐					◐			◐	
	School, Type 2			◐	◐	◐		◐			◐			◐	
	School, Type 3							◐			◐			◐	
Institutional Uses	Institutional use	◐	◐	◐	◐	◐	●	●	●	●	◐		◐	●	
Parks and Open Space	Active recreation												●	●	
	Common area	●	●	●	●	●									
	Common building		●												
	Marina										●		●		
	Open space	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Park	●	●	●	●	●				●			●		
	Passive recreation and open space use (no site disturbance; compatible with natural state)											●	●		
	Passive recreation and open space use some site disturbance; compatible with natural state)											◐	●		
	Public or private active and/or passive recreation area												●		
Public Utilities and Facilities	Public improvement	●	●	●	●	●	●	●	●	●	●	●	●	●	
	Public utility facility	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	
	Telecommunication facility (standard)						●	●		●	●			●	180-5.2.11
	Telecommunication facility (low power)	●	●	●	●	●	●	●	●	●	●	●	●	●	180-5.2.11
	Transit oriented facility and use						●	●		◐	◐			●	
	<u>Large Scale Solar</u>												◐	●	<u>180-5.2.14</u>

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Use Category	Use Type	RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF		
COMMERCIAL USES																
Agriculture Uses	Community garden	◐	◐	◐	◐	◐	●	●	◐	◐	◐	◐	●	●		
	Farmers' market						◐	◐		◐	◐		◐	◐	180-5.2.2	
	Plant nursery or greenhouse						◐	●	●		◐		◐			
	Produce stands						●	●		●	●				180-5.2.7	
Food and Beverage	Fast food restaurant						●	●		●	◐					
	Microbrewery, distillery and/or tasting room						●	●		●	●					
	Restaurant, bar, tavern						●	●		●	●		◐			
Lodging Facilities	Boarding, rooming, and lodging facility				◐	●	●	◐			◐					
	Condominium hotel						●			◐	◐					
	Hostel						●	◐		◐	◐					
	Hotel and motel						●	◐		●	◐					
Offices	Financial service						●	●		●						
	Medical office						◐	●	●	●	●				180-5.2.12	
	Office					◐	◐	●	●	●	●				180-5.2.12	
Parking Facilities	Parking facility						◐	◐		◐	◐		◐			
Personal Services	Personal services, General					◐	●	●		●	●					
	Laundromat, Commercial/Industrial								●							
	Laundromat, Self-service					◐	●	●		●	●					
Recreation and Entertainment	Health, recreation, and exercise establishment						●	●	◐	●	◐		●			
	Indoor arts and entertainment center					◐										
Retail	Artisan studio or gallery						●	●		●	●					
	Light retail						●	●	◐	●	●		◐			
	Medical marijuana dispensary						●	●	●		●				180-5.2.6	
	Professional trade								●							
	Professional trade retail								●							
	Regional retail						●	●								
	Retail marijuana						●	●	●		●				180-5.2.9	
	Sexually-oriented business Showroom						●	●	●	●	●				180-5.2.10	
Vehicles and Equipment	Auto, boat, and recreational vehicle sales or leasing						◐	◐								
	Auto fuel sales						◐	●			◐					
	Auto service or wash						●	●	●							
	Light goods repair						●	●	●	◐	●					
Veterinary Services	Animal boarding or training						◐	◐	◐		◐					
	Veterinary clinic						◐	●	●		◐					
INDUSTRIAL USES																
Industrial Service and Research	Commercial firewood cutting and storage								◐							

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Use Category	Use Type	RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF	
	Research and development							○	●						
	<u>Construction Staging, Off-site</u>						●	●	●	●	●		●	●	180-5.2.3
Manufacturing and Production	Light manufacturing							○	●	○					
	Repair and light fabrication workshop							○	●						
Warehouse and Freight Movement	Storage facility								●						
	Warehouse								●						
	Wholesale business							○	●						
ACCESSORY USES															
Accessory Uses	Accessory building and use	●	●	●	●	●	●	●	●					●	
	Accessory dwelling unit	○	●	●	●	●	●	●	●	●	●		○	○	180-5.3.1
	Home occupation	○	○	○	○	○				○					
	Home office	●	●	●	●	●	●	●		●	●				
	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															

Section 3. Section 180-5.2, concerning Use Specific Standards is hereby amended by the addition of a new subsection to read as follows:

180-5.2.14. Large-Scale Solar Facilities

A. Purpose

The purpose of these standards is to promote large scale solar facility design that minimizes impacts on adjacent properties and promotes systems that are visually compatible with the character of the areas in which they are located.

B. General Standards

1. Maximum Height. All large-scale solar energy systems and facilities shall comply with the building height limits for the applicable zone district.

2. Setbacks. Large-scale solar energy systems shall be set back from all property lines a minimum of thirty (30) feet, and shall be located at least one hundred (100) feet from all residentially zoned land.

3. Fencing/Access. Ground-mounted large-scale solar energy systems shall be enclosed with a solid, opaque, perimeter fence six feet in height.

4. Landscaping. Landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences. Land beneath ground-mounted facilities shall be revegetated in accordance with Section 180-6.14 Landscaping and Revegetation Requirements.

5. Lighting. Lighting shall be limited to the minimum extent necessary for security and operations.

6. Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, except for power lines that extend beyond the project site or are within a substation where applicable.

Section 4. Subsection 180-5.2.3, of the Frisco Town Code, concerning Outdoor Storage Areas, is hereby amended to read as follows:

A. Purpose

The purpose of outdoor storage requirements is to promote safe and attractive residential and commercial areas in Frisco.

