

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 23-09**

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SECTION 180-2.2, CONCERNING TABLE 2-1: SUMMARY OF REVIEW PROCEDURES; AND SUBSECTION 180-2.3.10, CONCERNING LAPSE OF APPROVAL; AND SUBSECTION 180-2.5.1, CONCERNING CONDITIONAL USES; AND SECTION 180-2.5.2, CONCERNING SITE PLAN REVIEW; AND SECTION 180-3.4, CONCERNING RESIDENTIAL TRADITIONAL NEIGHBORHOOD DISTRICT; AND SECTION 180-3.8, CONCERNING GATEWAY DISTRICT; AND SUBSECTION 180-5.1.5, CONCERNING TABLE OF ALLOWED USES; AND SUBSECTION 180-6.13.7, CONCERNING SNOW STORAGE AREAS; AND SECTION 180-6.15, CONCERNING SNOW STORAGE AND SNOW SHEDDING; AND SECTION 180-6.18, CONCERNING FENCES AND WALLS; AND SECTION 180-6.21, CONCERNING NON-RESIDENTIAL DEVELOPMENT STANDARDS; 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 open communication and responsive governmental actions; and

WHEREAS, the Town Council desires to amend the Unified Development Code in order to enhance efficiency throughout the development review process and maintain high-quality services.

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

Section 1. Section 180-2.2 of the Frisco Town Code, Concerning Table 2-1: Summary of Frisco Review Procedures, is hereby amended to read as follows:

TABLE 2-1: SUMMARY OF FRISCO REVIEW PROCEDURES					
R = RECOMMENDATION D = DECISION A = APPEAL DECIDER <> = PUBLIC HEARING O = OPTIONAL M = MANDATORY					
Procedure	Pre-Application Conference	Staff Review	Planning Commission	Town Council	NOTICE REQUIRED M = Mailed N = published (newspaper) P = Posted
Amendments					
Rezoning	M	R	<R>	<D>	M, N, P
Planned Unit Development	M	R	<R>	<D>	M, N, P
Code Text Amendment	O	R	<R>	<D>	N
Development Permits and Approvals					
Conditional Use Application	M	R	<D>	<A>	M, N, P
Site Plan Review, Administrative	O	D	<A>	<A>	
Site Plan Review, Minor	M	D	<A>	<A>	

TABLE 2-1: SUMMARY OF FRISCO REVIEW PROCEDURES

R = RECOMMENDATION D = DECISION A = APPEAL DECIDER <> = PUBLIC HEARING O = OPTIONAL M = MANDATORY

Procedure	Pre-Application Conference	Staff Review	Planning Commission	Town Council	NOTICE REQUIRED M = Mailed N = published (newspaper) P = Posted
Site Plan Review, Major	M	R	<D>	<A>	M, N, P
Major Modification to Approved Site Plan <u>Modification to Approved Major Site Plan</u>	O	R	<D>	<A>	<u>M, N, P</u>
Minor Modification to Approved Site Plan <u>Modification to Approved Minor Site Plan</u>	O	D	<A>	<A>	
Modification to Nonconformity	O	D less than 350 square feet	<D> greater than 350 square feet	<A>	
<u>Telecommunications as a Special Use</u>	<u>M</u>	<u>R</u>	<u><D></u>	<u><A></u>	<u>M, N, P</u>
Subdivision Approvals					
Annexation	M	R	<R>	<D>	M, N, P
Preliminary Plat	M	R	<D>	<A>	M, N, P
Final Plat	M	D	<A>	<A>	M, P
Minor Subdivision or Resubdivision	M	D	O	O	M, P
Subdivision Waiver or Modification	M	R	<D>	<A>	
Flexibility and Relief Procedures					
Administrative Adjustment	Reviewed and decided by the body assigned the associated development application.				
Variance from Zoning Regulations	M	R	<D>	<A>	M, N, P
PUD Minor Amendment	M	D	<A>	<A>	

Section 2. Subsection 180-2.3.10., of the Frisco Town Code, concerning Step 10: Lapse of Approval, is hereby amended to read as follows:

180-2.3.10. Step 10: Lapse of Approval

- A. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this article.
- B. A change in ownership of the land shall not affect the established expiration time period of an approval.
- C. The expiration of approval timeline shall be based on the date of the most recent Planning Commission or Town Council approval.
- ~~C. Unless otherwise provided in this Chapter, the Director may grant extensions of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the decision-making body for the original application.~~
- D. Unless otherwise provided in this Chapter, the Director may grant an extension of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension.

