



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL

FROM: EMILY WEBER, PLANNER II

RE: 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 FRISCO 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.

DATE: MARCH 14, 2023

Summary and Background: The Unified Development Code (UDC) holds the rules and regulations for the Town's zoning code and is codified as Chapter 180 of the Frisco Town Code. From time to time the UDC is updated to reflect current zoning priorities and increase efficiencies in the development review process. Code text amendments to the UDC are reviewed and approved by the Town Council after consideration and recommendation by the Planning Commission.

The Frisco Planning Commission held a work session on October 6, 2022, and discussed potential UDC amendments that aimed to provide procedural relief and clarification when navigating the UDC. During the work session, the Planning Commission discussed modifications to construction timelines and management, development standards, snow storage, lot coverage, and specific uses in the use table. Staff then compiled a list of proposed amendments to various chapters in the UDC, which were further discussed and reviewed by the Planning Commission at

their December 15, 2022, meeting. The Planning Commission recommended approval to Town Council of the UDC amendments at their January 19, 2023, meeting.

The Town Council held a work session on February 28, 2023, and discussed the proposed text amendments. Among the discussion, Council members talked about the proposed UDC text amendments to construction fencing and lot coverage. Council members generally agreed that there should be language to prohibit inactive construction sites and to have higher standards for construction fencing along Main Street. Council members discussed that this language can be incorporated with future amendments along with material management strategies from construction sites. As far as lot coverage, Council members proposed clarifying language to the text amendment.

Town Council directed staff to prepare the Ordinance for consideration at 1st Reading at the March 14, 2023, Town Council meeting.

Analysis: The following is a brief outline of the proposed UDC amendments.

- **180-2.2 Summary of Procedures**

Modifying Table 2-1: Summary of Frisco Review Procedures to say, “Modification to Approved Major Site Plan” and Modification to Approved Minor Site Plan” instead of “Major Modification to Approved Site Plan” and “Minor Modification to Approved Minor Site Plan,” respectively. This helps to clarify that modifications are based on the type of application and not on the extent of the modification. Amendments to this table also include changes that provide clarification on the required development permits and approvals needed for a Modification to Approved Major Site Plan and Telecommunications.

- **180-2.3.10. Step 10: Lapse of Approval**

Section 180-2.3 provides step-by-step guidance on common development review procedures. The proposed text amendments in Step 10: Lapse of Approval, requires that the expiration date of approval shall be based on the date of the most recent Planning Commission or Town Council approval, not on a minor, staff approved modification. Additionally, the proposed text amendment eliminates “further extensions shall be subject to the approval of the decision-making body for the original application” from the section and therefore only allows one extension of approval timeline for applications.

- **180-2.5.1. Conditional Uses**

The proposed text amendments would eliminate the requirement that the Notice of Decision for Conditional Uses be recorded at the County.

- **180-2.5.2. Site Plan Review (subsection B and D)**

Section B of the Site Plan Review chapter includes site plan review thresholds. The proposed text amendments to the site plan review thresholds provide clarity on the types of projects that are applicable to Administrative Site Plan Review versus Minor Site Plan Review. Section D of the Site Plan Review chapter outlines the Major Site Plan Review Procedure. Proposed text amendments include a submittal requirement that would require applicants to submit a survey dated within the last year from submittal and a clause that states that “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.”

- **180-3.4 Residential Traditional Neighborhood (RN) District**

Proposed text amendments fix an error in existing formatting.

- **180-3.8 Gateway (GW) District**

Clarifies that residential is allowed as a conditional, rather than permitted, use of the Gateway District.

- **180-5.1.5. Table of Allowed Uses**
The proposed text amendments eliminate “condominium hotel” as a use from any zone district and adds “indoor arts and entertainment center” as a permitted use in Gateway, Commercial Oriented, Central Core, and Mixed Use Zone Districts.
- **180-6.13.7. Snow Storage Areas**
The proposed text amendment changes the amount of snow storage required from 100 square feet for every 350 square feet of paved surface area and any unpaved parking and driveway areas to 25% of paved surface area and any unpaved parking and driveway areas, including uncovered decks.
- **180-6.15 Snow Storage and Snow Shedding**
The proposed text amendment strengthens the requirement that snow shedding be eliminated from public or private ways and adjacent property.
- **180-6.18 Fences and Walls**
Proposed text amendments include adding a subsection that would be 180-6.18.7 Construction Fencing and states that “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.”
- **180-6.21 Non-Residential Development Standards**
To provide clarity on how building articulation is interpreted in the Non-Residential Development Standards, proposed text amendments to this section reorganize how the standards are listed in the code. Building walls shall not exceed 27 feet in the same geometric plane. If walls are over 27 feet in length, they shall change geometric planes by at least two feet in depth for a minimum length of six feet. If walls are over 54 feet in length, they shall change geometric planes every 27 feet by at least four feet in depth for a minimum length of six feet. This helps to clarify that the length of the wall determines the amount of articulation that is required.
- **180-9.3 General Definitions.**
The proposed text amendments include modifying the definition of Lot Coverage and Structure and adding Geometric Plane to definitions. The modification to Lot Coverage includes adding “other paved or impervious areas” to what is included in lot coverage. The modification to Structure adds hot tubs as a structure. And the addition of Geometric Plane defines geometric plane as “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.”

Financial Impact: There is no anticipated financial impact related to this discussion.

Alignment with Strategic Plan: As outlined in the Frisco Community Plan, providing government and community-based services are integral to making Frisco a sustainable community for all residents. These proposed amendments to the UDC will help to promote open communication and responsive governmental actions. By creating a more efficient development review process, the Town will be able to better serve the community and maintain high-quality services.

Environmental Sustainability: No significant impacts to environmental sustainability are anticipated.

Staff Recommendation: Approve Ordinance 23-09 on First Reading and direct staff to bring forward the Ordinance for consideration at 2nd Reading at the March 28, 2023, Town Council meeting.

Approved By:

Don Reimer, Community Development Director
Tom Fisher, Town Manager

Attachments:

Attachment 1: Ord 23-09