B. Applicability

The provisions of this Section 180-5.2.3 shall apply to all properties within the Town of Frisco ~~refuse containers and all new development.~~

C. General Provisions

1. Screening

a. Outdoor storage (including, but not limited to, all dumpsters, commercial items, commercial construction or industrial related materials and equipment within commercial zones) shall be screened in a manner that is attractive and complementary to the principal use and/or structure that it serves. Such screening shall utilize enclosures such as, but not limited to, fences, walls, landscaping, or berms, so that no outdoor storage is visible from any public right-of-way, parks, public trails, and adjacent properties, with the exceptions outlined below. ~~Refuse containers and dumpster enclosures are encouraged to have lids/tops to reduce airborne debris.~~

b. Exceptions within zones that allow residential use for properties where a residential use exists:

i. The storage of materials or objects that are clearly incidental and customary to the residential functions of a residential property are not required to be screened, including but not limited to the storage of firewood and barbecue grills.

c. Exceptions within all zones:

i. Operable and licensed vehicles are not required to be screened. All inoperable vehicles shall comply with Section 124-4.M of the Town Code.

ii. Refuse containers shall meet the requirements found in Section 6.17. ~~either be stored inside buildings, or when stored outside shall not be stored in Front Yards, with the exception that refuse containers shall be allowed to be placed temporarily in front yards to allow for pick up by refuse companies.~~

2. ~~Dumpster Enclosures~~

a. ~~Dumpsters located within approved dumpster enclosures are required for all commercial projects and mixed-use projects, and are recommended for all multi-family residential projects.~~

b. ~~Dumpster enclosures shall be utilized for the storage of any refuse, recycling materials, and grease traps. Dumpster enclosures shall be designed to meet the following standards:~~

i. ~~Exterior materials of dumpster enclosures shall be similar to or complementary to those used on the exterior of the primary structure or structures on the site.~~

ii. ~~Dumpster enclosures shall be four-sided structures with gated access adequate to allow for the collection of materials stored within the dumpster enclosure.~~

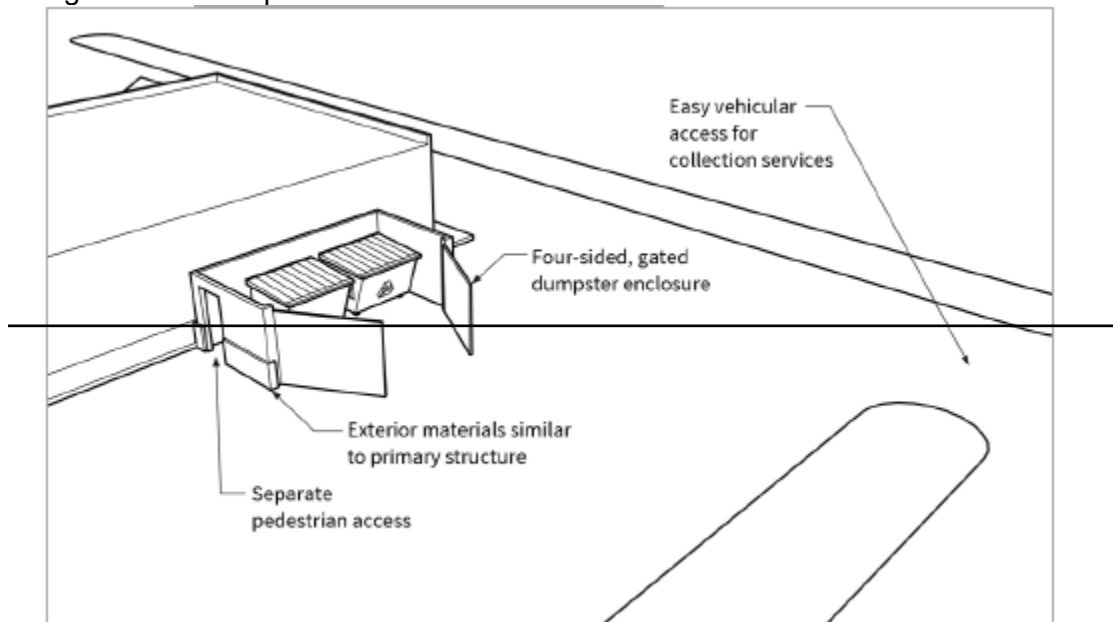
iii. ~~Dumpster enclosures shall be designed to provide a separate pedestrian access into the enclosure.~~

iv. ~~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.~~

v. ~~Unroofed dumpster enclosures shall not exceed eight feet in height as measured from any point of the enclosure to the natural grade or finished grade, whichever is lowest, located directly below said point.~~

c. ~~In addition, all dumpsters and dumpster enclosures shall comply with the standards in Section 180-6.17, Refuse Management.~~

Figure 5-B: ~~Dumpster Enclosures Location~~



3. 2. Vehicle Access to Outdoor Storage Areas

If the ~~manner of outdoor storage area or collection~~ requires vehicular access, it shall be provided in accordance with Chapter 155, Minimum Street Design and Criteria. It shall not a manner that does not impair vehicular or pedestrian movements along public rights-of-way, including sidewalks and public trails.

D. Construction Staging. An approved development application and grading or building permit are required prior to any construction staging activity. For construction staging not located on the same parcel as the approved building permit, approval of the off-site construction staging location is required.

1. Off-site Construction Staging Criteria

- a. The construction project for which the staging area is required is active as evidenced by an active and valid building permit or other evidence deemed acceptable by the Town.
- b. The approval for off-site construction staging shall only be valid for 365 days, or for 30 days following project completion or building permit expiration, whichever occurs first. One renewal of up to an additional 365 days may be granted, subject to the applicant showing diligent progress on the construction project associated with the staging area.
- c. The off-site staging area shall not be used to pre-construct any part of the building or site improvements, only as a laydown area to store materials, equipment, trailers and other such items.
- d. Any Construction trailers on the site shall be identified as part of the application and must meet the requirements of Section 180-5.4.1.
- e. The use complies with all other applicable criteria and requirements of this Code, specifically including but not limited to the site grading and development standards set forth in Section 180-6.
- f. The application shall be reviewed by the Town in accordance with the Site Plan Review process as designated in Section 180-2.5.2. The permit review may be consolidated with other development applications as appropriate. Public notice, public hearing, and appeals requirements shall follow the requirements for the Site Plan Review process.
- g. Financial security may also be required in accordance with Section 180-6.4.

Section 5. Subsection 180-5.3.3, of the Frisco Town Code, concerning Solar Energy Facilities, is hereby amended to read as follows:

~~Solar energy facilities may be ground-mounted or mounted on principal or accessory structures, provided they comply with the following requirements: include roof mounted systems on any code compliant structure, and ground mounted systems on an area of up to 50% of the footprint of the primary structure on the parcel but less than one-half (0.5) acre.~~

- ~~A. Solar energy facilities shall not be located in the front yard between the principal structure and the public right-of-way;~~
- ~~B. Solar energy facilities shall be located a minimum of 6 feet from all property lines and other structures except the structure on which it is mounted;~~
- ~~C. Solar energy facilities shall not exceed the greater of one-half of the footprint of the principal structure;~~
- ~~D. Ground mounted solar energy facilities shall not exceed 5 feet in height.~~

- ~~E. A solar energy facility shall not extend more than 18 inches above the roofline of a one-family or two-family residential structure, or more than ten feet above the roofline of a multi-family or non-residential structure.~~