Section 3. Subsection 180-2.5.1., concerning Conditional Uses is hereby amended by way of amending subsection C. Review Procedures to read as follows:

180-2.5.1. Conditional Uses
C. Review Procedures

1. Pre-Application Conference

A pre-application conference shall be held in accordance with Section 180-2.3.1.

2. Application Submittal

The application for a conditional use shall include all documentation specified in 180-2.3.2.

3. Public Hearing

a. The Planning Commission shall hold a public hearing for which public notice is given to hear testimony and evidence pertinent to the proposed conditional use. The Planning Commission may approve, approve with conditions, or deny the conditional use application. In authorizing a conditional use, the Planning Commission shall consider public comments, testimony, and evidence pertinent to the proposed use, and shall impose such requirements and conditions as may be necessary or desirable for the public welfare and achievement of the Master Plan and community goals and objectives.

b. If a site plan application is a component of the proposed conditional use, a site plan development application must be ~~submitted~~ reviewed concurrently ~~for the Town to adequately review the full proposal.~~

4. Final Approval

Final approval or disapproval of a conditional use rests with the Planning Commission. The Commission shall make findings, which shall be put forth in a notice of decision. Such notice of decision will include any conditions of approval, ~~and will be recorded in the records of the Summit County Clerk and Recorder.~~ Unless a business license has been issued for the use, or a building permit issued for the project within a period of one year from the date of notice of decision of the conditional use approval, the conditional use approval shall expire. Where a conditional use has been abandoned or discontinued for a period of one year or longer, or where a conditional use has been changed to a permitted use or to any other conditional use, the conditional use approval shall become null and void.

Section 4. Section 180-2.5.2., of the Frisco Town Code, concerning Site Plan Review, is hereby amended by way of amending Table 2-2: Site Plan Review Thresholds and Subsection D. Major Site Plan Review Procedure, 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, <u>Repair, and Replacement</u>	(E.g., repair, replacement, alteration, and addition of Includes decks, patios, sheds, 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	Includes Solar Energy Facilities as an Accessory Use
Grading Permit	
Minor Site Plan Review	
<u>New</u> 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
Wetland Disturbance Permit	
Construction Staging (Off-site)	
<u>Telecommunications as a Permitted Use</u>	<u>Including Small Cell Facilities</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
Large Scale Solar Facility	

180-2.5.2. Site Plan Review

D. Major Site Plan Review Procedure

1. Pre-Application Conference

A pre-application conference shall be held in accordance with Section 180-2.3.1.

2. Application Submittal and Handling

The major site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 180-2.3.2, with the following modifications:

- a. The major site plan application shall consist of two parts, an initial sketch plan followed by a full major site plan. Both parts shall require review by the Planning Commission.

3. Sketch Plan

- a. All applications for major site plans shall present an informal sketch plan of the development before a regularly scheduled meeting of the Planning Commission. The applicant shall submit an application to Community Development at least 21 calendar days prior to the Planning Commission meeting at which the sketch plan is requested to be presented. Materials to be presented in support of the development must be of sufficient nature to allow the Planning Commission and Community Development staff to provide informed feedback on the project. At a minimum the applicant must submit the following information:
 - i. Written project description, including a synopsis of the proposed development program, and how the project will meet the principles of the Master Plan and the standards of the zoning code;
 - ii. Site plan showing the location of the building(s) and other improvements (retaining walls, berms, dumpster locations, open space, etc.) with dimensions to setbacks, property lines, easements, north arrow, scale (no smaller than 1"=20'), legend, vicinity map;
 - iii. Existing and proposed utility (main and service) lines;
 - iv. Existing and proposed topography at 2 foot intervals, including 50 feet beyond the property boundary, existing easements, lot dimensions, lot size in square feet/acreage;
 - v. Existing site characteristics map with trees greater than six inches in diameter, vegetation, wetlands, unique natural features;
 - vi. Parking space location and counts and traffic circulation design, with driveway locations, points of access from right-of-way, preliminary grades, bike and pedestrian improvements;
 - vii. Proposed landscaping, post-development grades, snow storage, preliminary stormwater plan showing approach to stormwater handling;
 - viii. Scaled drawings of all building locations and schematic elevations; ~~and~~
 - ix. Samples of all colors and materials proposed; and
 - x. Surveys must be prepared by a licensed surveyor and dated within the last year from submittal.