A. General Standards

1. Maximum Height for Roof-mounted and Building-mounted Solar Energy Systems. Roof-mounted solar energy systems are exempt from the maximum building height limits within the zone district, except that they must comply with the following height limitations:
 - a. For pitched roofs the height limit on roof-mounted solar energy systems on principal and accessory structures is 2 feet above the roofline. No portion of a solar energy system shall project above the maximum projection line of the roof ridge.
 - b. For flat roofs the height limit on roof-mounted solar energy systems on principal and accessory structures is 8 feet above the roofline.
 - c. Building-mounted solar shall not extend horizontally beyond any roof overhang.
2. Maximum Height for Ground-mounted Solar Energy Systems. Ground-mounted systems shall be a maximum of 20 feet in height.
3. Setbacks. Ground-mounted solar energy facilities shall not be located in the front setback between the principal structure and the public right-of-way. Solar energy facilities shall comply with the zone district setback requirements and shall be located a minimum of five feet from all property lines and other structures.
4. Landscaping. Landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences. Land beneath ground-mounted facilities shall be revegetated in accordance with Section 180-6.14 Landscaping and Revegetation Requirements.
5. Electrical Interconnections. All electrical interconnection and distribution lines within the project boundary shall be underground, except for power lines that extend beyond the project site or are within a substation.

Section 6. Section 180-6.4.1, of the Frisco Town Code, concerning Improvements Agreement, is hereby amended to read as follows:

180-6.4.1. Purpose

The purpose of an improvements agreement is to provide a mechanism where an applicant may obtain a certificate of occupancy for a building prior to completing all of the required public and private improvements, including but not limited to landscaping and revegetation, final grading, drainage, driveways, parking lot paving and striping, sidewalks, dumpster enclosure, and lighting. No certificate of occupancy or final plat, whichever occurs first, shall be issued for any development within the Town until all required improvements are determined by the Town to be completed or until an improvements agreement, including provisions for financial security to ensure the completion of all required improvements, between the Town and the applicant is fully executed. An Improvements Agreement may also be used to provide security for permits not

associated with a building permit, including but not limited to, Grading Permits and Wetland Disturbance Permits.

Section 7. Section 180-6.5, of the Frisco Town Code, concerning Land-Disturbing Activities, is hereby amended to read as follows:

180-6.5 ~~Land-Disturbing Activities~~ Site Grading and Development

180-6.5.1. Development On Steep Slopes

A. Purpose

Certain areas in Frisco are characterized by slope and other topographical factors and geologic conditions which, if disturbed for purposes of development, can cause physical damage to public or private property and decrease the aesthetics of Frisco's topography. The purpose of this section is to specify conditions for any type of development where, due to the topography, disturbance of the natural environment may create situations which are detrimental to the public health, safety, and welfare. It is the intent of this regulation to prevent physical damage to public and private property and to retain the natural terrain features and aesthetic quality of Frisco. It is also the intent of this regulation to permit a certain degree of development flexibility to protect the environment of these areas as well as encourage innovative design solutions.

B. Applicability

These standards apply to all development, as defined in Chapter 180, Article 9, which may occur on any land within the Town of Frisco.

C. Site Disturbance Standards

1. All development in areas with steep slopes greater than 15 percent shall comply with the following standards. Any portion of a site with a slope of 15% or greater for a distance of 25 continuous feet shall qualify as a steep slope. For purposes of calculating the vertical rise of a continuous slope when determining whether this criterion is met, it is assumed that the slope may cross property lines.

2. Development may occur on lands that contain only limited areas of steep slopes in excess of 15 percent. For a development to be considered to be occurring on lands that contain limited areas in excess of 15 percent slope, it shall comply with the following:

- a. On slopes from 15 percent to less than 30 percent, net site disturbance shall not exceed 50 percent of the total area within this range of slopes.
- b. On slopes greater than 30 percent, net site disturbance shall not exceed 15 percent of the total area over this range of slope.
- c. Any development application which proposes to disturb any slope greater than ~~30~~ 15 percent shall be based on a detailed site survey including a geologic and engineering analysis prepared by an appropriately licensed professional and must demonstrate that:
 - i. The slope area's ground surface and subsurface are not prone to instability and failure;

- ii. The proposed development will not cause greater instability or increase the potential for slope failure;
- iii. The proposed development will not increase erosion that removes underlying support or surface material; and
- iv. The proposed development will not increase the hazard to adjoining property or structures.

D. Development Standards

When, pursuant to Section 180-6.5.1.C.2.a, development is permitted on lands having steep slopes in excess of 15 percent, the development shall comply with the following standards:

1. Limitations on Site Disturbance

- a. Mass grading of a property which removes or disturbs existing vegetation and leaves large areas of soil exposed for periods in excess of six months shall not be permitted. Site disturbance must be kept to a minimum and must comply with the following limitations:
 - i. Cuts, fills, grading, excavation, vegetation disturbance, utility installation, and building construction shall be substantially confined to the designated building envelope, utility easements and road and driveway footprint.
 - ii. Disturbed areas shall be restored as undulating, natural appearing landforms, with curves that blend in with the adjacent undisturbed slopes. Abrupt, angular transitions and linear slopes shall be avoided. As necessary, cuts and fills shall be supported by retaining walls, made of stone, wood, or other materials that blend with the natural landscape. All retaining walls over four feet in height must be certified by an engineer licensed in the State of Colorado.
 - iii. Disturbed areas shall be contoured so that they can be re-vegetated using native species. No exposed area shall be left open or unstabilized.
 - iv. Development shall preserve existing vegetation that aids the screening of the development, softens its appearance, or reduces the potential for erosion and sedimentation from the development.
 - v. Grading shall not significantly alter natural drainage patterns.
 - vi. All roads and driveways shall comply with the Town of Frisco Minimum Street Design and Access Criteria, as referenced in Chapter 155.

2. Raising or lowering of natural grade by more than ten feet to create a bench or terrace to accommodate a flat building platform is prohibited. A preferred design technique is to follow the natural grade by stepping the structure up or down the hillside.

3. Development activities which decrease the stability of any slope in excess of 30 percent are prohibited. These activities include, but are not limited to, activities that add water to a slope such as drainage or landscape irrigation, activities that add weight to the top of a slope, activities which steepen the existing grade of a slope and activities which remove the supporting base of an existing slope.

4. Visual Impacts to Off-Site Areas

- a. The development application must demonstrate that appropriate measures have been taken to mitigate off-site visual impacts. The measures may include, but are not limited to, the following:
 - i. Alternative siting of structures so that there is a mountain or hillside backdrop to the structure from areas where the structure is visible.

- ii. Use of existing vegetation to soften structural mass when building sites are located in highly visible areas.
- iii. Use of supplementary native landscaping to soften structural mass when building sites are located in highly visible areas.
- iv. Use of visually compatible stabilization measures for cuts and fills.

E. Areas of Avoidance

Development shall be prohibited in avalanche, rockfall, debris flow, or landslide areas. Development should avoid debris fans, talus slopes, areas containing expansive soils, and areas susceptible to ground subsidence and slopes of 1:1 or greater.

F. Exceptions to for Minor Changes in Slopes

~~Upon Town approval, development~~ Development may disturb steep sloped area on lands which have a slope in excess of 15 percent when the slope is due to a minor natural or man-made change in the gradient of a slope and is an irregular or isolated terrain feature which is not continuous with or integral to any other slope or other features.

G. Revegetation

Development must meet the General Landscape Requirements, Section 180-6.14.5.

180-6.5.2. Grading Permit Required

Site plan approval is required for all developments including any grading or soil disturbance over 500 square feet in area. For development not associated with a building permit, a grading permit must be obtained through the Site Plan Review process as designated in Section 180-2.5.2. Financial security may also be required in accordance with Section 180-6.4. A grading permit must be obtained from the Town prior to conducting any earth-disturbing activity. A grading permit will be issued only after satisfactory demonstration that the performance standards set forth in Section 180-6.6, Drainage Plans, and Section 180-6.7, Water Quality Protection, and Section 180-6.14.5, General Landscape Requirements are met and final approval for a pending project has been given by Community Development Department staff, Planning Commission and/or Town Council, whichever is applicable the Town. Plans must include erosion and sediment control measures, revegetation methods, water quality setbacks, the location of all coniferous trees of six inches in diameter or more and all deciduous trees of three inches in diameter or more, and the location of the top of bank of any water bodies or wetlands. Prior to the issuance of a grading permit, the Limit of Work area as described in Section 180-6.14.5.D must be defined on the site and inspected by the Town. Disturbance of less than 500 square feet for the purposes of landscaping for Landscaping of single-household dwellings and duplexes, and or profile holes or and soil tests disturbing less than 500 square feet, and normal agricultural operations are exempt from the requirement of to obtain a grading permit.

180-6.5.3. Standards For Small Lots Platted Prior To June 1, 1985

These regulations are not intended to prohibit the use of previously platted lots which, because of their small size, cannot be built upon in full compliance with these regulations. In such situations, the following standards may be applied at the discretion of the Planning Commission.

A. Steep Slopes

On lots where compliance with the development prohibition on slopes that exceed 30 percent slope would prevent reasonable use of the lot for construction, disturbance may be allowed on steeper slopes if the standards of Section 180-6.5.1 are met.

B. Maximum Area of Disturbance

On lots where compliance with the disturbance limitation of 50 percent in Section 180-6.5.1 or 15 percent in Section 180-6.5.1 would prevent reasonable use of the lot for construction, a larger area of disturbance may be allowed if the remaining standards in Section 180-6.5.1 are met.

Section 8. Section 180-6.6.2, of the Frisco Town Code, concerning Drainage Plans, Design Standards, is hereby amended to read as follows:

180-6.6.2. Design Standards

A. All development shall limit the rate of off-site surface water discharge to the rate that existed on the site in its predevelopment condition and utilize the most environmentally sustainable practices, as appropriate, in system design.

B. No direct discharge of stormwater to a lake, stream, or intermittent stream shall be allowed.

C. All development shall prevent soil loss from the ~~construction~~ site as a result of erosion produced by the 25-year, 24-hour design storm two and two-tenths inches and utilize the most environmentally sustainable practices, as appropriate, in system design. This standard shall be met both during and after construction.

D. All development shall prevent any increase in the historic rate of runoff from the development site produced by the 25-year, 24-hour design storm [two and two-tenths inches] and utilize the most environmentally sustainable practices, as appropriate in system design. This standard shall be used before, during, and after construction.

E. All development applications shall minimize the volume of cut or fill and minimize the erosion of topsoil on the lot.

F. All development shall provide landscaping and revegetation which provides vegetative coverage equal to or better than pre-development conditions of all disturbed areas.

G. Run-off from snow storage areas shall be directed to detention facilities for infiltration.

Section 9. Section 180-6.6.4, of the Frisco Town Code, concerning Erosion and Sediment Control, is hereby amended to read as follows:

180-6.6.4. Erosion and Sediment Control Measures

A. Appropriate sediment control measures shall be taken to ensure that no soil shall be allowed to leave the construction site through surface erosion and dewatering operations.

B. Avoid the use of erosion and sediment control devices that are non-degradable (e.g., non-degradable turf reinforcement mats), or that require earth disturbance prior to installation (e.g., silt fences). Any non-degradable erosion and sediment control devices shall be completely removed from the site following permanent stabilization of disturbed areas (e.g., at least 70 percent vegetative cover, paving, etc.). Every effort should be made to use biodegradable erosion and sediment control practices.

C. All sediment control measures to be taken must be installed prior to any earth disturbing activity. ~~The Erosion and Sediment Control During Construction manual published by the Summit Water Quality Committee. The Colorado Department of Transportation's (CDOT) Standard Specifications Book Section 208, CDOT Erosion Control & Stormwater Quality Guide and applicable CDOT M Standard Plans~~ shall be used as a guideline for all temporary and permanent erosion and sediment control ~~best management practices~~ measures installed during construction.