- b. The Planning Commission may require an applicant to return for additional sketch plan presentations if sufficient information is not received or if substantial changes to a proposal are recommended. Presentation of a sketch plan neither binds the Planning Commission to approve a site plan, nor does it confer the applicant any vested rights.
- c. The sketch plan presentation shall become null and void if a complete major site plan application is not submitted to the Community Development Department within 180 days after the date of the Planning Commission's review of the sketch plan or a resubmittal of the sketch plan in accordance with above.

4. Staff Review and Action

Following the review of the sketch plan, ~~but not more than 180 days after such review,~~ the applicant shall submit a complete major site plan application. The Director shall review the major site plan application and prepare a staff report and recommendation in accordance with Section 180-2.3.4. The applicant shall submit the application not less than 52 days prior to an upcoming Planning Commission meeting targeted as the application review date.

5. Scheduling and Notice of Public Hearings

The major site plan application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with Section 180-2.3.5.

6. Planning Commission Review and Decisions

The Planning Commission shall review the major site plan application and approve, approve with conditions, or deny the major site plan in accordance with Section 180-2.3.7 and the approval criteria in Subsection 180-2.5.2.E.

7. Post-Decision Actions and Limitations

a. Filing of Site Plan

An approved site plan shall be filed with the Community Development Department within 60 days of its approval.

b. No Building Permit without Approval

No building permit shall be issued until the major site plan and associated construction plans have been approved pursuant to this section.

c. Expiration of Approval

~~Unless vested rights are approved pursuant to 180-2.7.4, major site plan approval shall expire if the authorized use or construction has not begun and been diligently pursued within three years after the date of the site plan approval, or an extension is granted pursuant to Section 180-2.3.10.~~

- i. Unless vested rights are approved pursuant to 180-2.7.4, major site plan approval shall expire if the authorized use or construction has not begun and been diligently pursued within three years after the date of the site plan approval, or an extension is granted pursuant to Section 180-2.3.10.
- ii. Modifications that go through the public process and receive Planning Commission approval shall have a new expiration date set from the date the applicant received approval.

d. Minor Changes Allowed

Development application authorized by a major site plan approval may incorporate minor changes from the approved site plan without the need for a new application, provided that the Director determines that the proposed changes:

- i. Could be approved under the allowable administrative adjustments pursuant to Section 180-2.7.2, had they been requested with the original application;
- ii. Comply with the standards of this Chapter;
- iii. Are necessary to meet conditions of approval; ~~and/or~~
- iv. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the major site plan; and/or
- v. A minor modification to a major site plan does not re-set the expiration date.

Section 5. Section 180-3.4, of the Frisco Town Code, concerning Residential Traditional Neighborhood (RN) District, is hereby amended to read as follows:

180-3.4 Residential Traditional Neighborhood (RN) District

180-3.4.1. Purpose

To promote community residential development that provides a traditional layout, cohesive and eclectic identity, is sustainable and livable, respects existing residential neighborhoods, and promotes the natural environment. Also to promote development that is linked with contiguous common areas and pedestrian-oriented connections to existing recreational trail networks.

180-3.4.2. District Standards

A. Dimensions

See Figure 3-B and Sections 180-3.16 and 180-3.17.

B. Development Standards

1. Parking

- a. Per principal dwelling unit: A minimum of two spaces per unit with up to three bedrooms. One additional parking space is required per each additional bedroom over three bedrooms.
- b. Per accessory unit: One parking space per unit. This space shall not be stacked with any primary unit spaces.

2. All residential development is subject to the Residential Development Standards in Section 180-6.22.

C. ~~Development Standards~~

~~All residential development is subject to the Residential Development Standards in Section 180-6.22.~~

Section 6. Section 180-3.8, of the Frisco Town Code, concerning Gateway (GW) District, is hereby amended by way of amending subsection 180-3.8.1. Purpose, to read as follows:

180-3.8 Gateway (GW) District

180-3.8.1. Purpose

To allow for the development of different types of visitor accommodations, commercial, and service-oriented facilities in close proximity to Highway 9 and the Interstate 70 interchange area, to provide connections to mass transit and multi-modal transportation systems, and to allow for residential uses as a conditional use.