~~D. Topsoil removed from the proposed disturbed area shall, in all practicable instances, be stockpiled for on-site reuse or revegetation. When stockpiling topsoil, soil shall not be mounded higher than four feet for more than one year, preferably less than six months. Topsoil should be covered to prevent soil erosion and contamination by weeds. Avoid walking, operating equipment, or driving vehicles on planting areas after soil preparation is complete. If topsoil is stockpiled prior to placement, the top one foot of the stockpile material should be mixed with the remainder of the stockpile to ensure that living organisms are distributed throughout the topsoil material at the time of final placement. The use of microorganism inoculates may be necessary to reestablish microorganisms in topsoil material that has been stockpiled for over nine months. Mitigate construction-related soil compaction in vegetation restoration areas by ripping the soil to loosen its structure. After final slope grading and prior to placement, cut slopes should be cross-ripped horizontal to the slope to assist in anchoring the topsoil. The spacing of the ripping shanks should be three feet and penetration should not exceed 12 inches in depth. Where embankments are constructed, offsetting lifts of material to create an uneven surface prior to topsoil placement should be considered. Smooth slopes are not acceptable.~~

~~E. Following construction, stockpiled topsoil should be uniformly redistributed to a depth of six two inches. Placed topsoil should be cat tracked vertically to the slope to compact the topsoil and to create horizontal pockets to hold seed and water.~~

~~F. The topsoil surface should be left in a roughened condition to reduce erosion and facilitate establishment of permanent vegetation by creating sites in which seeds can germinate and grow.~~

~~G. Where quantities of topsoil are limited, it is recommended to cover the more critically disturbed areas to the proper depth, rather than cover all areas. If necessary, the more favorable sites may be left without topsoil.~~

~~H. Compost and/or manufactured organic soil amendments should be added to the topsoil to increase the organic content of the soil and assist in rebuilding soil microorganism populations. Topsoil should be added to rock mulch for added slope protection, to reduce the potential of erosion, and to enhance vegetative growth.~~

~~I. Topsoil shall be free of non-composted organic material such as wood bark or fiber, grass hay, or grain straw in topsoil unless nitrogen fertilizer is included (organic material uses nitrogen to break down and decompose the fibers). Topsoil and mineral soil should be mixed with organic material such as compost or manufactured soil amendments to improve the growing capability of seeded and planted vegetation. Compost should be free of biosolids, animal waste, coal, charcoal ash, fats, grease, lard, oil, pesticides, meat, bones, diseased or insect-ridden plants, black walnut tree leaves or twigs, dairy products, trash, debris, and noxious weeds.~~

~~J. Topsoil should not be placed on compacted subbase.~~

Section 10. Section 180-6.7, of the Frisco Town Code, concerning Water Quality Protection, is hereby amended to read as follows:

The Water Quality Protection Standards are established to protect the beneficial functions and values of waterbodies and wetland areas by prohibiting soil disturbance in waterbodies, wetlands, and within 25 feet of a body of water or wetland, referred to as the wetland setback. These areas protect water quality by maintaining a natural buffer through which pollutants pass and serve to protect the riparian habitat and visual appearance of the Town's waterways, lakeshores, and wetlands. The regulations set forth in this section are intended to complement and operate in conjunction with the distinct jurisdictional wetland disturbance process set forth in Section 404 of the Federal Clean Water Act and administered by the U.S. Army Corps of Engineers. Accordingly, the disturbance standards of this Code may apply independently of the determination of the jurisdictional nature of the wetlands by the U.S. Army Corps, and result in disturbance limitations and mitigation requirements in addition to Section 404 requirements.

180-6.7.1. Objective Disturbance of Waterbodies, Wetlands, or Wetland Setbacks

~~To protect water quality by maintaining a natural buffer through which pollutants pass and to protect the riparian habitat and the visual appearance of the Town's waterways, lakeshores, and wetlands by prohibiting soil disturbance within 25 feet of a body of water or wetland.~~

Development prohibited. Development and soil disturbance are generally prohibited in or within 25 feet of all waterbodies and wetlands. Development in these areas shall only be permitted in accordance with the standards in Section 180-6.7.1.

Independent survey required. If there is any evidence that a proposed development may contain wetlands or waterbodies, the applicant shall provide a wetlands and waterbody survey prepared by a qualified wetlands consultant. The boundary of a waterbody will be determined by the ordinary high water line of the waterbody, and the boundary of the wetland will be determined utilizing the methods outlined in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (U.S. Army Corps of Engineers 2010). All wetlands identified using this methodology are regulated by the Town, regardless of whether they are regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

Disturbance Permit Required. The Town may allow disturbance of waterbodies, wetland areas, or wetland setbacks in conjunction with an approved Disturbance Permit. The area of disturbance shall be limited to the minimum amount necessary to achieve the intended purpose. Disturbance Permits for development in waterbodies, wetlands, and wetland setbacks shall be reviewed by the Town in accordance with the Site Plan Review process for the application as

designated in Section 180-2.5.2. The permit review may be consolidated with other development applications as appropriate. Public notice, public hearing, and appeals requirements shall follow the requirements for the Site Plan Review process.

A. Permitted Disturbances

1. The proposed activity is water-dependent; such as docks or piers;
2. The proposed activity is the minimum necessary to achieve access to property or provide utility service to property, and no other access route avoiding wetland, wetland setbacks, and waterbodies is practical, or the proposed access route results in better overall design of the site development;
3. Denial of the Disturbance Permit would result in unconstitutional taking of property pursuant to the Colorado and United States Constitutions.
4. The proposed activity is (a) primarily for the promotion of the safety, health and general welfare of the Frisco community, and (b) the public benefit is greater than the impact to wetlands.
5. Projects which are intended for the benefit of the community and installed by or under supervision of the Town. These projects may include, but are not limited to, stream bank stabilization and erosion control activities; road and utility crossings; bike and pedestrian paths; flood control and other safety related projects; public recreational improvements, including whitewater boating and marina facilities such as docks, piers and launch sites, and dredging operations; and aquatic and terrestrial wildlife habitat improvements.
6. The primary purpose of the proposed disturbance activity is to restore a wildlife habitat, and/or to create, improve, or restore wetlands, waterbodies, and/or wetland setbacks.
7. The proposed disturbance in a wetland setback would enhance the benefits of the wetland setback or involves residential landscaping that would not degrade the benefits of the wetland setback, or the proposed disturbance in a wetland setback is for construction of a storm water treatment area or equipment.

B. Disturbance Criteria

The Town may allow disturbance of waterbody, wetland, or wetland setbacks if the disturbance activity meets all of the following criteria:

1. There is no practical alternative that would avoid impacts to waterbodies, wetlands, or wetland setbacks, and the development is to either meet a policy of this Code or allow reasonable use of the property.
2. The development will limit the degree of impact on the waterbody, wetland, or wetland setbacks to the greatest extent possible using the mitigation procedures outlined in Section 180-6.7.1.D.
3. The project's stormwater discharges will not violate other applicable regulations and laws, or significantly degrade the waters of the United States or any other wetland as defined in Section 180-9.3.

C. Submittal Requirements

1. A narrative explaining how development in the wetland, waterbody, or wetland setback is consistent with one or more of the Permitted Disturbances and all of the Disturbance Criteria contained in Section 180-6.7.1.A.