Section 7. Subsection 180-5.1.5., of the Frisco Town Code, concerning Table 5-1 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					◐	●			◐	◐				

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		
	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						●	●		◐	◐			●		
	Large Scale Solar												◐	●		180-5.2.14

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		
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						●	◐		●	◐					
	Transitional Shelter Facility	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	◐	●	●	180.5.2.5	
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						●	●	●	●	●				180-5.2.10	
	Showroom							●								
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						◐	◐	◐		◐					

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	
	Veterinary clinic						◐	●	●		◐				
INDUSTRIAL USES															
Industrial Service and Research	Commercial firewood cutting and storage								◐						
	Research and development							◐	●						
	Construction Staging, Off-site						●	●	●	●	●		●	●	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 8. Subsection 180-6.13.7., of the Frisco Town Code, concerning Snow Storage Areas, is hereby amended to read as follows:

180-6.13.7. Snow Storage Areas

Snow storage for all uncovered parking areas and drives shall be provided for all developments in the following manner:

A. Amount Required

Snow storage shall be provided on premises in the amount of ~~100 square feet for every 350 square feet~~ twenty-five percent of paved surface area and any unpaved parking and driveway areas, including uncovered decks. The applicant must demonstrate that snow removal operations for upper floor decks will not impact adjacent property.

~~B. Exceptions~~

~~The Town of Frisco wishes to encourage design solutions 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.~~

Section 9. Section 180-6.15, of the Frisco Town Code, concerning Snow Storage and Snow Shedding, is hereby amended to read as follows:

180-6.15 Snow Storage and Snow Shedding

180-6.15.1.

Provide for the adequate location and drainage of snow storage areas on the lot as specified in Section 180-6.13, Parking and Loading Regulations and Section 180-6.6, Drainage Plans.

180-6.15.2.

Eliminate the danger of snow from building roofs or decks shedding onto windows or doors that swing out or on public or private ways property in accordance with building code requirements.

Section 10. Section 180-6.18, of the Frisco Town Code, concerning Fences and Walls, is hereby amended with an additional subsection to read as follows:

180-6.18 Fences and Walls

A fence, wall, or any similar type of screen or any combination of such items not defined as a structure may be erected on any lot including within a setback, subject to the following conditions and requirements. It is the intent of these conditions and requirements to provide privacy and protection, and screening and accenting of shrubs and landscaping without unduly interfering with the scenic view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.

180-6.18.1. Building Codes Applicable

All fences and walls are subject to the requirements of Chapter 65, Town of Frisco Building Construction and Housing Standards.

180-6.18.2. Location of Property Lines

It shall be the responsibility of the property owner to locate all property lines.

180-6.18.3. Encroachment

No fence or wall may extend beyond or across a property line unless in joint agreement with the abutting property owner granting each a cross-easement.

180-6.18.4. Obstruction of Visibility

No fence or wall shall be located within 15 feet of any street intersection or be so located as to block, obscure, or minimize visibility at any street intersections.

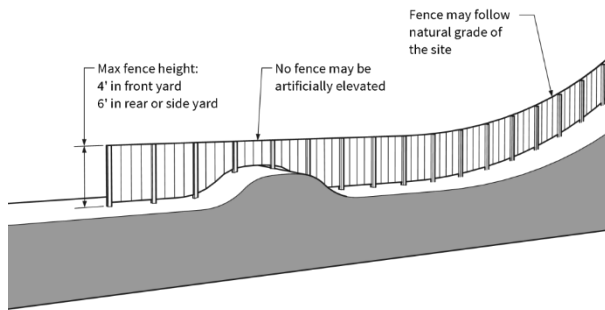
180-6.18.5. Materials

Fences and walls shall be constructed of natural materials such as wood, river rock, or stone whenever practical.

180-6.18.6. Height

- A. Fences and walls shall not exceed four feet in height measured from the existing natural grade at the base to the highest point of the fence or wall within any front yard. Fences and walls shall not exceed six feet in height measured from the existing natural grade at the base to the highest point of the fence or wall within any rear or side yard. No fence or wall may be artificially elevated by means of a berm or other method for purposes of height calculation.

Figure 6-A: Measuring Fence Height



- B. Fences and walls exceeding six feet in height but no more than eight feet in height measured from the existing natural grade at the base to the highest point of the fence or wall may be allowed if:
 - 1. They are temporary fences on construction sites erected for protection purposes during the period of construction only; or
 - 2. The enclose outdoor storage areas in non-residential districts.
- C. Fences and walls exceeding six feet in height, as permitted in Subsection A above, or exceeding eight feet in height as permitted in Subsection B above, shall require conditional use approval.