2. A map or diagram depicting the surveyed boundary of all wetlands, waterbodies, and wetland setback areas and illustrating the amount, location and acreage of proposed disturbance to wetland, waterbody, and wetland setbacks, including fill, excavation, potential hydrologic modifications (intended and unintended), or other alterations.
3. A grading and erosion control plan, utilizing soil stabilization measures and practices to minimize the impacts of the proposed disturbance, including a timeframe for installation and construction.
4. Mitigation Plan. A plan to mitigate the impacts of proposed alterations of wetland, wetland setbacks, and waterbody areas showing the proposed on-site restoration improvements, including those wetland areas to be restored or created in accordance with Section 180-6.7.1.D.
5. Alternative analysis. A statement and analysis of any practical on-site development configuration alternatives to the proposed development activity causing disturbance which reduce or avoid such disturbances, including reduction in the scale of the proposed development.
6. Evidence of compliance with Section 404 of the Federal Clean Waters Act. If the site contains areas deemed jurisdictional wetlands by the U.S. Army Corps of Engineers, the applicant must present evidence of compliance with Section 404 of the Federal Clean Water Act. Documentation and compliance with all potential Section 404 matters shall remain the sole and ongoing responsibility of the applicant, and any failure to maintain such compliance may lead to suspension or revocation of any approvals provided under this Code.

D. Mitigation Requirement. The Town of Frisco acknowledges that much of the Town was developed prior to awareness of the value of protecting streams, wetlands, and water bodies. The Town seeks to find a reasonable balance between the property owners' desire to make reasonable use of their properties and the public's interest in preserving and protecting these important water resources. When the destruction or diminution in function of these resources cannot be avoided, the Town finds that impacts on streams, wetlands, and water bodies should be minimized and mitigation provided for unavoidable losses. The loss shall be compensated for by replacing or substituting the lost areas in terms of both quality and quantity. Restored or created wetlands should be considered on-site first, then in close proximity to the impacted wetland area, in an area of similar type and function of the impacted wetlands. The required ratio of new wetlands to permanently impacted wetlands shall be 1:1. A fee in-lieu for wetlands replacement may be considered if no feasible alternative is available. The fee shall be based on the estimated cost of construction for the creation of improvements that are similar in size and type, in a location selected by the Town. The cost estimate shall be prepared by a qualified wetlands consultant with experience in compensatory wetland mitigation in Summit County, Colorado or immediately adjacent counties.

1. Mitigation Plan Submittal Requirements and Performance Measures. In order to facilitate a streamlined review process for applicants, the Town will follow the Mitigation Plan submittal requirements and performance measures established by the U.S. Army Corps of Engineers in the FR 2008 Compensatory Mitigation for Losses of Aquatic Resources; 404(b)(1) Guidelines (40 CFR 230) and the Compensatory Mitigation for Losses of Aquatic Resources (33 CFR 332 and 40 CFR 230), also known as the 2008 Final Rule.

E. Financial Security. A financial guarantee in the amount of one hundred and fifty percent of the written estimated cost of the disturbance plan measures shall be provided for a minimum of two years, and up to five years until the performance standards for the mitigation site(s) have been achieved.

~~180-6.7.2. Waterside Setback~~

~~The following criteria must be met by all development.~~

~~A. Soil disturbance is prohibited within 25 feet of all lakes, perennial streams, intermittent streams, wetlands, and from all swales draining 20 acres or more measured horizontally from the high water line as determined by Community Development Department staff. Soil disturbance includes, but is not limited to, building construction, and the construction of decks, hot tubs, paving, pathways, landscaping, and fences, and is further defined in Chapter 180, Article 9.~~

~~B. No snow storage is permitted within the 25-foot waterside setback.~~

~~C. No development within the waterside setback shall be allowed without approval of a variance by the Town.~~

~~D. For wetlands, evidence of compliance with Section 404 of the Federal Clean Water Act or evidence that the wetland area is not subject to the jurisdiction of the United States Army Corps of Engineers under Section 404, shall be presented.~~

~~180-6.7.3. Waterway Degradation~~

~~Prior to plan approval, the applicant shall submit a plan to the Community Development Department to ensure that the proposed development does not result in reasonably avoidable degradation of any stream, lake, or wetland system. This condition shall apply to both the development activity and the ultimate use of the land. Items such as use restrictions, settling basins, filtration galleries, perimeter control, sandtraps, as well as the ultimate maintenance of these items shall be addressed in the plan and resolved prior to approval.~~

~~180-6.7.4. Exemptions~~

~~A. The placement of permanent landscaping, erosion control devices, and permeable surface cover which disturb 350 square feet or less of lot area, may be approved by Town staff only upon a favorable recommendation by the Town Engineer and/or other applicable review agencies. Any such placement may be taken to the Planning Commission at the discretion of Town staff.~~

~~B. With the approval of the Town Engineer and presentation to the Planning Commission, projects which are intended for the benefit of the community and installed by or under supervision of the Town are exempt. These projects may include but are not limited to, stream bank stabilization and erosion control activities; road and utility crossing; bike and pedestrian paths; flood control and other safety related projects; public recreational improvements including whitewater boating and marina facilities such as docks, piers and launch sites, and dredging operations; and aquatic and terrestrial wildlife habitat improvements. The water body, intermittent stream, or wetland must be hydrologically isolated from all soil disturbances according to one or more of the following procedures:~~

1. ~~_____ A cast concrete, metal coffer dam, or other technique is installed to isolate the water body from construction activity prior to any construction and maintained in place until revegetation and bank stabilization has been completed and approved by the Town Engineer and Community Development Department.~~
2. ~~_____ The stream is completely contained in a culvert during construction from 50 feet upstream of any soil disturbance to 50 feet downstream of any soil disturbance. For streams and intermittent streams, the culvert shall be designed to convey, at a minimum, a flow with a ten percent chance of occurrence. The culvert shall be removed after revegetation is approved by the Town Engineer and Community Development Department.~~
3. ~~_____ Another technique approved by the Town Engineer.~~

~~C. Closed loop stream or pond systems shall be exempt from the requirements of this Section 180-6.7, Water Quality Protection, if approved by the Town Engineer. A closed-looped system shall be defined as any man-made stream, pond, or other body of water that operates by recirculating its water supply with no discharge into any defined natural body of water (including but not limited to any lake, stream, intermittent stream, or wetland). Although a closed-loop system does not require waterside setbacks, the closed-loop system itself may not be constructed within 25 feet of any lake, stream, intermittent stream, or wetland.~~

Section 11. Subsection 180-6.11.2, of the Frisco Town Code, concerning Non-Vehicular Access Requirements, is hereby amended to read as follows:

It is the purpose of this section to promote the use of non-vehicular modes of transportation through a Town-wide network of connecting non-vehicular pathways and provide safe access year-around round. All site plans shall provide for and show non-vehicular access in accordance with the standards set forth in the Frisco Trails Master Plan and Chapter 155, Minimum Street Design and Access Criteria. In addition, all non-vehicular access shall meet the following standards:

- A. All multi-family, mixed-use, non-residential developments, and residential subdivisions Every principal structure shall provide safe and convenient non-vehicular access to a public street or road year-around-round. Developments shall install paved, year round access from and through the development to adjacent public sidewalks, bicycle and pedestrian facilities, or right of way both existing and proposed pursuant to the Frisco Trails Master Plan and in accordance with the Standards of Chapter 155, Minimum Street Design and Access Criteria.
- B. Every principal structure shall provide ~~be provided with~~ access to adjacent trail systems or public open space usable for recreation activities.
- C. ~~New development~~ Developments shall integrate pedestrian ways, trails, and/or bicycle paths with similar existing and planned facilities on adjacent properties. The ~~Town's Paved Pathway Plan~~ Frisco Trails Master Plan should be used as a reference when planning for the integration of these facilities.

Section 12. Section 180-6.13.1, of the Frisco Town Code, concerning Parking and Loading Requirements, is hereby amended to read as follows:

180-6.13.1 Applicability

These regulations are applicable to all new development and the expansion of existing development, and all commercial vehicles parked in residential areas within the Town of Frisco that create parking and loading demand. All such structures shall provide parking on the premises according to the following requirements. Parking, loading and driveway facilities shall comply with the Town of Frisco Minimum Street Design and Access Criteria, as referenced in Chapter 155. All new developments shall comply with the Building Construction and Housing Standards' requirements for the provision of electric vehicle supply equipment installed, electric vehicle ready, and electric vehicle capable parking spaces, as required, in Chapter 65.

Section 13. Section 180-6.13.3, of the Frisco Town Code, concerning On-Premise Parking Requirements, is hereby amended by the addition of a new subsection to read as follows:

J. Parking Incentive for Installation of Electric Vehicle Spaces

In order to promote the provision of parking spaces with charging capabilities for electric vehicles, the Town may reduce the parking space requirements for developments that provide additional electric vehicle supply equipment (EVSE) installed spaces in accordance with the following standards:

1. The parking reduction is available to non-residential developments with parking lots of ten or more spaces.
2. The reduction may be applied on a one-to-one basis, for every EVSE installed space that exceeds the requirements of Chapter 65, up to 10% of the total required spaces.
3. At the discretion of the Town, EVSE installed spaces provided per this incentive may not be signed or reserved for the exclusive use of charging vehicles.

Section 14. Section 180-6.13.4, of the Frisco Town Code, concerning Bicycle Parking, is hereby amended to read as follows:

A. All commercial and mixed-use and non-residential development shall provide bicycle racks parking facilities, in an appropriate location, with bicycle spaces stalls in the amount of not less than 20 percent of the total number of parking spaces required for the project, with a minimum of five bicycle spaces stalls. A lesser number may be proposed if reasonably justified by the applicant and approved by the Town.

B. All multi-family residential developments must provide both enclosed, secure bicycle parking, and outdoor bicycle parking facilities. One bicycle parking space is required for every bedroom. 50% of the total spaces must be enclosed, secure bicycle parking. Dwelling units with a private garage are not required to provide enclosed, secure bicycle parking.

C. Standards for enclosed, secure bicycle parking:

1. Shall be covered and include use of a locked room, or an area enclosed by a fence with a locked gate.
2. Enclosed bicycle parking spaces may not be located on porches or balconies.

3. The bicycle parking area shall be located on site or in an area within three hundred feet of the building it serves.
4. Adequate lighting shall be provided for the bicycle parking area and the route to the building entrance.
5. The bicycle parking area shall include adequate clearance around racks or lockers to give cyclists room to maneuver, and to prevent conflicts with pedestrians or parked cars.
6. If the bicycle parking is provided in an auto garage, the bicycle parking spaces shall be clearly marked as such and shall be separated from auto parking.

D. Standards for outdoor bicycle parking:

1. Be designed so as not to cause damage to the bicycle.
2. Facilitate easy locking without interference from or to adjacent bicycles.
3. Consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers, and saws.
4. Be consistent with their environment in color and design and be incorporated whenever possible into building or street furniture design.
5. Be located in convenient, highly visible, active, well-lighted areas but not interfere with pedestrian movements.

Section 15. Section 180-6.13.7, of the Frisco Town Code, concerning Snow Storage Areas, is hereby amended to read as follows:

A. Amount Required

Snow storage shall be provided on premises in the amount of 100 square feet for every 350 square feet of paved surface area and any unpaved parking and driveway areas.

B. Exceptions

The Town of Frisco wishes to encourage design solutions that allow for the efficient use of land within the Town. It is in the best interests of the community to promote the use of alternative energy sources and the use of more reliable technologies and the Town finds that solar technologies are more reliable than similar, non-solar technologies.

1. A 50 percent reduction in the required snow storage area shall be permitted by the Planning Commission if an adequate snow melt system is constructed for any parking area. Snow storage meeting the Town's requirements must still be provided for any driveway. The snow melt system shall include all functional design aspects including on-site drainage, and shall be approved by the Frisco Public Works Department as to the location of the snow melt equipment in relation to public rights-of-way and facilities and the provision of adequate capacity for the system. All snow melt boilers and similar equipment shall be located within a structure.
2. A 70 percent reduction in the required snow storage area shall be permitted by the Planning Commission if solar technology is used for the snow melt system constructed for any parking area. Snow storage meeting the Town's requirements must still be provided for any driveway. The snow melt system shall include all functional design aspects including on-site drainage, and shall be approved by the Frisco Public Works Department as to the location of the snow melt equipment in relation to public rights-of-way and facilities and the provision of adequate capacity for the system. All

snow melt boilers and similar equipment shall be located within a structure. ~~The solar panels must be incorporated into the building design and must meet all applicable dimensional requirements such as building height.~~

C. Location

All snow storage areas shall be located lengthwise adjacent to the applicable paved area in order to facilitate snow removal. Required snow storage areas may not be placed on any public right-of-way or on adjacent private property. Snow Storage is not permitted within the 25-foot waterbody and wetland setback.