180-6.18.7. Construction Fencing

Construction fencing for residential construction must be at least four feet high. Commercial and industrial construction must have fencing at least six feet tall and made from a sturdy material such as chain link with a wind screen. Construction fencing must be installed in accordance with the approved construction management plan, prior to construction, demolition, or excavation. Construction equipment, trailers and dumpsters may only be stored within the fenced area. The fence must be located on private property and be maintained throughout the construction period.

Section 11. Section 180-6.21, of the Frisco Town Code, concerning Non-Residential Development Standards, is hereby amended by way of amending subsection 180-6.21.3. Standards to read as follows:

180-6.21 Non-Residential Development Standards

180-6.21.3. Standards

The following mandatory standards shall be met by all non-residential development subject to site plan review:

- A. Compatibility with Neighborhood Character

1. Intent

To ensure that structures are compatible with, but not identical to, existing nearby structures and their neighborhood surroundings, as well as Frisco's "small mountain town" character.

2. Compatibility

- a. Compatibility shall be achieved through proper consideration of scale, design, proportions, site planning, landscaping, materials and colors, and compliance with the standards in this section.
 - i. Compatibility of development on Main Street shall be determined based on proper consideration of the above features of nearby properties on Main Street rather than properties on other streets, as well as compliance with the standards in this section.
- b. The existing landforms and historic structures, as noted in the town's Historic Resource Inventory, on a site shall be preserved onsite whenever possible and reinforced by development rather than destroyed or replaced by it.

B. Façade Standards

1. Intent

To ensure that the façade design of development is compatible with Frisco's "small mountain town character" and existing buildings.

2. Building Elements

All building elevations shall employ varied articulation of wall surfaces, as shown in Figure 6-00.

- a. Each street-facing façade shall include one or more deep eaves or overhangs, at least 24 inches in depth.
- b. Each façade or each 75 foot portion of a façade visible from public streets or parking lots shall be articulated through the use of at least four of the following building elements that provide shelter from natural elements and provide visual relief.
 - i. Balconies, porches, or patios;
 - ii. Building elements that provide shelter from natural elements;
 - iii. Offsets, insets, bays, or other similar architectural features to add a variety of depths to the wall plane;
 - iv. A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the building;

- v. Variation in roof planes or roof forms, including dormers or gables;
- vi. Variation in window sizes and shapes; or
- vii. Prominent building entrance features.

3. Building Articulation

- ~~a. Building walls and corresponding eaves shall not exceed 27 feet in the same geometric plane.~~
- ~~b. Building walls over 27 feet in length shall change geometric planes by at least two feet in depth for a minimum length of six feet.~~
- ~~c. Building walls that exceed 54 feet in total building façade length shall change geometric planes by at least four feet in depth for a minimum length of six feet.~~
- ~~d. Building walls or roof ridgelines over 33 feet in length and facing a front yard or street side yard shall not have more than 66 percent of the length of the wall or roof ridgeline along the same geometric plane.~~

Building walls and corresponding eaves shall not exceed 27 feet in the same geometric plane.

- a. Building walls over 27 feet in length shall change geometric planes by at least two feet in depth for a minimum length of six feet.
- b. Building walls that exceed 54 feet in total building façade length shall change geometric planes every 27 feet by at least four feet in depth for a minimum length of six feet.
- c. Building walls or roof ridgelines over 33 feet in length and facing a front yard or street side yard shall not have more than 66 percent of the length of the wall or roof ridgeline along the same geometric plane.

Section 12. Section 180-9.3, of the Frisco Town Code, concerning General Definitions, is hereby amended by way of adding the definition for Geometric Plane and amending the definitions for Lot Coverage and Structure and, to read as follows:

180-9.3 General Definitions

Geometric Plane

A flat surface of a building wall that extends in two directions, vertically and horizontally, and is used to determine the amount of articulation being provided by a building's façade or footprint. Bays, decks, roof area, and other minor projections or insets are not counted when determining articulation.

Lot Coverage

The percentage of total lot area used for parking, roads, drives; and above or below-grade structures or improvements, including but not limited to hot tubs, decks, patios, and sheds; ~~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.

Structure

A purposeful combination of materials fixed to the ground or to some other structure. Structures include buildings, towers, masts, sheds, decks, hot tubs, roofed storage areas, mechanical equipment, and dumpster enclosures. "Structures" do not include benches, sculptures, fire pits, signs, fences, walls, driveways, walkways, other paved areas or public utility lines and cables.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THIS 14TH DAY OF MARCH 2023.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS 28TH DAY OF MARCH 2023.

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Stacey Nell, Town Clerk