D. Minimum Width

The dimension of snow storage areas must be adequate to serve the snow storage purpose and any snow storage area provided shall be a minimum of eight feet in width.

E. Drainage Areas

Snow storage areas may be located within drainage facilities if approved by the Town Engineer using the drainage requirements found in Section 180-6.6.

F. Shared Uses

Snow storage areas may not be combined with other uses, such as but not limited to trails and trail/pedestrian easements, and parking areas (except as noted in drainage areas above). Snow storage areas may be combined with required landscaping if the landscaping is designed to be compatible with large amounts of snow.

Section 16. Subsection 180-6.14.2., of the Frisco Town Code, concerning Landscaping and Revegetation Requirements, Applicability, is hereby amended to read as follows:

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.

Section 17. Subsection 180-6.14.5.E, of the Frisco Town Code, Concerning Revegetation Of Disturbed Land, is hereby amended to read as follows:

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.

Section 18. Section 180-6.17, of the Frisco Town Code, concerning Refuse Management, is hereby amended to read as follows:

180-6.17.1. General Standards

All non-residential, 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. Dumpsters located within approved dumpster enclosures are required for all commercial non-residential, and mixed-use projects, and are recommended for all multi-family residential projects.~~

~~B.A.~~ Equal space for refuse, recycling, and compost collection must be accommodated within the dumpster enclosure. ~~Refuse and recycling containers and facilities must provide~~ in an amount determined to be acceptable by the waste collection provider, based upon the size and use of the development.

~~C. The amount of space provided for the collection and storage of recyclable materials must be designed to accommodate containers for the collection of recyclables and compost co-mingled containers and newspaper and paper products. Commercial projects must also accommodate containers for the collection of cardboard, and~~

~~D.B.~~ Storage and collection containers shall be clearly labeled or identified to indicate the type of materials accepted.

180-6.17.2. Screening Design Standards for Enclosures

A. All refuse and recycling dumpsters and facilities shall be ~~screened on four sides to a height of six feet~~ 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 screening shall mitigate the negative visual~~

~~impacts of the refuse and recycling dumpster and facility. The screening shall be constructed of materials similar to those materials used on the principal building(s) within the development, unless more specific standards apply. The use of chain link fence as a screening material is prohibited.~~

~~B. In addition, all screening for refuse and recycling dumpsters and facilities shall comply with Section 180-5.2.3, Outdoor Storage Areas.~~

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 9) 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. Recyclable materials storage areas shall be located so that they are as convenient to use as the refuse collection and storage areas.~~

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

~~A. Commercial and mixed-use development projects within the Central Core are encouraged but not required to size the dumpster enclosures to accommodate for the collection and storage of cardboard.~~

~~B.~~ 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 and recycling materials~~ 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

Multifamily residential, mixed-use, and ~~commercial~~ non-residential developments may convert up to 3 existing parking spaces in order to retrofit on-site (internal or external) parking spaces to accommodate the installation of a ~~recycling/refuse~~ and 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:

- A. The required or approved parking on site is not reduced by more than 10 percent.
- B. The ~~recycling/refuse~~ refuse, recycling, and compost collection area is centrally located such that is easily accessible to all residents.
- C. Adequate space exists for the ~~recycling/refuse~~ refuse, recycling, and compost collection facility to be accessed by service vehicles.
- 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.

Section 19. Section 180-9.3, of the Frisco Town Code, concerning General Definitions, is hereby amended to modify and add the following:

Development

~~Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.~~ Any man-made change to improved or unimproved real estate, including but not limited to construction of or improvements to buildings or other structures, the placement of mobile structures, mining, dredging, filling, grading, paving, excavation, material storage or drilling operations.

Development Proposal

~~All activities involving earth disturbance or requiring a building permit, including but not limited to commercial developments, industrial developments, and single household, duplex, or multi-family housing.~~ The application submitted by an owner or owner's representative, seeking approval for the development of land.

Garage, Private

A building or indoor space that is associated with an individual dwelling unit for purposes of parking or keeping a motor vehicle, is fully enclosed, and has a secure door dedicated exclusively to a specific unit.

Grading

Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new ~~slopes or elevations~~ grades.

Lot Coverage

The percentage of total lot area used for parking, roads, drives; above or below-grade structures or improvements, including but not limited to hot tubs, decks, and sheds; and paved or impervious areas. The following elements are excluded from the calculation of lot coverage: two feet of roof eaves as measured perpendicular from the exterior building wall; 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.

Slope

The ratio of vertical distance to horizontal distance (rise divided by run). For example, a 1:4 slope (one-foot rise over a four-foot run) is a 25 percent slope.

Small Project

~~Any development that disturbs 350 square feet or less of buildable area or land area. Small projects include, but are not limited to: building additions, paving for driveways and parking, flatwork or flagstone for sidewalks or patios, hot tub installations, decks, sheds and other similar structures, and changes to the outside of a building that substantially change the building's appearance or require structural modifications.~~

Soil Disturbance

Any human-made or human caused activity such as, but not limited to, landscaping and vegetation removal, fences, structure or construction ~~within the waterside setback~~ that changes the character or topography of the land on which the activity, structure or construction occurs.

Solar Energy Facility

~~A system including solar panels and related equipment, pipes and wiring that converts sunlight to heat or electricity. The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the facility includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.~~

Solar Energy Facility, Large-Scale

A Solar Energy System occupying more than one-half (0.5) acre.

Waterbody

Permanently or temporarily flooded lands, other than wetlands. These could include lakes, reservoirs, ponds, mudflats, perennial or intermittent rivers, streams, creeks, swales, or ditches (whether natural or artificial). These features have a visible high-water line as evidenced by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Wetland

Areas, including lakes, streams, ponds, areas of seasonal standing water, areas with a predominance of wetland vegetation (such as willows, rushes or sedges), areas with boggy soils and areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands do not include areas which are saturated solely by the application of agricultural irrigation water.

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Common wetlands in and around Frisco include wet meadows, shallow marshes, willow stands, wet forested areas associated with high groundwater or snowmelt, peatlands, irrigated lands and other areas along water courses or where groundwater is near the ground surface. The procedures used to identify wetlands are those described in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (U.S. Army Corps of Engineers 2010). All wetlands identified using this methodology are regulated by the Town, regardless of whether they are regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

Section 20. 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 THIS 8TH DAY OF DECEMBER, 2020.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS 12TH DAY OF JANUARY, 2021.

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk