Unified Development Code

Chapter 180, Code of the Town of Frisco

TOWN OF FRISCO
COLORADO

Chapter 180: Unified Development Code

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180-1.1 Title

This document is Chapter 180 of the Town Code of the Town of Frisco. It shall be officially known and cited as the "Frisco Unified Development Code," and is referred to internally in this document as "this Chapter."

180-1.2 Effective Date

This Chapter is effective on July 12, 2017.

180-1.3 Purpose

180-1.3.1. This Chapter is enacted to protect the public health, safety, and general welfare and to implement the policies of the Master Plan.

180-1.3.2. This Chapter is specifically intended to:

A. Create efficient streets and allow mobility by vehicle, bike and foot;

B. Create a healthy community;

C. Secure safety from fire, flood, and other dangers;

D. Provide adequate light and air;

E. Prevent overcrowding of land;

F. Avoid undue concentration of population;

G. Encourage housing for persons of all income levels;

H. Facilitate the adequate provision of transportation, drainage, schools, parks, open space and other requirements;

I. Conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;

J. Encourage the most appropriate use of land throughout the Town based upon the Master Plan and other long-range planning documents; and

K. Preserve and increase amenities that are vital to the economic health of the community by the promulgation of regulations to fulfill said purposes, in accordance with the provisions of Part 3, Article 23, Title 31, Colorado Revised Statutes (1977 Replacement Volume).

180-1.4 Authority

This Chapter is adopted pursuant to the authority in the Town of Frisco under Article XX, Section 6 of the Colorado Constitution, the Town of Frisco Home Rule Charter, C.R.S. §29-20-101 et seq. and §31-23-301 et seq., as amended.

180-1.5 Applicability

[Amended 04-09-19, Ord. 19-04]

180-1.5.1. GENERAL APPLICABILITY

This Chapter shall apply to all land, buildings, structures, and uses located within the Town of Frisco, unless an express exemption is granted within this Chapter.

180-1.5.2. COMPLIANCE

A. Buildings, structures, or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use without certification that such action is in compliance with the applicable zoning and that all necessary permits have been received from those governmental agencies from which approval is required by state or local law. Issuance of a building permit and/or certificate of occupancy may serve as compliance certification.

B. No permit, certificate, or approval of any use that is subject to this Chapter shall be issued or granted by any department, agency, Town official, or Town employee without full compliance with this Chapter. Any permit, certificate, or approval issued in violation of this Chapter is void.

180-1.5.3. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Application for, requirements for, and issuance of building permits and certificates of occupancy shall be in accordance with Chapter 65, Town of Frisco Building Construction and Housing Standards.

180-1.5.4. OTHER REGULATIONS

If any provision of this Chapter imposes a greater restriction than that imposed by any other provision of this Code, or any ordinance, regulation, permit, restriction, easement, covenant, or agreement, the provision of this Chapter shall control.

180-1.6 Administration

The provisions of this Chapter shall be administered and enforced by the Director of the Community Development Department of the Town of Frisco, his/her authorized representative, and/or such other authority as may be appointed by the Town Council.

180-1.7 Violations and Penalties

180-1.7.1. VIOLATIONS

A. Violations of this Chapter or Permit or Approval

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any provisions of this Chapter or any amendment thereof, or in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity and that was issued under or required by this Chapter. Any person, firm, corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Chapter or any amendment thereof or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this Chapter shall be guilty of a violation of this Chapter.

B. Restrictions on Transfer, Sale, or Agreements Prior to Subdivision Approval

It shall be unlawful for any person, firm, or corporation to transfer, sell, or agree to sell any lot, tract, parcel, site, separate interest, any condominium interest, time-sharing estate, or any other multiple-dwelling unit within the Town of Frisco until such subdivision has been approved, in writing, by the Planning Commission and the Town Council and a plat is filed in the office of the Summit County Clerk and Recorder; provided, however, that a written agreement to sell, which is expressly conditional upon full compliance by the seller with the subdivision regulations of the Town of Frisco within a specified period of time and which expressly recites that the seller's failure to satisfy such condition within said period of time shall terminate the agreement and entitle the buyer to prompt return of all consideration under said agreement, shall not constitute a violation of the subsection.

C. Illustrative Examples

Examples of activities inconsistent with this Chapter or with any permit or approval issued under this Chapter include, but are not limited to, the following:

1. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Chapter;
2. Reduction or diminishment of lot area, setbacks, buffers, open space, or other standards below the minimum requirements set forth in this Chapter;
3. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Chapter and all other applicable regulations;
4. Failure to remove any sign installed, created, erected, or maintained in violation of this Chapter;
5. Failure of a private association to construct, improve, or maintain any public or private improvements required by the terms of any permit or approval;
6. Failure to abide by the condition(s) of any application approval or agreements executed in connection with a grant of approval; and
7. Failure to comply with applicable provisions or requirements of a certificate of occupancy or building permit.

180-1.7.2. PENALTIES

A. Any person, firm, or corporation, upon conviction of a violation of any provision of this Unified Development Code shall be punishable as provided in Chapter 1, Article 1, of the Frisco Town Code. Each day that a violation exists shall constitute a separate offense.

B. The Town may, at its discretion, proceed against any violation or violator of any provision of this Chapter by abatement, injunction, or other civil action, which remedies shall be cumulative to the penalties set forth in this Chapter.

C. No permits shall be issued by the Building Official or any other administrative officer of the Town for the construction of any building or other improvements requiring a permit upon any land for which a plat is required by this Chapter, unless and until the requirements of this Chapter have been complied with.

180-1.8 Severability

180-1.8.1. If any provision of this Chapter is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent of the Town Council in adopting the provision that:

A. The effect of such decision shall be limited to that provision or those provisions that is (are) expressly stated in the decision to be invalid; and

B. Such decision shall not affect, impair, or nullify the remaining provisions of this Chapter, in the whole or any part, and the remaining provisions shall continue in full force and effect.

180-1.8.2. If the application of any provision of this Chapter to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent of the City Council in adopting the provision that such decision shall not affect, impair, or nullify either this Chapter or the application of such provision to any other tract of land.

180-1.9 Transition from Prior Regulations

180-1.9.1. DEVELOPMENT APPROVALS

Any development approved under the regulations in effect prior to the effective date of this Chapter may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Chapter.

180-1.9.2. PENDING APPLICATIONS

A. A substantially complete development application that was accepted prior to the effective date of this Chapter or an amendment to this Chapter shall be decided under the regulations in effect when the application was accepted, or may be reviewed and decided under this Chapter at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Chapter.

B. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

180-1.9.3. PRIOR VIOLATIONS

If a development or activity in violation of the prior development regulations fully complies with this Chapter, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations are still valid and shall remain the responsibility of the violator under the prior regulations.

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180-2.1 Purpose and Organization of this Article

180-2.1.1. OVERVIEW

This Chapter allows for a variety of land uses, intensity of uses, and associated processes in order to gain approval for the development of land in the Town. This Article describes the various land use applications, processes, submittal requirements, and criteria for reviewing such development. The Community Development Department and applicants use the information outlined in each applicable section to help guide property owners, determine if the proposal complies with all of the requirements of the Frisco Town Code, and inform all citizens of the processes for development.

180-2.1.2. PURPOSE

The purposes of this Article are to:

A. Guide future growth and development in accordance with the Master Plan and related municipal ordinances;

B. Provide for an efficient process to review development proposals;

C. Provide a framework by which development proposals are reviewed to ensure safe and functional developments which are compatible with the natural and man-made environment;

D. Assist orderly, efficient and integrated development;

E. Ensure conformance of development applications with public improvement plans of the Town of Frisco, Summit County, the State of Colorado, and other public agencies;

F. Ensure coordination of all plans and programs of the Town; and

G. Secure equitable handling of all development applications, providing due process and uniform procedures and standards.

180-2.1.3. ORGANIZATION OF ARTICLE

This Article is divided into the following sections:

A. Section 180-2.2, Summary of Procedures, includes a summary table listing the development approval procedures in the Unified Development Code.

B. Section 180-2.3, Common Development Review Procedures, describes standard procedures that are applicable to most types of procedures.

C. Section 180-2.4, Amendments, describes the procedures for rezonings and amending the Unified Development Code.

D. Section 180-2.5, Development Processes, Permits, and Approvals, describes the applicable procedures for site-specific development provisions.

E. Section 180-2.6, Subdivision Approvals, describes the approval procedures for applications for subdivision and conveyance of land.

F. Section 180-2.7, Flexibility and Relief Procedures, describes the procedures for applications to vary from strict conformance with the development code and contains various relief provisions.

180-2.2 Summary of Procedures

[Amended 03-13-18, Ord. 18-03]

Table 2-1 summarizes the land use and development procedures in this Chapter and identifies the decision-making authority for each development procedure. Specific details related to individual procedures are provided in the sections that follow, including any exceptions to the procedures outlined in Table 2-1.

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>	
Site Plan Review, Major	M	R	<D>	<A>	M, N, P
Major Modification to Approved Site Plan	O	R	<D>	<A>	
Minor Modification to Approved Site Plan	O	D	<A>	<A>	
Modification to Nonconformity	O	D less than 350 square feet	<D> greater than 350 square feet	<A>	
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>	

180-2.3 Common Development Review Procedures

[Amended 03-13-18, Ord. 18-03]

This section describes the procedures and rules applicable to all development applications unless otherwise stated in this Chapter. These common review procedures provide the foundation for specific review and approval procedures in Sections 180-2.4 through 180-2.7. See those specific sections to determine which of these common review procedures apply to individual applications for development review.

180-2.3.1. STEP 1: APPLICANT ATTENDS A PRE-APPLICATION CONFERENCE

A. Purpose

The purpose of the pre-application conference is to discuss the overall concept of a development proposal early and informally, before the applicant has made substantial financial commitments or developed detailed plans. Major problems may be identified and solved before the formal application. Community goals, plans, and regulations that affect the proposal are identified and discussed between the applicant and staff. Following the conference, the applicant should understand the applicable code provisions that apply to the project, the process for moving forward, and any fees associated with the development application.

B. When Required

A pre-application conference is required according to Table 2-1: Summary of Frisco Review Procedures.

C. Conference Responsibilities

1. If a pre-application conference is required, the applicant shall request that the Director schedule the meeting.
2. The Director shall schedule the pre-application conference and notify appropriate staff and the applicant of the time and location of the conference. The Director may invite representatives from other Town departments, agencies, or districts as he or she believes would be beneficial to the applicant and the process. As needed, the applicant may work directly with these other agencies to gain an understanding of special regulations or processes regarding their development.

D. Informal Conceptual Plan

An informal conceptual plan shall be submitted at the pre-application conference, which shall include a brief description of the subject property, existing land use of the site, a general plan of the proposed development layout, proposed land uses (including number of living units and square feet of development), and parking. The applicant is strongly encouraged to use a plat and/or recent survey of the subject property as a base of information about the land. The conceptual plan should also show total acreage, land owners, land uses, streets, highways, utilities, major landscaping, physical features (including drainages), any natural hazards, and topography.

E. Effect

Any information or discussions held at the pre-application conference shall not be binding on the Town or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

180-2.3.2. STEP 2: APPLICATION SUBMITTAL

A. Authority to Submit Application

1. Unless expressly stated otherwise in this Chapter, a development application shall be submitted by:

a. The owner or contract purchaser of the land on which development is proposed; or

b. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document from the owner, contract purchaser, or other person.

2. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall acknowledge the application by a letter or document consenting to the application.

3. No application shall be submitted prior to attending a pre-application conference, if required by Table 2-1: Summary of Frisco Review Procedures.

B. Application Content

1. The application shall be submitted to the Director on a form established by the Director and shall be accompanied by all documents and information called for within the form. The applicant bears the burden of demonstrating compliance with application requirements.

2. Additional information to assist in the review process may be required based on the review of the application by staff, Planning Commission, and Council.

3. If the development project includes subdivision, resubdivision, condominiumization, planned unit development, or concurrent rezoning, an application and all required materials for these requests shall be submitted at the same time as the development application.

C. Schedule of Fees

1. Fees for processing and reviewing applications submitted under this Chapter shall be as established by the Town Manager or his or her designee in a fee schedule amended and adopted from time to time.

2. In preparing and adopting the fee schedule, the Town Manager or his or her designee shall determine the cost of performing administrative services under this Chapter, including but not limited to reviews of development proposals, publication and posting costs, inspections of proposed development sites, and subdivision applications, based upon all factors included in the current cost of performing those services.

3. Any schedule of fees promulgated by the Town Manager or his or her designee shall be effective immediately upon filing with the Town Clerk and shall be available for public inspection in the office of the Community Development Department.

D. Development Review Accounts and Publication Fees

The applicant shall pay to the Town certain Town costs associated with the application including without limitation, legal, engineering, environmental, traffic studies, or other similar technical fees for review and consultation incurred by the Town in connection with the application.

1. Procedure for Payment

At the time that an application is submitted to the Town, the applicant shall pay to the Town the fees necessary to cover the costs of legal and engineering review or consultation incurred by the Town as set forth in the schedule of fees on file with the Town Clerk. The applicant shall then maintain a minimum balance above the costs the Town has incurred in connection with the application as set forth in the fee schedule. The Town shall keep record of the costs it has incurred, and when the applicant's balance is below that amount, it shall notify the applicant and the applicant shall pay an amount equal to the required minimum balance within five days. No submittal will be scheduled on an agenda or reviewed until the payment has been made. No site plan, final plat, or final plan approval will be given if the applicant does not have the minimum balance as set forth in the fee schedule.

2. Return of Funds to the Applicant

Within 120 days after final approval or after the date on which the application has given written notice that he will not proceed with a development or any other planning applications, the Town shall

determine the balance owing to the applicant, that amount being the amount deposited over the costs incurred, and return that amount to the applicant's address on file in the application. For purposes of this provision, final approval means the issuance of a Certificate of Occupancy or the recording of the plat with the Summit County Clerk and Recorder's Office, or the final, non-appealable approval of other applications made under this Chapter.

3. Lien on the Property

If the Town incurs costs beyond the amount deposited and the applicant does not pay those costs within 30 days after written notice from the Town, then the Town shall be entitled to certification of the assessment for sale or a lien for those costs on the land being developed, which lien may be perfected and foreclosed in the same manner as provided in Section 38-22-01 et seq., Colorado Revised Statutes (C.R.S.), or may pursue any other legal remedy available to it, whether in law or equity, to recover costs incurred beyond the amount deposited with the Town.

E. Application Withdrawal

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
2. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn prior to preparation or distribution of any official written comments.

180-2.3.3. STEP 3: COMPLETENESS DETERMINATION

A. Determination of Application Completeness

1. A complete application shall be processed according to the procedures in this Article. An incomplete application shall not be processed or reviewed.
2. The Director shall determine whether an application is complete or incomplete within five business days of submittal and provide written notification of such determination to the applicant. The applicant shall supply the Department with any items noted as missing from the submittal. If the information and materials requested are not received within 60 days, the Town will consider the application withdrawn and will return all submitted materials. In order to proceed, the applicant will be required to submit a new application, including all applicable fees and materials.

B. Minor Revisions to an Application

An applicant may revise an application after receiving notice of completeness deficiencies following staff review of the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Director. All other application revisions shall be processed as a new application, including but not limited to submission by the applicant of a new review fee.

180-2.3.4. STEP 4: APPLICATION REVIEW AND PREPARATION OF STAFF REPORT

A. Referral to Staff and Review Agencies

The Director shall distribute the complete application to appropriate staff and other appropriate review agencies.

B. Staff Review and Application Revisions

Staff shall review the application and submit recommendations and comments to the applicant in a form established by the Director.

C. Applications Subject to Staff Recommendation

1. Staff Report

If an application is subject to staff review and recommendation to the Planning Commission and/or Town Council under Table 2-1: Summary of Frisco Review Procedures, staff shall prepare a written staff report. The staff report shall set forth the staff's position on the question of whether or not the application complies with Code requirements, and shall include a recommendation for consideration by the appropriate decision-making body.

2. Distribution and Availability of Application and Staff Report

Within a reasonable time period prior to any meeting or hearing at which an application will be considered, the Director shall submit a copy of the staff report to the applicant and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review.

D. Applications Subject to Staff Decision

If an application is subject to staff review and a final decision by staff under Table 2-1: Summary of Frisco Review Procedures, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state factual findings and reasons for a denial or for conditions of approval.

E. Conditions of Approval

Any conditions of approval shall be limited to conditions necessary to ensure compliance with the criteria for making a decision of approval or other requirements of the Frisco Town Code, and shall relate to the anticipated impacts of the proposed development.

F. Simultaneous Processing of Development Applications

Where possible without creating an undue administrative burden on the Town's decision-making bodies and staff, this Chapter intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process. Review and decision-making bodies considering applications submitted simultaneously shall render separate reports, recommendations, and decisions on each application based on the specific standards applicable to each approval.

1. An example of a concurrent filing and processing of applications include, but are not limited to, a site plan, subdivision plan, and conditional use.
2. Generally, no rezoning application shall be accepted or processed while an application for any of the permits or approvals listed in this Chapter is pending for the same property, and vice versa. An exception to this rule is that a rezoning to an HO and/or PUD overlay may be considered concurrently with a site plan and/or subdivision plan.
3. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this Chapter intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this Chapter has its own timing and review sequence.

180-2.3.5. STEP 5: NOTICE OF PUBLIC HEARINGS

A. Scheduling

1. If an application is subject to a public hearing under Table 2-1: Summary of Frisco Review Procedures, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body. The applicant may request a public hearing review date at least 52 days from the time of submittal and during this time the completeness check, initial review, referral,

legal noticing and report preparation will be conducted. This target date is intended to help create a timeline for the applicant and staff but is not binding.

2. The public hearing shall be scheduled to allow sufficient time for consideration and preparation of a staff report under Section 180-2.3.4. At the discretion of the Community Development Department, an application may also be scheduled earlier than the targeted date dependent upon the complexity of the proposal, if complete application materials are submitted, and if agenda time is available.

B. Public Hearing Notice

1. General Notice Requirements

All public hearings required by this Chapter shall be preceded by the notices identified in Table 2-1: Summary of Frisco Review Procedures.

2. Responsibility of Party Seeking Hearing

The applicant or other person seeking the public hearing shall be responsible for providing accurate mailing labels as part of the complete project application and for posting of notice of the public hearing on the subject property, and such persons shall bear all costs incurred in connection with giving notice of the public hearing. The Community Development Department shall be responsible for writing the content of notices and mailing.

C. Notice Format and Content

1. Published and Mailed Notice

a. Required published or mailed notices shall:

i. Identify the application type;

ii. Describe the general nature of the proposed project;

iii. Identify the location subject to the application;

iv. Identify the date, time, and location of the hearing being noticed;

v. Identify where and when the application and associated materials may be inspected; and

vi. Indicate the opportunity to appear at the public hearing.

b. Published notice shall appear in a newspaper of general circulation in the Town at least four days prior to the scheduled hearing.

c. Mailed notices shall be sent at least 14 days prior to the scheduled hearing via first class mail to all property owners as listed in the records of the Summit County tax assessor's office within 300 feet of the subject property, as measured from property boundaries.

2. Posted Notice

a. Required posted notice shall include:

i. At least one sign on the subject property at least 14 days prior to the public hearing; and

ii. Posting in at least one place of public assembly at least seven days prior to the public hearing or meeting.

b. Required sign(s) shall be provided by the Town. The applicant shall be responsible for posting the required sign(s). The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

c. The Director may require additional signs based on access and configuration of the property.

d. Required posted notice shall:

i. Identify the application type;

ii. Describe the nature of the proposed project;

iii. Identify the date, time, and location of the hearing being noticed; and

iv. Identify a telephone number for additional information.

3. Certification of Notice

The applicant shall provide certification that proper notice has been provided, including photographic evidence of the posted notices and a signed affidavit that the mailing labels provided are correct. The format of such certification shall be established by the Director. The applicant shall submit the certification to the Director at least seven days prior to the scheduled public hearing.

D. Constructive Notice

1. Minor Defects in Notice Shall Not Invalidate Proceedings

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

2. Failure to Receive Notice Shall Not Invalidate Action

Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Chapter.

180-2.3.6. STEP 6: PUBLIC HEARINGS

Public hearings required by this Chapter shall be conducted according to the procedures bylaws established by the respective bodies.

180-2.3.7. STEP 7: DECISIONS AND FINDINGS

A. Review and Decision

1. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 2-1: Summary of Frisco Review Procedures.
2. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
3. The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application-specific procedures, or may continue the public hearing to another meeting.
4. The recommendation or decision (as applicable) shall be based only on the record, shall include findings of fact based on competent evidence contained in the record, shall reflect the determination of contested facts, and shall state how the findings of fact support the decision.
5. Following any decision by the Planning Commission, the Director shall provide written notification of such decision to the Town Council by the next regularly scheduled Council meeting.

B. Conditions of Approval

1. Where this Chapter authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed

development into compliance with such criteria, any other applicable provision of this Chapter or the Frisco Town Code, and any other duly adopted Town regulations.

2. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the Town. No conditions of approval shall be less restrictive than the requirements of this Chapter, except where the Chapter expressly allows deviations.

3. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

4. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

5. Unless otherwise provided in this Chapter, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

C. Notice of Decision

1. Within 10 days after a final decision on an application, the Director shall provide written notification of the decision via personal delivery, electronic mail, or first-class mail to the applicant and shall make a copy of the decision available to the public in the Community Development Department.

2. If the review involves a quasi-judicial hearing, the Director shall, within 10 days after a final decision on the application, also provide a written notification of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision before its effective date.

D. Final Plans

Within 60 days of approval, the applicant shall submit to the Town a final version of any plans approved showing any conditions, restrictions, or other modifications agreed to or required during final approval.

180-2.3.8. STEP 8: AMENDMENTS TO PERMITS OR OTHER APPROVALS

Unless otherwise provided in this Chapter, any modification of an approved plan, permit, or condition of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

180-2.3.9. STEP 9: APPEALS

A. A party aggrieved or adversely affected by any final decision of the Town Council may seek review of the decision in the courts in accordance with applicable law.

B. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures in Section 180-2.7.1.

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. 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.

180-2.4 Amendments

180-2.4.1. REZONING

A. Purpose

The purpose of this Section 2.4 is to provide a mechanism by which, and review procedures and criteria under which, the boundaries of zone districts may be changed or the zoning classification of any parcel of land may be changed. Rezonings may also be used to apply historic overlay designations or other overlay designations.

B. Applicability

1. A proposed change of zone district boundaries may be initiated by the Council, the Planning Commission, or by application of one or more of the owners of property within the area requested to be changed.
2. An application for rezoning to apply a Planned Unit Development overlay designation shall be considered pursuant to Section 180-2.4.2.

C. Area Required

Changes in the Zone District Map of the Town of Frisco involving any zoning district requires a minimum of one acre in area for consideration, unless the area requested for rezoning abuts an existing zone district of the same general classification as that being requested on all or part of one side.

D. Review Procedures

Figure 2-A identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of applications for rezonings. Additions or modifications to the common review procedures are noted below.

Figure 2-A: Rezoning Review Procedures

1. Pre-Application Conference

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

2. Application Materials

All requests for rezoning shall be upon written application to the Planning Commission and Town Council, and shall contain the following information:

a. The names and addresses of the owners of the property

b. A legal description of the property.

c. The names and addresses of all adjacent property owners within a radius of 300 feet of the property requesting the rezoning.

d. A detailed explanation of the request for rezoning, including all reasons for the request.

e. Supporting documents and maps.

3. Planning Commission Review and Recommendation

a. At the preliminary public hearing, the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations. If the Commission has requested additional information, they may request such information to be submitted by the applicant by a certain time before the final public hearing is conducted or the set date may be continued to another date.

b. At the final public hearing, the Planning Commission shall consider all submitted data, comments, and objections and shall either continue the matter for further information and study for not more than thirty days, or shall render its recommendation to the Town Council and the applicant, recommending approval, disapproval, or conditional approval of the application.

4. Town Council Review and Decision

a. Upon receiving the recommendation of the Planning Commission, a rezoning ordinance shall be prepared for consideration by the Town Council, and scheduled for public hearing before the Council subject to the noticing procedures specified in Section 180-2.3.5. Town Council shall approve, conditionally approve, or deny the application for rezoning.

b. Upon approval of any request for rezoning, the Community Development Department shall note the amendment of the official Zoning Map of the Town of Frisco, keep appropriate records thereof, and notify the Clerk and Recorder of Summit County of said amendment of the official Zone District Map.

5. Protest Against Change

In case of a protest against changes in regulations or restrictions or changes in the zone district applicable to particular land, which protest is filed with the Town Clerk at least 24 hours prior to the Council's vote on the change and is signed by the owners of 20 percent or more of the area of land extending a radius of 100 feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, such changes shall not become effective except by the favorable vote of not less than two-thirds of all the members of the Council.

6. Reconsideration

No request for a rezoning shall be reconsidered by the Planning Commission or Town Council until the expiration of six months after the denial of a prior rezoning request for the same or substantially the same property, or there has been a substantial change of circumstances.

E. Rezoning Criteria

For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the applicant for rezoning shall establish that at least one of the following criteria is met:

1. The land to be rezoned was initially zoned in error or the rezoning is of a technical or corrective nature in order to conform zone district boundaries with lot lines;
2. Because of changed or changing conditions in a particular area or in the Town generally, it is in the public interest and reasonably necessary in promotion of the public health, safety or welfare to rezone a property to encourage development or redevelopment;
3. The rezoning is necessary to conform to the Master Plan; or
4. The rezoning is necessary to provide land for a community-related use that was not anticipated at the time of adoption of the Master Plan, but which is generally consistent with the policies and goals of said plan, is in the public interest, and is reasonably necessary in promotion of the public health, safety, or welfare.

180-2.4.2. REZONING TO PLANNED UNIT DEVELOPMENT

A. Purpose

The zoning classification of any parcel may be changed to a Planned Unit Development (PUD) pursuant to this section. The purpose of the PUD designation is to encourage flexibility and innovation in the development of land, provide the community with usable open spaces, and to promote a greater variety in design and layout of buildings, more efficient use of land, a balance of housing mix and other public amenities, and to preserve natural and scenic features.

B. Applicability

1. A PUD is an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or contractor trade uses or any combination of the above, the plan for which does not necessarily correspond in lot size, dimensional requirements, type of use, density, lot coverage, open space or other restrictions to the existing land use regulations. A PUD is an overlay zoning district allowable under Section 24-67-101 et seq. Colorado Revised Statutes 1973 (1977 Replacement Volume) in all zoning districts.

2. A minimum of three dwelling units or 10,500 square feet of lot area is necessary to constitute a PUD. If a PUD is proposed on a lot that is existing legally nonconforming due to parcel size, then the minimum lot area requirement does not apply.

3. Any PUD that proposes a change in type of use, beyond what is allowed in the underlying zone district, shall constitute a rezoning request, and shall be reviewed as to the proposed change in type of use under the rezoning criteria in 180-2.4.1.E. All other aspects of the PUD proposal shall be reviewed according to the PUD approval criteria contained in 180-2.4.2.D.

C. Review Procedures

Figure 2-B identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of applications for PUDs. Additions or modifications to the common review procedures are noted below.

Figure 2-B: Rezoning to Planned Unit Development Review Procedures

1. Pre-Application Conference

A pre-application conference shall be held with staff in accordance with Section 2.3.1. In addition, the applicant shall provide the following conceptual materials related to the proposed PUD to help determine whether or not a PUD is the appropriate procedure for the applicant and the Town:

a. Proposed uses;

b. Number and type of dwelling or commercial units (as applicable);

c. Floor area of all buildings;

d. Floor area of each use for mixed-use buildings (if applicable);

e. Proposed parking capacity and configuration; and

f. General site planning layout and phasing.

2. Application Submittal

A complete application shall be furnished to the Community Development Department not less than 52 days prior to an upcoming Planning Commission meeting targeted as the application review date.

a. Owner Consent and Notice

i. An application for approval of a new PUD shall include written consent by the owners of all property to be included in the PUD.

ii. In cases where an amendment to a previously approved PUD is requested, the application to amend the PUD may be made by any owner within the PUD, with written notice of the proposed application to be provided to all other property owners within the PUD.

b. PUD Plan

An application for rezoning to a PUD shall include submittal requirements as specified by the Director, including a PUD plan. Approval of the PUD plan is required prior to approval of a development permit in a PUD district. The regulations of this Chapter remain applicable to all PUD development, except as specifically modified pursuant to the provisions contained in the approved PUD plan.

i. The PUD Plan indicates the broad concept of the proposed development. The plan shall include information and supporting materials as specified by the Director, which shall include at a minimum:

a) An explanation of the objectives to be achieved by the PUD.

b) Generally, where each type of use will be located in the PUD and the total acreage devoted to each use.

c) Maximum number of dwelling units per gross acre to be permitted for each residential area within the PUD, indicated including sizes of building lots and types of dwelling units anticipated.

d) The minimum acreage to be dedicated to common open space, plus the proposed use and the location of open space.

e) The acreage and location of areas to be dedicated for school sites or other public uses.

f) Major internal circulation systems, including locations of roadways, conceptual location of trails, and bicycle paths.

g) A development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the PUD is anticipated to begin and be completed.

ii. The PUD district is an overlay, and the PUD Plan shall identify the underlying zoning districts within the PUD boundaries. If the applicant is proposing to create different development standards than those of this Chapter, the application shall include:

a) Development standards and other restrictions proposed by the applicant to be applied to each proposed use, or reference standards in similar zoning districts contained in this Chapter that shall apply to each proposed use in particular areas such as: building setbacks, height limits, access requirements and grade or slope restrictions, special provisions addressing sensitive areas, parking requirements, landscape requirements, lot coverage, and floor area ratios.

b) Written explanation and graphic material illustrating the consideration that the modified standards will produce, demonstrating how the modifications will produce a living environment, landscape quality, and lifestyle equal or superior to that produced by the existing standards.

c) Graphic illustrations and written explanations of how the PUD addresses the specific constraints and opportunities of the site and surrounding area in a superior manner to what might be accomplished without the PUD process.

3. Concurrent Subdivision Review

If subdivision is required, the subdivision review procedure shall be carried out concurrently as noted in Section 180-2.6 with the review of the PUD as outlined in this Chapter.

4. Planning Commission Review and Recommendation

The Planning Commission shall hold a publicly noticed hearing. The Planning Commission shall review the PUD application and the comments of referral agencies and the public and shall recommend approval, approval with conditions, or denial based on the approval criteria in Section 180-2.4.2.D.

5. Town Council Review and Decision

a. The Town Council shall review the PUD application and act to approve, approve with conditions, or deny the PUD in accordance with the approval criteria in Section 180-2.4.2.D. The Town Council may also remand the PUD application back to the Director or the Planning Commission for further consideration.

b. If the Town Council remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

6. Effect of Approval

a. Following approval of a PUD, the applicant shall submit final copies of the PUD plans to the Director. The Director shall record the PUD and the zoning amendment map and ordinance with the County Clerk and Recorder as soon as practicable.

b. The approved PUD zoning and the approved PUD plan along with all exhibits are inseparable, and a PUD shall not be established without the approval of the related PUD plan.

c. The regulations in this Chapter remain applicable to all PUD development unless expressly modified by an approved PUD.

d. A PUD shall remain valid until the PUD is subsequently amended or rezoned to another zoning district in accordance with this Chapter.

7. Reconsideration After Three Years of No Development

It is expected that progress on the PUD development as a whole will begin and proceed in a timely manner. If the applicant does not establish vested rights for a PUD pursuant to Section 180-2.7.4, and no development has occurred on the site in three years following the approval date of the PUD, the Director may initiate a public hearing process to consider whether the property shall be rezoned to its prior zoning classification or another zoning classification.

8. Phased Projects

a. If a project is to be built in phases, each phase shall include an appropriate share of the proposed open space, recreation facilities, public facilities, and other amenities of the development. The appropriate share for each phase of a specific project shall be determined at the time of preliminary plan approval, and shall be based primarily upon a proportional share for the entire development.

b. Planned unit developments are to be developed under a unified control or unified plan. If the project is to be phased, final plans must be in substantial conformance with the approved PUD plan regardless of any change of ownership.

D. PUD Approval Criteria

In order for Planning Commission to recommend approval and for Town Council to approve any application for or any amendment to a PUD, the applicant shall establish that the following criteria are met:

1. That the project is beneficial or necessary for the economic development of Frisco; and
2. That the application preserves or contributes to usable open space, and natural and scenic features; and
3. That the application achieves a compatibility of land uses with neighboring land uses; and
4. That the modifications to the underlying zoning district by the project are in the best interests of the Town, and neighborhood in which the development is planned; and

5. That the projected capacity to fully serve the project site(s) with water and sewer is available; and
6. That Town services shall be provided in the most efficient manner practicable; and
7. That more than one housing type, or housing price, or housing form of ownership (i.e. for sale and rental) to satisfy the needs of more than one segment of the community be provided (when residential uses are proposed); and
8. That the project contributes amenities to the development itself, and to the community at large; and
9. That an owners association is established to promote a sense of community and to ensure the continued existence of a viable entity responsible for maintenance of private open space and other similar duties; and
10. That the project meets all of the applicable requirements of this Chapter that are not expressly varied in the final PUD plan, contributes to design aesthetics and layout, and promotes efficient use of land.

E. Enforcement and Amendments to a PUD

1. To further the mutual interest of the residents, occupants and owners of a PUD and of the public in preservation of the integrity of the PUD plan, the provisions of the PUD plan shall run in favor of the Town of Frisco and shall be enforceable in law or in equity by the Town of Frisco without limitation on any powers or regulation otherwise granted by law.
2. All those provisions of the PUD plan authorized to be enforced by the Town of Frisco may be modified, removed, or released by the Town, subject to the following:
   a. No modification, removal, or release of the provisions of the PUD plan by the Town of Frisco shall be permitted except upon a finding by the Town, following a public hearing called and held in accordance with the provisions of this Chapter, that the modification, removal, or release is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD or the public interest, is not granted solely to confer a special benefit upon any person, and meets the criteria for PUD approval specified in Section 180-2.4.2.D.

3. Minor Changes Allowed

Subsequent development applications may incorporate minor changes from the development defined by the PUD approval without the need to reapply, where the Director determines that the changes continue to comply with this Chapter and are consistent with the application approval—i.e., that the changes are necessary to comply with conditions of approval or would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the PUD approval. In any case, the following changes shall not be deemed minor changes:

a. A change in a condition of approval; or
b. An increase in the number of lots.

180-2.4.3. CODE TEXT AMENDMENTS

A. Purpose

The text of this Chapter may be amended pursuant to this section to respond to changed conditions, changes to public policy, or to advance the general welfare of the Town.

B. Applicability

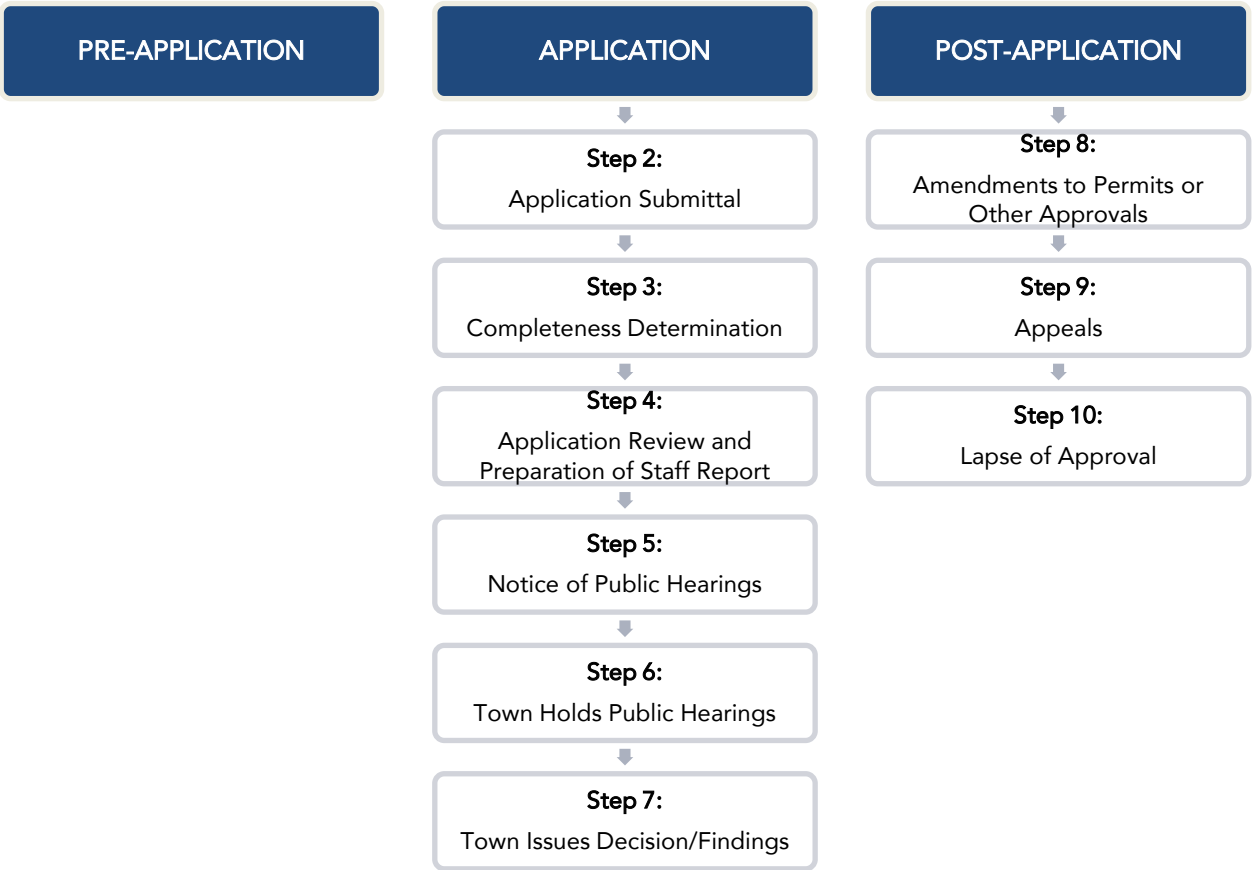
An amendment to the text of this Chapter may be initiated by the Director, the Planning Commission, or the Council whenever the public necessity, safety, general welfare, or good zoning practice justifies such action.

The Council may approve an amendment after consideration and recommendation by the Planning Commission.

C. Review Procedures

Figure 2-C identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of applications for amendments to the text of this Chapter. Additions or modifications to the common review procedures are noted below.

Figure 2-C: Code Text Amendment Review Procedures



1. Hearing and Recommendation

The Planning Commission shall recommend approval or disapproval, either in whole or in part, of a change to the text of this Chapter. Recommendations for such changes shall be presented to the Council and an ordinance embodying such changes in whole or in part may be adopted by the Council after public hearing, public notice of which is given. In the event of adoption by the Council of such changes in part, if such partial adoption has not been recommended as such by the Planning Commission, a favorable vote of at least three-fourths of the members of the entire membership of the Council shall be necessary.

D. Code Amendment Approval Criteria

An amendment to the text of this Chapter is a legislative decision by the Town Council. Prior to recommending approval or approving a proposed amendment, the Planning Commission and Council shall consider whether and to what extent the proposed amendment:

1. Is consistent with the Master Plan and other Town policies;
2. Conflicts with other provisions of this Chapter or other provisions in the Frisco Town Code;
3. Is necessary to address a demonstrated community need;
4. Is necessary to respond to substantial changes in conditions and/or policy; and
5. Is consistent with the general purpose and intent of this Chapter.

180-2.5 Development Processes, Permits, and Approvals

[Amended 03-13-18, Ord. 18-03; 04-09-19, Ord. 19-04]

180-2.5.1. CONDITIONAL USES

A. Purpose

Conditional uses are land uses that, because of their unique character, size, operating characteristics, and potential impacts, must undergo special review with the potential for conditional approval in order to be undertaken in a particular zoning district. The conditional use process allows for the integration of certain land uses within the Town based on appropriate conditions imposed by the Planning Commission. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and by reviewing the impacts a conditional use may have. Conditions are intended to minimize or ameliorate any negative circumstances that might arise by the use. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community or a violation of any provision of the Town Code, state law, rule, or regulation promulgated pursuant thereto.

B. Applicability

1. Conditional use approval is required for those uses listed as conditional uses in the table of allowed uses in Section 180-5.1.
2. An application for conditional use approval is required and shall be submitted at the same time as the site plan review, if one is necessary.
3. Conditional use permits run with the land and approval may be revoked upon failure to comply with conditions associated with the original approval of the conditional use.

C. Review Procedures

Figure 2-D identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of applications for conditional uses. Additions or modifications to the common review procedures are noted below.

Figure 2-D: Conditional Use 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 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.

5. Expansion or Enlargement

Expansion or enlargement of a conditional use shall require a new application, unless the Director determines that:

a. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the Town; and

b. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in Section 180-2.7.2.

D. Approval Criteria

The Planning Commission may approve a conditional use permit application upon finding that each of the following criteria are met:

1. The conditional use is consistent with the purpose and intent of the zone district in which it is proposed to be located, furthers the applicable goals of the Frisco Community Plan, and is a desirable use that will contribute to the general welfare of the community; and
2. The conditional use is compatible with the mix of development in the immediate vicinity of the parcel in terms of density, height, bulk, architecture, landscaping, and open space, as well as with any applicable adopted regulatory master plan or PUD; and
3. The conditional use is consistent and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses and enhances the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development; and
4. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, refuse and recycling services/area, service delivery, noise, vibrations and odor on surrounding properties; and
5. There are adequate public facilities and services to serve the conditional use including but not limited to roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools; and
6. The Community Development Director may recommend and the Planning Commission may impose such conditions on a conditional use that are necessary to maintain the integrity of the Town's Zone Districts and to ensure the conditional use complies this Chapter; is compatible with surrounding land uses; and is served by adequate public facilities. This includes, but is not limited to, imposing conditions on size, bulk, location, open space, landscaping, buffering, lighting, signage, off-street parking and other similar design features, the construction of public facilities to serve the conditional use and limitations on the operating characteristics and hours of operation.

180-2.5.2. SITE PLAN REVIEW

A. Purpose

The site plan review and approval procedure is intended to ensure compliance with the development and design standards of this Chapter and to encourage quality development. For land uses requiring site plan review, such uses may be established in the Town, and building or land use permits may be issued, only after

a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this Section 180-2.5.2. The site plan review procedures ensure that the Town has the ability to address and mitigate any adverse impacts that may result from development projects.

B. Applicability

1. Thresholds for Site Plan Review Type

The following table describes the applicable site plan review type (administrative, minor, or major) required for various types of projects.

TABLE 2-2: 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	
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
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

2. Referral Procedures

The Director may refer administrative or minor site plan reviews to the Planning Commission.

3. Exemptions

The following are exempt from the site plan review procedure, but are subject to the standards of this Chapter:

a. A change in use that does not involve or require other development (such as new or expanded structures, additional parking, etc.); or

b. Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards such as parking.

C. Administrative/Minor Site Plan Review Procedure

Figure 2-E identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of administrative and minor site plans. Additions or modifications to the common review procedures are noted below.

Figure 2-E: Administrative/Minor Site Plan Review Procedures

1. Pre-Application Conference

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

2. Application Submittal and Handling

a. The administrative/minor site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with 180-2.3.2.

b. Construction plan applications submitted concurrently with administrative site plans shall include the information required under the Town of Frisco Technical and Engineering Standards Manual.

3. Staff Review and Action

The Director shall review the administrative/minor site plan application and approve, approve with conditions, or deny the administrative/minor site plan in accordance with Section 180-2.3.4 and the approval criteria in Subsection 180-2.5.2.E.

4. 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, revised as needed based on comments or conditions of approval.

b. No Building Permit without Approval

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

c. Expiration of Approval

Unless vested rights are approved pursuant to Section 180-2.7.4, administrative/minor site plan approval shall expire if the authorized use has not begun or construction activity 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.

d. Minor Changes Allowed

Development applications authorized by an administrative/minor 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 and the Frisco Town Code;

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 administrative/minor site plan.

D. Major Site Plan Review Procedure

Figure 2-F identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of major site plans. Additions or modifications to the common review procedures are noted below.

Figure 2-F: Major Site Plan Review Procedures

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 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.

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.

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.

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.

E. Approval Criteria for All Site Plan Types

A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the general purpose and intent of this Chapter as set forth in Section 180-1.3;
2. The site plan complies with the dimensional, design, development, and all other applicable standards of this Chapter; and
3. The site plan is consistent with any previously approved plat, planned unit development, or any other controlling land use approval.

180-2.5.3. IMPROVEMENT LOCATION CERTIFICATE (ILC)

A. Purpose

An Improvement Location Certificate (ILC) is required to verify compliance with location specific development requirements such as setbacks, building heights, and bulk plane.

B. Applicability

1. A foundation ILC that shows the distance from the property lines to a foundation is required for all new buildings. A foundation ILC is also required for building additions proposed within 5 feet of a setback, easement, property line, or other similar boundary.
2. A roof ILC that shows the location and height of the roof is required for all new buildings. A roof ILC is also required for building additions proposed within 5 feet of the maximum building height or required bulk plane.
3. At the discretion of the Community Development Department Director, these requirements may be waived if compliance with the setback and building height requirements for a new building or building addition can be reasonably verified in the field by the Community Development Department without an ILC.

C. Review Procedures

1. A foundation ILC must be performed after the foundation itself is in place. A foundation ILC must be submitted to the Community Development Department for review prior to the approval of a final foundation inspection. If the ILC shows that the completed foundation is located as required by the approved site plan, the developer will be permitted to proceed with further construction. If the ILC shows

that the completed foundation is not located as required by the approved site plan, the developer will not be permitted to proceed with further construction until the foundation has been properly located and verified with an updated ILC.

2. A roof ILC must be performed after the roof itself is in place. A roof ILC must be submitted to the Community Development Department for review prior to the approval of a final framing inspection. If the ILC shows that the roof is located as required by the approved architectural plans, the developer will be permitted to proceed with further construction. If the ILC shows that the roof is not located as required by the approved architectural plans, the developer will not be permitted to proceed with further construction until the roof has been properly located and verified with an updated ILC.

3. If the ILC is prepared prior to the installation of the sewer cleanouts and water curb stops, an amended ILC showing the location of the sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall must be submitted to the Community Development Department prior to the issuance of a certificate of occupancy or certificate of completion.

D. Content

The ILC shall be prepared in a form consistent with professional land surveying practices and be certified by a land surveyor licensed in the State of Colorado. An ILC must contain the information necessary to demonstrate compliance with the applicable location specific development requirements such as setbacks, building height, and bulk plane. A foundation ILC shall show the location and principal dimensions of all foundations for structures approved on the site plan, the USGS elevation at the top of the foundation walls, and the location of all sewer cleanouts and water curb stops with a bearing and distance reference to two points on a foundation wall. A roof ILC shall show the location and heights of all roof forms for structures approved on the site plan and include the USGS elevations of all roof ridges.

180-2.5.4. BUILDING PERMITS SUBJECT TO STREET DEDICATION

No building shall be erected on any lot nor shall a building permit be issued for a building unless the street giving access to the lot upon which said building is proposed to be placed has been dedicated and approved by the Town Council as part of a legal subdivision. However, a building permit may be issued for a residential lot not abutting a publicly dedicated street when private access is approved by the Planning Commission and is provided by plat, reservation, deed, covenant, or contract, and provisions satisfactory to the Town are made for maintaining the access and keeping it in good repair on a year-round basis.

180-2.6 Subdivision Approvals

180-2.6.1. PRELIMINARY PLAT

A. Purpose

The preliminary plat procedure provides a mechanism for the Town to review an overall plan for a proposed subdivision to ensure compliance with this Chapter and to ensure the adequate provision of facilities and services to subdivided lots in the Town.

B. Applicability

1. A preliminary plat is required if the proposed subdivision:
   a. Is on land that has not been platted;
   b. Will produce four or more lots;
   c. Will include the dedication of public right-of-way, other public tracts, or public improvements; or
   d. Is not eligible to be processed as a minor subdivision or resubdivision, pursuant to Section 180-2.6.3.

2. Minor subdivisions and resubdivision applications are exempt from the procedures of this preliminary plat section.

C. Review Procedures

Figure 2-G identifies the applicable steps from the common review procedures in Section 2.3 that apply to the review of applications for preliminary plats. Additions or modifications to the common review procedures are noted below.

Figure 2-G: Preliminary Plat Review Procedures

1. Pre-Application Conference

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

2. Application Review and Preparation of Staff Report

The Town may solicit comments from the review agencies determined appropriate by the Community Development Department, and may incorporate any comments received in a staff report.

3. Planning Commission Review and Decision

Once the application is placed on a Planning Commission agenda, the Planning Commission shall hold a publicly noticed hearing. The Planning Commission shall consider the comments of the other agencies and the public before reaching its decision to approve, conditionally approve, or disapprove the preliminary plat. The Town Manager or his designee shall subsequently notify the subdivider of the Planning Commission's approval, conditional approval, or disapproval. If the plat is disapproved, the

reason or reasons shall be noted and recommendations may be made whereby the plat might gain approval.

4. Lapse of Approval

a. An approved preliminary plat shall expire if:

i. Construction of the project within the area of the preliminary plat has not begun within three years after the date of preliminary plat approval;

ii. Construction of the project within the area of the preliminary plat has not been completed within four years after the date of preliminary plat approval,

iii. An application for final plat approval is not presented to the Community Development Department within four years after the date of the preliminary plat approval.

b. If a final plat application is not presented to the Community Development Department prior to the preliminary plat expiration date, an extension to the preliminary plat may be granted by the Planning Commission upon good cause shown by the owner. Such extension shall be at the discretion of the Planning Commission.

D. Preliminary Plat Approval Criteria

A preliminary plat may be approved only upon a finding that the application meets all of the following criteria:

1. The plat complies with the applicable requirements of this Chapter;
2. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the Town's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, and otherwise accomplishes the purposes and intent of this Chapter;
3. The subdivision will not result in adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;
4. Provides evidence of public water and sewer system connections; and
5. If applicable, proposes reasonable project phasing in terms of infrastructure capacity.

180-2.6.2. FINAL PLAT

A. Purpose

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and applicable standards in this Chapter.

B. Applicability

The final plat procedure applies to all subdivisions in the Town unless otherwise stated in this Chapter.

C. Review Procedures

Figure 2-H identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of applications for final plats. Additions or modifications to the common review procedures are noted below.

Figure 2-H: Final Plat Review Procedures

1. Pre-Application Conference

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

2. Application Submittal

Following approval of the preliminary plat, but not more than four years after such approval (unless an extension of time is granted pursuant to Section 180-2.6.1.C.3), the subdivider shall submit an application for final plat approval to the Community Development Department. The application shall be prepared in a form and containing such supporting materials as determined by the Director.

3. Required Statements

The final plat shall contain the following required statements:

a. Heading

The heading of the final plat shall include the complete name of the subdivision, the land sections, township, range, principal meridian, Summit County, Colorado. Also, where applicable, the United States mineral claim name, number, and mining district shall be shown.

b. Dedication

Know all men by these presents: That (printed name of owner), being the owner(s) of the land described as follows: [insert legal description of land being subdivided and include area in acres to two (2) decimal places] in Summit County, Colorado, under the name and style of (complete name of subdivision in capital letters), have laid out, platted and subdivided same as shown on this plat, and by these presents do (does) hereby dedicate to the perpetual use of the Town of Frisco, State of Colorado, the streets, alleys, roads and other public areas as shown hereon and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

In witness whereof, the said owner (printed name of owner) has caused his name to hereunto be subscribed this _____ day of _____, AD _____. _____
Owner

c. Notarial

State of Colorado.

The foregoing instrument was acknowledged before me this _____ day of _____, AD _____, by (printed name of owner). (If by natural persons, here insert name; if by person acting in a representative official capacity, then insert the names of said person and his capacity; if by officers or a corporation, then insert the names of said officers as the president or other officers of such corporation, naming it).

My commission expires on (to be filled in by Notary).

Witness my hand and official seal.

(Signature)_____(Seal)

(Printed name of Notary) _____
Notary Public

d. Land Surveyor's Certificate

I (printed name of land surveyor), being a licensed land surveyor in the State of Colorado, do hereby certify that this plat and survey of (name of subdivision in capital letters) was made by me and under my supervision and that both are accurate to the best of my knowledge. Steel pins and/or brass cap monuments were set at all boundary corners.

Dated this_____ day of _____, AD _____
(Seal) Colorado Registration Number (number of registration)

e. Frisco Planning Commission Approval

The Planning Commission of Frisco, Colorado, represented by the Commission Chairman, does hereby authorize and approve this plat of the above subdivision on this _____ day of _____ AD _____.

By: _____
Chairman

f. Frisco Town Council Approval

The within plat of _____ is approved by the Town Council of Frisco, Colorado, represented by the Mayor, for filing this _____ day of _____. The dedication of the public ways shown hereon will not be accepted until said public ways have been satisfactorily completed to the town's specifications by the subdivider. Upon such satisfactory compliance, the Town Council of the Town of Frisco may adopt a resolution accepting the said dedication of public ways and duly record such acceptance.

By: _____
Mayor

Attest: _____
Town Clerk

g. County Clerk and Recorder. (To be placed in the lower right-hand corner of the cover sheet)

Summit County Clerk and Recorder's acceptance. This plat was accepted for filing in the office of the Clerk and Recorder of the County of Summit, Colorado, on this _____day of _____, _____.

Reception Number_____

Recordation of Protective Covenants (if applicable)

Protective covenants recorded under Reception Number _____

h. Previous Recording of Information

For platted area under Reception Number _____

i. **Title Company Certificate**

_____Title Company does hereby certify that it has examined the title to all lands as shown on this plat, and title to such lands is in the dedication free and clear of all liens, taxes and encumbrances, except as follows:

_____
Agent

j. **Summit County Treasurer's Certificate**

"I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this plat are paid in full.

Dated this _____ day of _____, 2_____.

Signature _____."
Summit County Treasurer

4. Application Review and Preparation of Staff Report

a. The Town may solicit comments from review agencies determined to be appropriate by the Community Development Department and may incorporate any comments received in a staff report.

b. A final plat of the subdivision will be reviewed by the Community Development Department. If the final plat does not substantially conform to the approved preliminary plat, as determined by the Community Development Department, the Director may require an additional preliminary plat review and filing fee not to exceed the amount specified for the preliminary plat.

5. Town Issues Decision/Findings

a. Once all necessary information has been received and reviewed and the Community Development Department is satisfied that sufficient information has been submitted to demonstrate whether the applicable standards of the Frisco Town Code have been met, the application will be approved if the Town Manager or his designee finds that all applicable standards of the Frisco Town Code and all conditions of the preliminary plat approval have been met; conditionally approved if the Town Manager or his designee finds that all applicable standards of the Frisco Town Code and all conditions of the preliminary plat approval could be met upon compliance with certain conditions; or denied if any of the standards of the Frisco Town Code or conditions of the preliminary plat approval have not been met.

b. Following approval of the final plat by the Town Manager or his designee, but no more than 30 days after such approval, the applicant shall submit to the Community Development Department two copies of the final plat on mylar film and all associated documents with all appropriate signatures, or such final plat shall be null and void. The Community Development Department shall then record the final plat and all associated documents within the next 15 working days. The applicant shall reimburse the Town for the cost of said recording. The Town Manager or his designee may grant one or more 30-day extensions, at the time of the plat review or at a later date, of the final plat submission deadline upon a showing by a party requesting such an extension of extraordinary or exceptional circumstances that do not generally exist for subdividers.

6. Filing of Plats

All plats of a subdivision of land within the Town of Frisco shall be filed and recorded only after having been executed by the Chair of the Planning Commission and the Mayor and attested to by the Town Clerk.

7. Minor Changes Allowed

The Director may approve development applications that incorporate minor changes from the approved final plat, without the need to reapply, where the Director determines that the changes continue to

comply with this Chapter and are substantially consistent with the application approval—i.e., that the changes are necessary to comply with conditions of approval or would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the subdivision approval. In any case, the following changes shall not be deemed minor changes:

a. A change in a condition of approval; or

b. An increase in the number of lots.

D. Final Plat Approval Criteria

A final plat may be approved only upon a finding that the application meets all of the following criteria:

1. The final plat conforms to the approved preliminary plat, including any conditions of approval;
2. Plans and specifications for improvements connected with development of the subdivision comply with the standards in Chapter 180, Article 1, Subdivision, of this Chapter, and any other relevant Town, county, or state regulations, except to the extent modifications, variances, or exceptions have been expressly allowed by the terms of the preliminary plat approval. All construction plans for improvements shall be approved by the Town Engineer prior to the Director's action on the final plat;
3. The development will comply with the applicable technical standards and specifications adopted by the Town;
4. The applicant has either installed all required improvements or has executed a development improvement agreement required under this Chapter; and
5. The applicant has paid or satisfied all applicable fees and charges, including recording fees.

180-2.6.3. MINOR SUBDIVISIONS AND RESUBDIVISIONS

A. Purpose

The minor subdivision procedure is used to evaluate proposed subdivisions that will create up to three lots or involve minimal adjustments to approved final plats. The minor subdivision procedure also provides an administrative process to correct plat errors and adjust property boundaries.

B. Applicability

A minor subdivision is any one of the following activities:

1. Subdivision that creates three lots or less.
2. Minor relocation or adjustments of a lot line, property line, provided that written consent is furnished from all adjoining property owners.
3. Correction of an engineering or survey error or other minor change to a recorded plat which has no effect on the conditions applied to the approval of the plat and does not violate any requirement of the Frisco Town Code.
4. Conversion of a structure in existence at least five years from the date of Certificate of Occupancy to a condominium or townhome units regardless of the number of units.
5. Resubdivision, including parcel resubdivision, duplex resubdivision resulting in a party wall, condominiumization, townhouse subdivision, and commercial pad subdivision.

C. Review Procedure

Minor subdivisions shall be reviewed by the Community Development Department for conformity with all applicable requirements of the Town Code. Minor subdivisions shall comply with requirements for final plats in Section 180-2.6.2, Final Plat; no preliminary plat is required. All minor subdivisions are subject to the Town's public noticing requirements for final plats. Upon a finding of conformity, the Community

Development Director shall approve the final plat, which will be signed by the Chair of the Planning Commission and the Mayor.

D. Referral to Planning Commission and Town Council

Any minor subdivision may be taken to the Planning Commission and the Town Council at staff's discretion for final plat review.

E. Additional Requirements for Resubdivision

Any resubdivision of a lot, tract, or other parcel of land that has previously been subdivided is subject to all provisions of this Chapter and all other rules and regulations that may apply to the original subdivision of land. Any resubdivision application shall comply with the general procedures for final plats in Section 180-2.6.2, Final Plat, as well as the additional requirements set forth below.

1. Time-Share Developments

Any subdivision approved under this Chapter to resubdivide shall comply with all Town requirements related to time-share developments, if applicable.

2. Duplex Resubdivision Resulting in a Party Wall

In addition to the general procedures required in this section, a party wall agreement must be filed with the final plat. The party wall agreement shall contain but not be limited to the following:

a. Identification of the parties.

b. Identification of the party wall.

c. Provisions for repair and maintenance.

d. Easements for repairs to the party wall.

e. Restrictions, if any, pertaining to structural changes to the party wall.

f. Restrictive liens for enforcement purposes.

g. Utility easements (if needed).

h. Any other documentation as may be reasonably required.

3. Condominiumization

In addition to the provisions in Section 180-2.6.2.D, for final condominiumization approval the following is needed:

a. A map showing all common areas (general and limited common elements) and usages of the building and grounds, for the interior division of the building showing horizontal and vertical boundaries of all units, including a distance from a building corner to a property corner or other survey reference.

b. A copy of the declaration applicable to the condominium project, as defined in Section 38-33-105, C.R.S. 1973, as amended and/or as may be required pursuant to the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et.seq., as amended.

c. A copy of the condominium association Articles of Incorporation, bylaws and covenants. The bylaws and declaration of covenants shall contain the information required by the Condominium Ownership Act of the State of Colorado and the Colorado Common Interest Ownership Act, if applicable. All condominium projects shall comply with this requirement.

d. A management plan that states:

   i. The responsible party for managing the common area, lodging reservations, etc.

   ii. Provisions for selecting, appointing, and securing management.

iii. Responsibilities and duties of the management entity.

iv. The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.

e. A maintenance plan that states:

i. The responsible entity for repair and maintenance of common areas.

ii. What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas and other amenities.

iii. The mechanism used to fund the management and maintenance activities of the development.

f. In addition, if there are any restrictive covenants, conditions, or restrictions other than specified in the declaration, they shall be filed concurrently with the filing of the final plat.

4. Townhouses

a. Notwithstanding the definition of a "Townhome" in Chapter 180, Article 9, a townhome lot may be subdivided prior to the construction of the foundation for the townhome provided that:

i. The final plat of any such townhome lot shall contain a plat note that provides as follows:

a) Pursuant to Chapter 180, Section 180-2.6.3.E.4 of the Frisco Town Code, the townhome lot identified hereon as "_____" has been subdivided prior to the construction of the townhome or its foundation. Pursuant to said section, the owner(s) of the townhome lot, as well as the owner(s) of any property that abuts the townhome lot must, within ninety (90) days after the construction of the foundation for the townhome, have a survey of the location of the foundation prepared and make a subdivision plat amendment application to the Town that shall cause the townhome lot depicted on the plat to be coterminous with the foundation of the townhome as constructed; and

ii. Within ninety (90) days after the construction of the foundation for the townhome, the owner(s) of the townhome lot shall have a survey of the location of the foundation prepared and, along with the owner(s) of any property that abuts the townhome lot, shall make and pursue to completion an application to the Town to amend the plat of the townhome that causes the townhome lot to be coterminous with the foundation of the townhome as constructed.

b. With respect to a townhome lot that has been subdivided prior to the construction of the townhome or its foundation, it is unlawful:

i. For the owner(s) of the lot to fail to, within ninety (90) days after the construction of the foundation, have a survey of the location of the foundation prepared; and

ii. For the owner(s) of the lot and the owner(s) of any property that abuts the townhome lot, to fail to, within ninety (90) days after the construction of the foundation, make and pursue to completion an application to the Town to amend the plat of the townhome lot that causes the townhome lot to be coterminous with the foundation of the townhome as constructed.

c. In addition to the provisions in Section 180-2.6.2.D, for final townhouse subdivision approval the following is needed:

i. A map showing all common areas (general, limited common area), usages of the building and grounds, and the building showing horizontal boundaries for the interior division of all units.

ii. A copy of the Townhouse Association Articles of Incorporation, bylaws, and covenants.

iii. A management plan that states:

a) The responsible party for managing the common area lodging reservations, etc.

b) Provisions for selecting, appointing, and securing management.

c) Responsibilities and duties of the management entity.

d) The responsible party for coordinating the use and rental unit occupancy of those units that are used for short-term lodging.

iv. A maintenance plan that states:

a) The responsible entity for repair and maintenance of common areas.

b) What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of pools, hot tubs, common areas and other amenities.

c) The mechanism used to fund the management and maintenance activities of the development.

d. In addition, if there are any restrictive covenants, conditions, or restrictions other than specified in the declaration, they shall be filed concurrently to filing of the final plat.

e. A copy of the declaration applicable to the Townhouse project, as defined in Section 38-33-105, C.R.S. 1973, as amended and/or as may be required pursuant to the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et. seq., as amended.

5. Commercial Pad

a. Notwithstanding the definition of a "Commercial Pad" in Chapter 180, Article 9, a commercial pad may be subdivided prior to the construction of the foundation for the building to be located on the commercial pad provided that:

i. The final plat of any such commercial pad shall contain a plat note that provides as follows:

a) Pursuant to Chapter 180, Section 180-2.6.3.E.5 of the Frisco Town Code, the commercial pad identified hereon as "_____" has been subdivided prior to the construction of the building, or foundation of the building, to be located on the pad. Pursuant to said section, the owner(s) of the commercial pad, as well as the owner(s) of any property that abuts the commercial pad must, within ninety (90) days after the construction of the foundation for the building to be located on the pad, have a survey of the foundation prepared and make a subdivision plat amendment application to the Town that shall cause the commercial pad depicted on the amended plat to be coterminous with the foundation of the building as constructed; and

ii. Within ninety (90) days after the construction of the foundation for the building to be located on the pad, the owner(s) of the commercial pad shall have a survey of the foundation prepared and, along with the owner(s) of any property that abuts the commercial pad, shall make and pursue to completion an application to the Town to amend the plat of the commercial pad to cause the commercial pad depicted on the amended plat to be coterminous with the foundation of the building as constructed.

b. With respect to a commercial pad that has been subdivided prior to the construction of the building to be constructed on the pad, or its foundation, it is unlawful:

i. For the owner(s) of the commercial pad to fail to, within ninety (90) days after the construction of the foundation, have a survey of the location of the foundation prepared; and

ii. For the owner(s) of the commercial pad and the owner(s) of any property that abuts the commercial pad, to fail to, within ninety (90) days after the construction of the foundation, make and pursue to completion an application to the Town to amend the plat of the commercial pad to cause the pad to be coterminous with the foundation of the building as constructed.

c. A commercial pad may be resubdivided per the Town-approved foundation line shown on the site plan/preliminary plat at the risk of the subdivider, or it may be resubdivided once the foundation has been poured.

d. In addition to the requirements of Section 180-2.6.2.D, for final commercial pad subdivision approval, the following submittals are required:

   i. A map showing all common areas (both general and limited common elements of a project), and uses of the building and grounds.

   ii. A plat note that restricts the use and design of the commercial pad and the building that will be constructed on that commercial pad, to that indicated on the previously Town-approved development plan/preliminary plat.

   iii. A copy of the articles of incorporation and bylaws of the owners association for the project and of the declaration of covenants applicable to the commercial pad.

   iv. A management plan, which may take the form of the articles of incorporation, bylaws, and declaration of covenants referenced above, which states:

      a) The responsible party for managing the common area.

      b) Provisions for selecting, appointing, and securing management.

      c) Responsibilities and duties of the management entity.

   v. A maintenance plan, which may take the form of the articles of incorporation, bylaws and declaration of covenants referenced above, which states:

      a) The responsible entity for repair and maintenance of common areas.

      b) What will be included in the maintenance program, including but not limited to provisions for snow removal, trash removal, maintenance of common areas and other amenities.

      c) The mechanism used to fund the management and maintenance activities of the development.

   vi. In addition, if there are any restrictive covenants, conditions, or restrictions other than specified in the declaration; they shall be filed by the Town together with the filing of the final plat, if not previously filed.

180-2.6.4. CERTIFICATES OF OCCUPANCY

No certificate of occupancy shall be issued for any improvements within the subdivision if the improvements agreement is in default or until the remaining subdivision improvements have been installed to serve the properties for which a certificate of occupancy is sought, unless funds or performance bonds sufficient to guarantee completion and satisfaction to the Town have been provided by the subdivider.

180-2.7 Flexibility and Relief Procedures

[Amended 03-13-18, Ord. 18-03; 04-09-19, Ord. 19-04]

180-2.7.1. APPEALS

A. Applicability

Any owner or lessee of property within the Town limits may appeal a decision made in the administration or enforcement of this Chapter. Appeals shall be made as follows:

1. Appeals from decisions of the Community Development Director or other administrative officials or agencies shall be to the Planning Commission.
2. Appeals from decisions of the Planning Commission shall be to the Council.
3. Appeals of decisions by the Town Council shall be made in accordance with applicable law.

B. Review Procedures for Appeals

Figure 2-I identifies the applicable steps from the common review procedures in Section 2.3 that apply to the review of applications for appeals. Additions or modifications to the common review procedures are noted below.

Figure 2-I: Review Procedures for Appeals

1. Application Submittal

Appeals shall be filed with the Community Development Department not later than ten calendar days from the date of the decision being appealed.

2. Town Holds Public Hearings

a. All appeals to the Planning Commission or the Council shall be considered de novo public hearings.

b. Hearings on appeals shall be scheduled no sooner than 14 days and no later than 60 days from receipt of the appeal request.

c. An appeal stays all proceedings and authorization in conjunction with the action being appealed, unless in the opinion of the Community Development Director a stay would cause imminent peril to life or property.

3. Town Issues Decision/Findings

The appellate body may reverse or affirm, wholly or partly, or may modify or condition the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination along with findings as in its opinion ought to be made, so that the letter and spirit of this Chapter is observed, public safety and welfare are secured and substantial justice done.

C. Call-Up Appeals of Administrative and Planning Commission Decisions

Any other provision of this section notwithstanding, not later than ten calendar days from the date of the decision and with the concurrence of any two Council members, a decision of the Community Development

Department or the Town Manager or his designee or the Planning Commission may be called up for an appeal hearing before the Council. Such called-up appeal shall be subject to the procedural requirements set forth in Subsection 180-2.7.1.

180-2.7.2. ADMINISTRATIVE ADJUSTMENT

A. Purpose

The administrative adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this Chapter with approval by the Director. Administrative adjustments are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not a waiver of Chapter standards and shall not be used to circumvent the variance procedure.

B. Applicability

1. Allowable administrative adjustments are listed in the table below.
2. However, the administrative adjustment procedure shall not apply to any proposed modification to or deviation that results in:
   a. An increase in the overall project density;
   b. A change in permitted uses or mix of uses;
   c. A deviation from the use-specific standards in Article 5;
   d. A change to a development standard already modified through a separate administrative adjustment or variance;
   e. Building materials or aesthetic elements; or
   f. Requirements for public roadways, utilities, or other public infrastructure or facilities.

TABLE 2-3: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

Chapter Standard	Allowable Administrative Adjustment (maximum percentage)
SITE STANDARDS	
Lot area, minimum	10
Lot coverage, maximum	10
LOT DIMENSIONAL STANDARDS	
Front yard setback, minimum	10
Side yard setback, minimum	10
Rear yard setback, minimum	10
Encroachment into setback, maximum	10
BUILDING STANDARDS	
Building height, maximum	10
DEVELOPMENT STANDARDS	
Lighting height, maximum	10
Sign height, maximum	10
Fence or wall height, maximum	10 (1 foot maximum)
Minimum landscaping requirements	10
For nonresidential projects, maximum length of ridgelines and/or roof lines without a change in elevation	10
For nonresidential projects, maximum length of building walls and corresponding roof eaves without a change in geometric plane	75
For nonresidential projects, maximum percentage of building wall and/or roof ridgeline lengths in the same geometric plane	10

C. Review Procedures

1. An application for an administrative adjustment shall be submitted and reviewed concurrently with an application for a conditional use permit, site plan approval (administrative, minor, or major), or plat approval (preliminary or final).
2. Where the concurrently reviewed application requires review and approval by the Planning Commission and/or Town Council, the Planning Commission and/or Town Council shall review and decide the administrative adjustment application.
3. The Director shall review the administrative adjustment application and shall approve, approve with conditions, or deny the adjustment based on the criteria below.

D. Approval Criteria

The Director shall evaluate the application and may approve the application if the requested adjustment meets all of the following criteria:

1. Is consistent with the purpose statement set forth in this Chapter for the applicable zoning district(s);
2. Meets all other applicable building and safety codes; and
3. The requested modification is necessary to either: (a) compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified. In determining if "practical difficulty" exists, consideration shall be given to any unique circumstances of the property.

180-2.7.3. VARIANCES

A. Purpose

The Planning Commission finds and determines that there may be exceptional or extraordinary circumstances or conditions that are applicable to properties within the Town that do not generally apply to property within the Town, such that denial of an application for relief would result in an inability to reasonably utilize property. Therefore, it is necessary to provide for such extraordinary relief in the form of variances.

B. Applicability

Any property owner seeking relief from this Chapter may request a variance when the strict application of a provision of this Chapter would result in an undue hardship. The variance procedure may not be used to allow a use in a zoning district where it is not currently permitted, and is not intended to alleviate inconveniences or financial burdens imposed on landowners. The burden shall be upon the applicant to meet the criteria set forth in this section.

C. Review Procedures

Figure 2-J identifies the applicable steps from the common review procedures in Section 180-2.3 that apply to the review of applications for variances. Additions or modifications to the common review procedures are noted below.

Figure 2-J: Variance Review Procedures

1. Pre-Application Conference

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

2. Application Submittal

a. An applicant for a variance must prove that due diligence was exercised by the applicant before the condition giving rise to the request for a variance occurred. Due diligence shall require a persistent and reasonable inquiry to investigate relevant and applicable facts through both personal and professional actions required of any reasonably prudent person acting as a fiduciary exercising professional judgment and common sense. If an applicant fails to exercise due diligence in discovering, preventing, or attempting to remedy a non-conforming condition the request for a variance shall be denied.

b. An application for a variance must be submitted and approved by the Planning Commission prior to the submittal of a development application.

c. No other applications may be submitted concurrently with a variance application. An applicant must have received approval of a non-use variance prior to submitting any development application or any other related application.

3. Town Issues Decision/Findings

a. The application for a variance shall be reviewed by the Planning Commission. Provisions for a public hearing, notice, and appeals of a Planning Commission decision shall be in accordance with Section 180-2.3.4. A complete application containing all of the applicable information shall be presented not

less than 52 days prior to the regular Planning Commission meeting at which it is targeted for hearing. The Community Development Department may, at its discretion and for good cause, require a longer submittal period. The applicant must contact the Community Development Department for further information on the application submittal process.

b. After a public hearing, the Planning Commission may approve, approve with conditions, or deny the variance application.

c. Every variance authorized hereunder shall be transferable and shall run with the land.

4. Expiration and Termination of Right

A variance, together with the accompanying site or development plan granted pursuant to this section, shall expire two years after the date of final approval if action has not been taken within that period. This time may be extended with the approval of the Planning Commission or Town Council, if the petitioner can show due cause. For purposes of this subsection, "action" means obtaining a building permit or other applicable Town permit/license pursuant to the granting of the variance, or, if a permit or license is not required, the right that is granted pursuant to the variance is put to use.

D. Criteria for Granting a Variance

The Planning Commission shall not approve the variance unless it finds that all of the following criteria are met:

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district;
2. That the extraordinary or exceptional physical condition of the property will not allow reasonable use of the property in its current zone in the absence of relief;
3. That the granting of the variance will not have an adverse impact on the surrounding properties, the neighborhood, or the community as a whole;
4. The granting of a variance will not be detrimental to public health, safety and welfare or injurious to surrounding property values and neighborhood character;
5. The granting of the variance shall not be substantially inconsistent with any plans adopted by the Town;
6. The granting of the variance shall not materially weaken the general purpose of this Chapter or its regulations; and
7. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property.

E. Use Variances Prohibited

No variance authorizing a change in the permitted uses of property shall be granted.

180-2.7.4. VESTED PROPERTY RIGHTS

A. Purpose

This section is intended to provide procedures necessary to implement Article 68 of Title 24, Colorado Revised Statutes, titled "Vested Property Rights."

B. Plans/Plats that May be Recognized as a Site Specific Development Plan

The following plans/plats and only the following plans/plats provided for in this Chapter may be recognized as a "site specific development plan":

1. Final site plan approvals (as defined by Section 180-2.5.2); and
2. Final planned unit development plan approval (as defined by Section 180-2.4.2); and
3. Final plats, including minor subdivisions (as defined by Section 180-2.6.2).

C. Plans/Plats Not Recognized as a Site Specific Development Plan

In addition to any other plans/plats or other land use approvals that may be provided for by this Chapter, the following may not be recognized as a "site specific development plan":

1. Sketch plans (as defined by Section 180-2.5.2.D.3); and
2. Conditional uses (as defined by Section 180-2.5.1); and
3. Nonconforming uses (as defined by Chapter 180, Article 1); and
4. Variances (as defined by Section 180-2.7.3); and
5. Any zoning classification or district; and
6. Preliminary plats (as defined by Section 180-2.6.1).

D. Public Hearings Required

1. No "site specific development plan" shall be approved by the Town Council until after a public hearing, which hearing shall be requested by the landowner and which hearing follows the successful approval of the development at all other required stages of the review process as required by this Chapter. The request for such a hearing must be made in writing by the landowner to the Community Development director prior to the issuance of any building permit for construction within the development. Unless the landowner requests such a hearing, the approval of the development shall not be considered a "site specific development plan," and no vested property right shall be deemed to have been created.
2. No "site specific development plan" shall be approved by the Town Council until after a public hearing, which hearing shall be requested by the landowner and which hearing follows the successful approval of the subdivision at all other required stages of the review process as required by Section 180-2.6. The request for such a hearing must be made in writing by the landowner to the Community Development Director prior to the issuance of any building permit for construction within the subdivision. Unless the landowner requests such a hearing, the approval of the subdivision shall not be considered a "site specific development plan," and no vested property right shall be deemed to have been created.
3. The public hearing shall be preceded by written notice of such hearing. Such notice may, at the Town's option, be combined with any other required notice. At such hearing interested persons shall have an opportunity to be heard.

E. Final Approval of Vested Property Rights

1. A "site specific development plan" shall be deemed approved upon the effective date of the Town Council approval action relating thereto as set forth in Subsection D above. In the event amendments to a "site specific development plan" are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall relate back to the date of the approval of the original "site specific development plan," unless the Town Council specifically finds to the contrary and incorporates such finding in its approval of the amendment.
2. Each map, plat, site plan, or other document constituting a "site specific development plan" shall contain the following language: "Approval of this plan/plat may create a vested property right pursuant to Section 102, Article 68 or Title 24, C.R.S., as amended." Failure of the document to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific lot(s) or tract(s) of property affected and stating that a "vested property right" has been created shall be published once, not more than 14 days after approval of the "site specific development plan," in a newspaper of general circulation in the Town.
3. A vested property right shall be valid for a period of four years from its effective date of approval, unless a longer period is agreed to in writing between the Town Council and the owner.

4. The approval of a "site specific development plan" by the Town Council shall contain such terms and conditions as are reasonably necessary to protect the public health, safety, and welfare. The failure of the developer to abide by such terms and conditions shall result in a forfeiture of the vested property right.
5. In addition to any and all other fees and charges imposed by Section 180-2.3.2.C, the applicant seeking approval of a "site specific development plan" shall pay all costs incurred by the Town as a result of the owner's request for approval of a "site specific development plan," including administrative reviews, publication costs and legal fees.
6. The approval of a "site specific development plan" shall not constitute an exemption from or waiver of any other provisions of this Chapter, or any other ordinances, codes and regulations of the Town pertaining to the development and use of property.
7. Nothing in this section is intended to create any vested property right, but only to implement the provisions of Section 102, Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this section shall be deemed to be repealed and the provisions hereof no longer effective.

Chapter 180, Article 3: Zoning Districts

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180-3.1 Establishment of Districts; Zoning Map

180-3.1.1. The Town of Frisco is hereby divided into the following zoning districts and areas:

A. RS Residential Single-Household District (1-4 dwelling units per developable acre)

B. RN Residential Traditional Neighborhood District

C. RL Residential Low Density District (1-8 dwelling units per developable acre)

D. RM Residential Medium Density District (1-12 dwelling units per developable acre)

E. RH Residential High Density District (1-16 dwelling units per developable acre)

F. GW Gateway District

G. CO Commercial Oriented District

H. LI Light Industrial District

I. CC Central Core District

J. MU Mixed-Use District

K. OS Open Space District

L. PR Parks and Recreation District

M. PF Public Facilities District

N. HO Historic Overlay District

O. PUD Planned Unit Development Overlay District

180-3.1.2. These established zoning districts are shown, located, defined, and bounded on the map entitled the "Zoning District Map of the Town of Frisco." This map, together with explanatory matter thereon and all amendments made under this Chapter, is hereby incorporated in and made part of this Chapter. The Zoning District Map is on file in the office of the Community Development Department.

180-3.2 Zoning District Boundaries

Unless otherwise provided, zoning district boundaries shall be on municipal corporate lines, lot lines, natural boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way or extensions of such center lines. In cases where such lines are not evident, the zoning district boundaries shall be determined by the "Zoning District Map of the Town of Frisco."

180-3.3 Residential Single-Household (RS) District

180-3.3.1. PURPOSE

To promote single-household and accessory dwellings, allowing for large areas of open space; to accommodate low density residential development; and to minimize development impacts on environmentally sensitive lands, with a minimum of allowable density.

180-3.3.2. DISTRICT STANDARDS

A. Dimensions

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

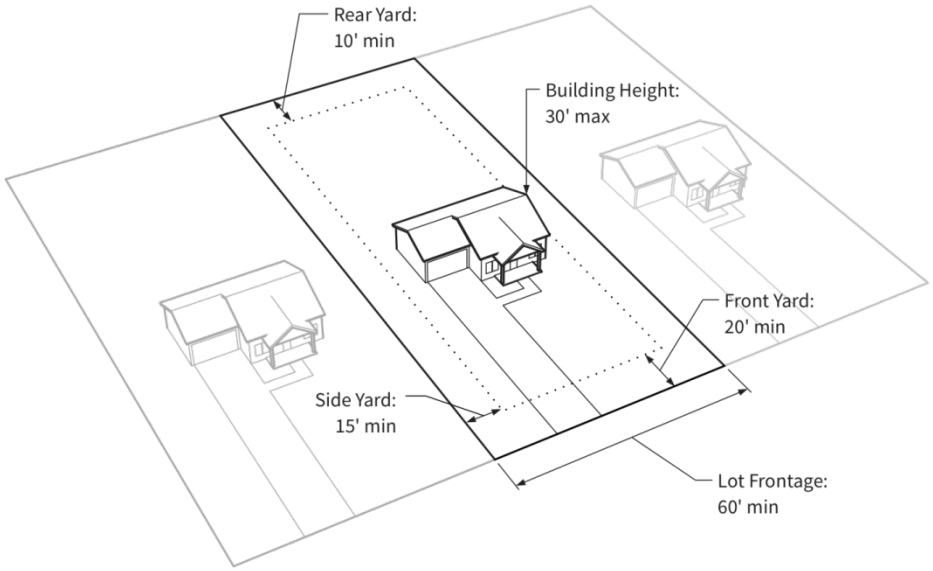
B. Development Standards

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

TABLE 3-1: RS DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum density	4 du/acre
LOT STANDARDS	
Minimum lot area	10,500 sf
Minimum lot frontage	60 ft.
Maximum lot coverage	50%
SETBACKS	
Minimum front yard setback	20 ft.
Minimum side yard setback	15 ft.
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	30 ft.

Figure 3-A: Illustration of RS District Dimensional Standards



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.

C. Development Standards

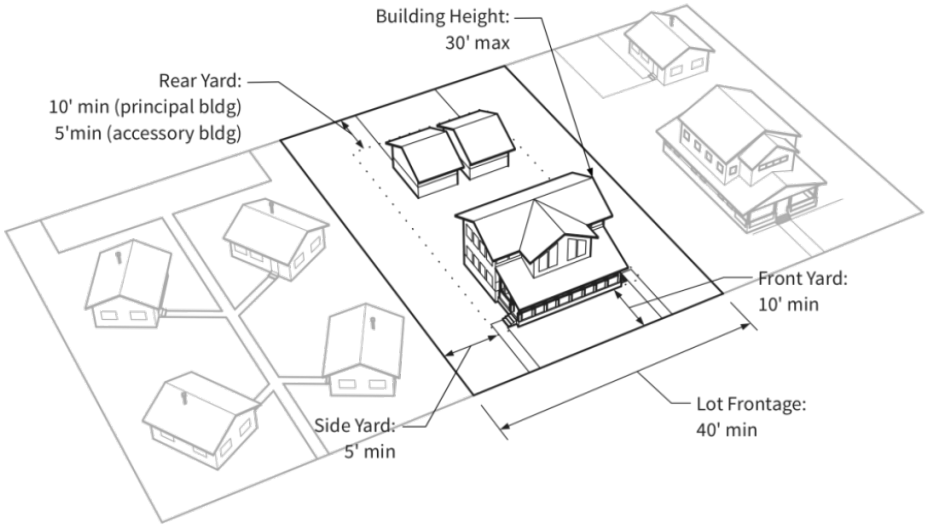
All residential development is subject to the Residential Development Standards in Section 180-6.22.

TABLE 3-2: RN DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum Floor Area Ratio (FAR)	0.6
LOT STANDARDS	
Minimum lot area, single-household detached dwelling	3,000 sf
Maximum lot area, single-household detached dwelling	7,000 sf
Minimum lot area, per duplex structure	4,000 sf
Maximum lot area, per duplex structure	6,000 sf
Minimum lot area, cabin housing	8,000 sf
Minimum lot frontage	40 ft.
Maximum lot coverage	70%
Minimum open space requirement	30%
SETBACKS	
Minimum front yard setback	10 ft.
Minimum side yard setback, lot size 2,000-4,000 SF	5 ft.
Minimum side yard setback, lot size 4,001-7,000 SF	5 ft.
Total of both side yards, lot size 2,000-4,000 SF	10 ft.
Total of both side yards, lot size 4,001-7,000 SF	10 ft. [1]
Minimum rear yard setback (principal building)	10 ft.
Minimum rear yard setback (accessory buildings, detached garages and/or carriage house)	5 ft.
BUILDING STANDARDS	
Maximum building height	30 ft.

[1] Plus 1 ft. for each additional 300 sf of lot area over 4,000 SF to a maximum of 20 ft. of total side yard.

Figure 3-B: Illustration of RN District Dimensional Standards



180-3.5 Residential Low Density (RL) District

180-3.5.1. PURPOSE

To promote detached single-household, duplex, and townhouse structures in neighborhoods and community residential areas that are well-sited, and to help preserve neighborhood character, natural amenities, and scenic views.

TABLE 3-3: RL DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum density	8 du/acre
LOT STANDARDS	
Minimum lot area	10,500 sf
Minimum lot frontage	50 ft.
Maximum lot coverage	50%
SETBACKS	
Minimum front yard setback	20 ft.
Minimum side yard setback	15 ft.
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	30 ft.

180-3.5.2. DISTRICT STANDARDS

A. Dimensions

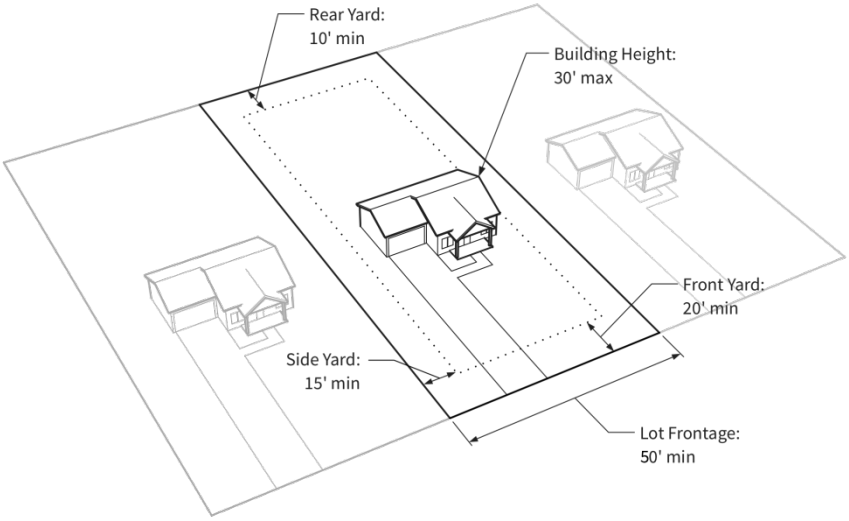
See

1. Figure 3-C and Sections 180-3.16 and 180-3.17.
2. Criteria for development of three or more principal units on a single lot or project site:
   a. All buildings and structures greater than 20 feet in height must be separated by a minimum of 12 feet, as measured from the edge of the closest wall plane.
   b. Any third level must not exceed 60 percent of the Gross Floor Area (GFA) of the story below it.
   c. Each principal dwelling unit must be located in a detached building or duplex structure. Accessory dwelling units are permitted within the same building and in conjunction with a principal dwelling unit.

B. Development Standards

1. All residential development is subject to the Residential Development Standards in Section 180-6.22.
2. All non-residential development is subject to the non-residential development standards in Section 180-6.21.

Figure 3-C: Illustration of RL District Dimensional Standards



180-3.6 Residential Medium Density (RM) District

180-3.6.1. PURPOSE

To allow for the development of residential areas that are a mixture of single-household detached dwellings, duplexes, and multi-unit dwellings, to promote the clustering of medium density residential units so as to preserve open space and scenic views, and to encourage a broad mix of housing types.

TABLE 3-4: RM DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum density	12 du/acre
LOT STANDARDS	
Minimum lot area	10,500 sf
Minimum lot frontage	60 ft.
Maximum lot coverage	50%
SETBACKS	
Minimum front yard setback	20 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	35 ft.

180-3.6.2. DISTRICT STANDARDS

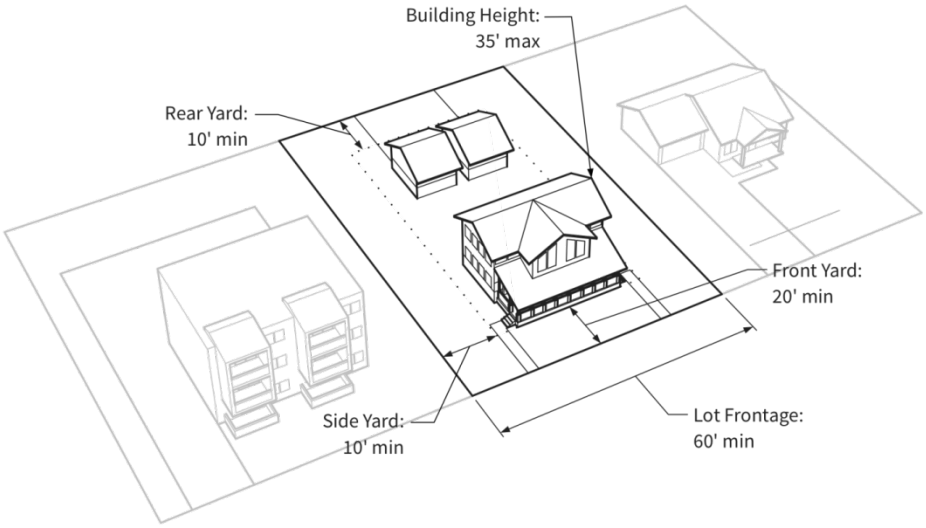
A. Dimensions

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

B. Development Standards

1. All residential development is subject to the Residential Development Standards in Section 180-6.22.
2. All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

Figure 3-D: Illustration of RM District Dimensional Standards



180-3.7 Residential High Density (RH) District

180-3.7.1. PURPOSE

To allow for high density residential development that is in close proximity to commercial activity, and to provide for a broad mix in the housing type and cost for all residents.

180-3.7.2. DISTRICT STANDARDS

A. Dimensions

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

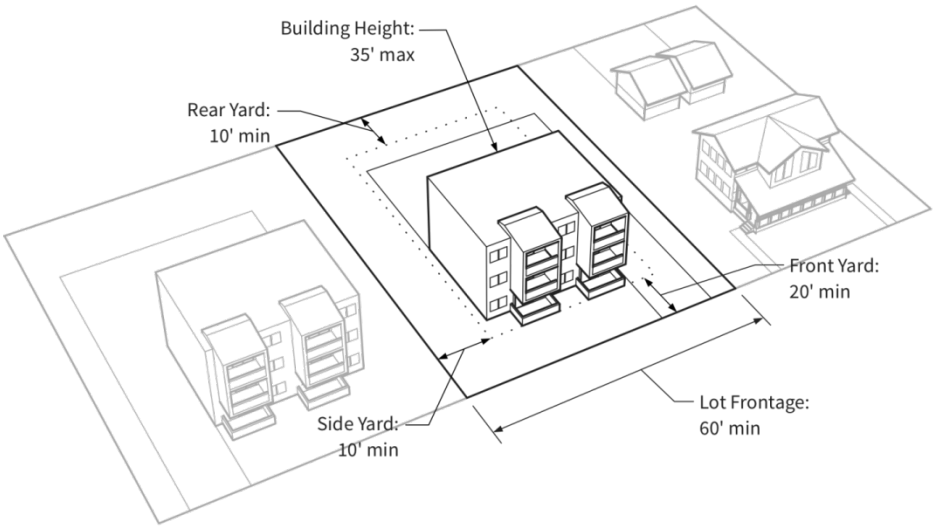
B. Development Standards

1. All residential development is subject to the Residential Development Standards in Section 180-6.22.
2. All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

TABLE 3-5: RH DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum density	16 du/acre
LOT STANDARDS	
Minimum lot area	10,500 SF
Minimum lot frontage	60 ft.
Maximum lot coverage	55%
SETBACKS	
Minimum front yard setback	20 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	35 ft.

Figure 3-E: Illustration of RH District Dimensional Standards



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.

180-3.8.2. DISTRICT STANDARDS

A. Dimensions

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

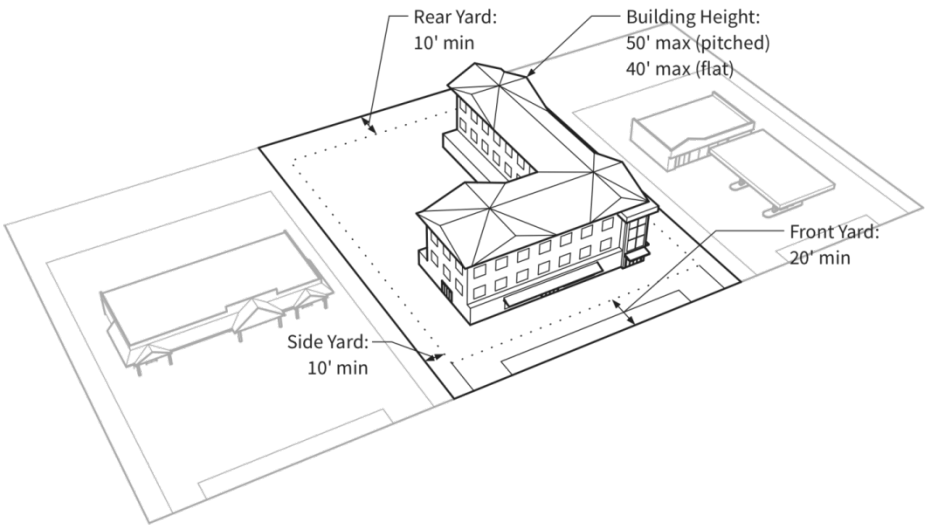
B. Development Standards

1. All residential development is subject to the Residential Development Standards in Section 180-6.22.
2. All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

TABLE 3-6: GW DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum density	16 du/acre
LOT STANDARDS	
Minimum lot area	None
Minimum lot frontage	None
Maximum lot coverage	60%
SETBACKS	
Minimum front yard setback	20 ft.
Minimum side yard setback	10 ft.
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	50 ft. (pitched); 40 ft. (flat)

Figure 3-F: Illustration of GW District Dimensional Standards



180-3.9 Commercial Oriented (CO) District

180-3.9.1. PURPOSE

To promote the development of regionally serving shopping areas, restaurants, and service facilities that are convenient to Highway 9 and Interstate 70, to enhance connections to mass transit and multi-modal transportation, and to allow for intensive commercial development.

180-3.9.2. DISTRICT STANDARDS

A. Dimensions

See Figure 3-G and Section 180-3.16.

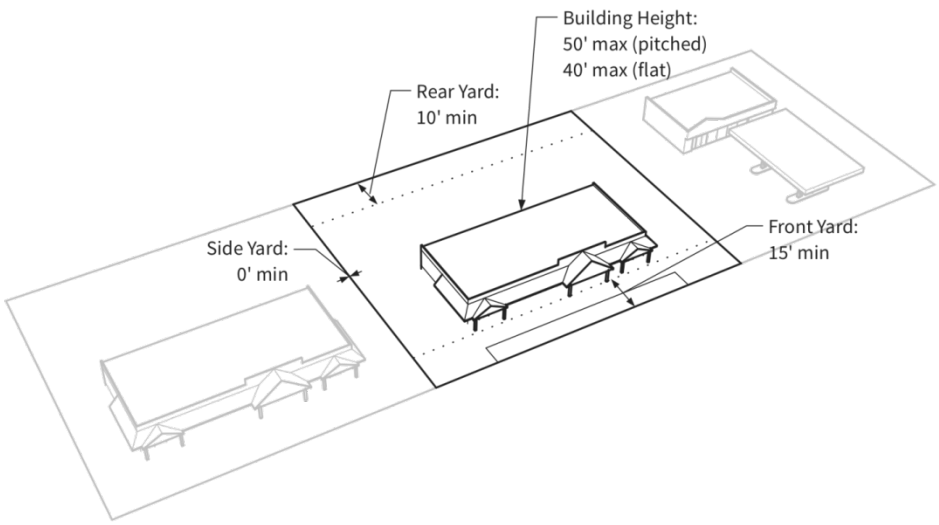
B. Development Standards

All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

TABLE 3-7: CO DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum Floor Area Ratio	1.0
LOT STANDARDS	
Minimum lot area	None
Minimum lot frontage	None
SETBACKS	
Minimum front yard setback	15 ft.
Minimum side yard setback	None
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	50 ft. (pitched); 40 ft. (flat)

Figure 3-G: Illustration of CO District Dimensional Standards



180-3.10 Light Industrial (LI) District

180-3.10.1. PURPOSE

To promote the development of professional trade, industrial, general services, storage, and contractor services in Frisco, and to allow for other associated uses complementary to contractor trades and light manufacturing.

180-3.10.2. DISTRICT STANDARDS

A. Dimensions

See Figure 3-H and Section 180-3.16.

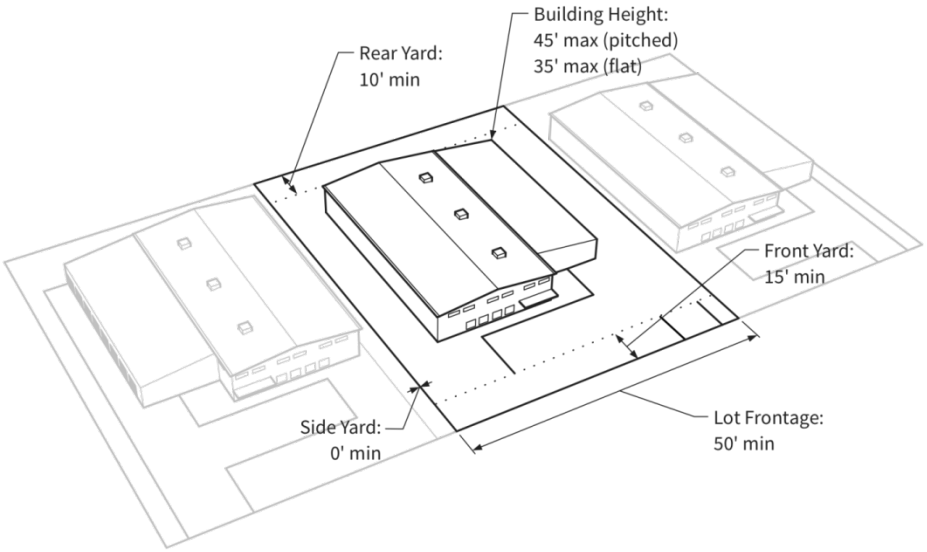
B. Development Standards

All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

TABLE 3-8: LI DISTRICT DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area	10,500 sf
Minimum lot frontage	50 ft.
SETBACKS	
Minimum front yard setback	15 ft.
Minimum side yard setback	None
Minimum rear yard setback	10 ft.
BUILDING STANDARDS	
Maximum building height	45 ft. (pitched); 35 ft. (flat)

Figure 3-H: Illustration of LI District Dimensional Standards



180-3.11 Central Core (CC) District

[Amended 04-09-19, Ord. 19-04]

180-3.11.1. PURPOSE

To promote the development of Frisco's Main Street commercial district for retail, restaurant, service, commercial, visitor accommodation, recreational, institutional and residential uses, and to enhance the visual character, scale and vitality of the central core.

180-3.11.2. DISTRICT STANDARDS

A. Dimensions

See Figures 3-I through 3-L and Sections 180-3.16 and 180-3.17.

B. Development Standards

1. For properties with frontage along Main Street, on-site parking shall be located at the rear of the property.
2. All residential development is subject to the Residential Development Standards in Section 180-6.22.
3. All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

Figure 3-I: Illustration of CC District Dimensional Standards for Properties on Main Street

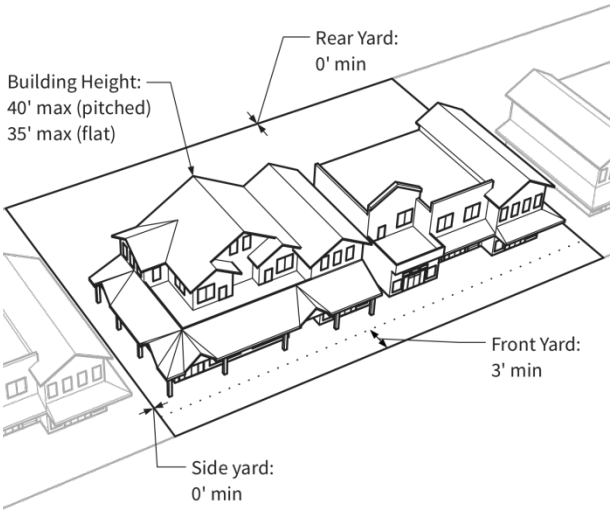


TABLE 3.11-1: CC DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum density	16 du/acre
LOT STANDARDS	
Minimum lot area	3,500 sf
Minimum lot frontage	None
Maximum lot coverage, one or two residential units	70%
Maximum lot coverage, all other uses	None
SETBACKS	
Properties on Main Street	
Minimum front yard setback	3 ft.
Minimum side yard setback	0 ft.
Minimum rear yard setback	0 ft.
Properties located between Granite Street and Granite Street Alley, and Galena Street and Galena Street Alley	
Minimum front yard setback	5 ft.
Minimum side yard setback	5 ft.
Minimum rear yard setback	5 ft.
Minimum setback for alley facing yard	3 ft.
One or Two Residential Units, Including Accessory Units	
Minimum front yard setback	10 ft.
Minimum side yard setback	5 ft.
Minimum rear yard setback	5 ft.
STEPBACKS	
Minimum stepback for the third and above floors of street-facing wall facades (as taken from the floor below, see Figure 3-L.)	10 ft.
BUILDING STANDARDS	
Maximum building height	40 ft. (pitched); 35 ft. (flat)
Maximum building height, first 20 feet in from property line on Galena Street	25 ft. (pitched roof required)

Figure 3-J: Illustration of CC District Dimensional Standards for Properties on Granite Alley, Galena Alley, Granite Street, and Galena Street

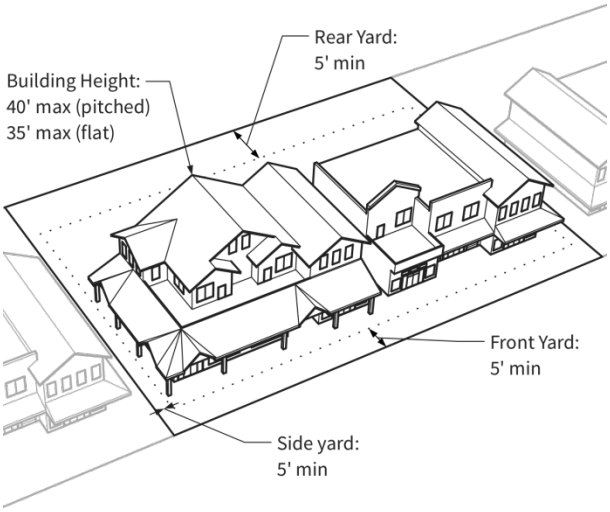


Figure 3-K: Illustration of CC District Dimensional Standards for One or Two Residential Units, Including Accessory Units

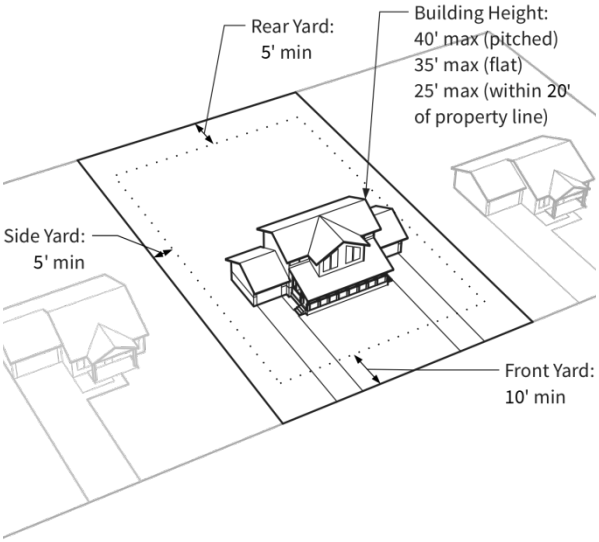
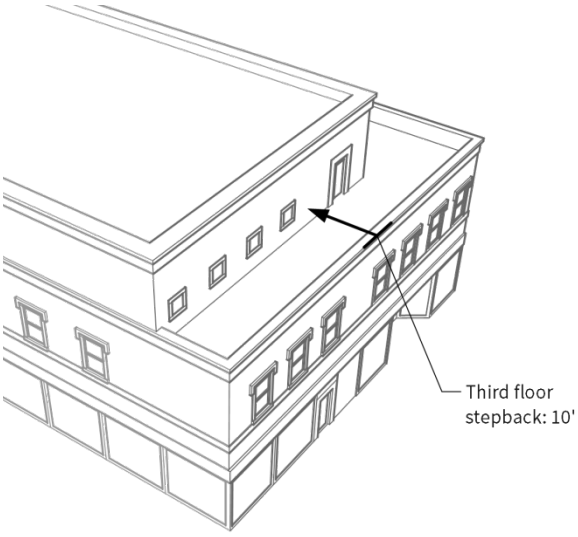


Figure 3-L: Illustration of Stepback Requirement



180-3.12 Mixed-Use (MU) District

180-3.12.1. PURPOSE

To increase the efficiency of land use, the number of residents and the diversity of commercial activities in those transition areas between the core commercial districts and residential districts, and to emphasize and encourage pedestrian and bicycle circulation.

180-3.12.2. DISTRICT STANDARDS

A. Dimensions

See

Figure 3-M and Sections 180-3.16 and 180-3.17.

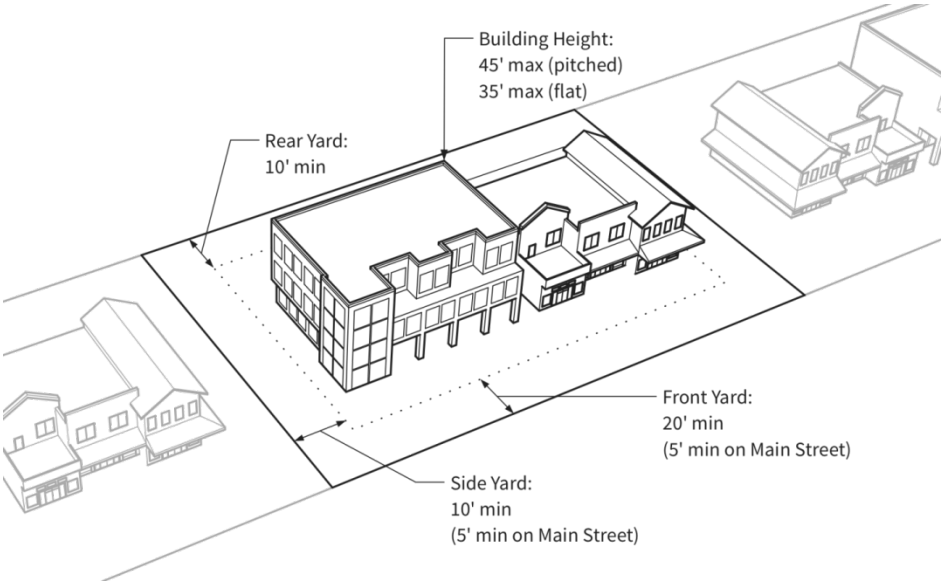
B. Development Standards

1. For properties with frontage on Main Street, on-site parking shall not be located along the part of the property abutting Main Street.
2. All residential development is subject to the Residential Development Standards in Section 180-6.22.
3. All non-residential development is subject to the Non-Residential Development Standards in Section 180-6.21.

TABLE 3-2: MU DISTRICT DIMENSIONAL STANDARDS

PROJECT STANDARDS	
Maximum density	14 du/acre
LOT STANDARDS	
Minimum lot area	None
Minimum lot frontage	None
Minimum open space	10% of GFA
Maximum lot coverage	60%
SETBACKS	
Minimum front yard setback	20 ft.
Minimum front yard setback, Main Street requirements	5 ft.
Minimum side yard setback	10 ft.
Minimum side yard setback, Main Street requirements	5 ft.
Minimum rear yard setback	10 ft.
Minimum rear yard setback, Main Street requirements	10 ft.
BUILDING STANDARDS	
Maximum building height	45 ft. (pitched); 35 ft. (flat)

Figure 3-M: Illustration of MU District Dimensional Standards



180-3.13 Open Space (OS) District

180-3.13.1. PURPOSE

A. To allow for and to encourage the preservation of land in its natural character for public or private use or enjoyment. This District is intended to preserve significant natural flora and fauna, buffer areas between developments, view corridors, and environmentally sensitive lands.

B. The District shall be reserved for land dedicated to or owned by the Town, a land conservation trust, or private ownership with appropriate easements or restriction upon consent of its owner.

180-3.13.2. COMPATIBLE USES NOT REQUIRING SITE DISTURBANCE

Uses that do not require site disturbance and that are compatible with the natural state of the land, including but not limited to:

A. Archaeological sites.

B. Buffers between neighborhoods and communities.

C. Historical and cultural lands.

D. Lands of aesthetic or passive recreational value.

E. Passive recreational access points.

F. Scenic areas or vistas.

G. Non-motorized trails and trail connections.

H. Environmentally sensitive lands.

I. Natural flora and fauna.

180-3.13.3. COMPATIBLE USES REQUIRING MINIMAL SITE DISTURBANCE

Uses that may require some site disturbance and that will be compatible, or will result in compatibility with the natural state of the land, including but not limited to:

A. Any use necessary to establish or create a permitted use.

B. Any use necessary to clean up and/or rehabilitate land to its natural state.

C. Uses necessary for conservation of natural resources and the environment, such as for soil, water, vegetation and wildlife, including but not limited to:

   1. Flood control activities as permitted.

   2. Erosion control activities as permitted.

   3. Wetland mitigation activities as permitted.

D. Vehicular bridges, roads and parking areas provided such facilities only serve as access to the area (or adjacent open space areas and U.S. Forest Service lands).

E. Pedestrian trail bridges or other similar improvements necessary for non-motorized use.

F. Kiosks and signs to provide information about the area's natural environment and the permitted uses within the area, in accordance with Section 180-6.19, Sign Regulations.

180-3.14 Parks and Recreation (PR) District

180-3.14.1. PURPOSE

To allow for land uses that offer a variety of active and passive recreational pursuits.

180-3.14.2. DISTRICT STANDARDS

See Table 3-3 and Sections 180-3.16 and 180-3.17.

TABLE 3-3: PR DISTRICT DIMENSIONAL STANDARDS

	SETBACKS
Minimum setback from any property line	30 ft.
	BUILDING STANDARDS
Maximum building height	25 ft.

180-3.15 Public Facilities (PF) District

180-3.15.1. PURPOSE

To provide land that is used for, and to encourage the development of, public facilities. Generally, the use is for a governmental or non-profit entity or agency, a utility service, or a use that services a public function.

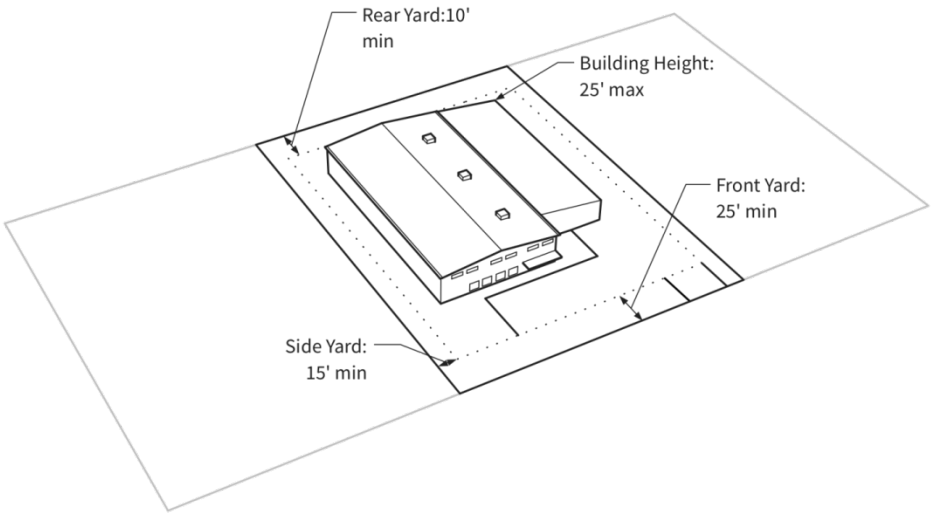
180-3.15.2. DISTRICT STANDARDS

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

TABLE 3-4: PF DISTRICT DIMENSIONAL STANDARDS

	SETBACKS
Minimum front yard setback	25 ft.
Minimum side yard setback	15 ft.
Minimum rear yard setback	10 ft.
	BUILDING STANDARDS
Maximum building height	25 ft.

Figure 3-N: Illustration of PF District Dimensional Standards



180-3.16 Summary Tables of Dimensional Standards

180-3.16.1. DIMENSIONAL TABLE: RESIDENTIAL

TABLE 3-5
SUMMARY OF RESIDENTIAL DIMENSIONAL STANDARDS

	RS	RN	RL	RM	RH
PROJECT STANDARDS					
Maximum density	4 du/ac		8 du/ac	12 du/ac	16 du/ac
Maximum Floor Area Ratio (FAR)		0.6			
LOT STANDARDS					
Minimum lot area	10,500 sf		10,500 sf	10,500 sf	10,500 sf
Minimum lot area single-household		3,000 sf			
Maximum lot area single-household		7,000 sf			
Minimum lot area per duplex		4,000 sf			
Maximum lot area per duplex		6,000 sf			
Cabin housing minimum lot area		8,000 sf			
Minimum lot frontage	60 ft.	40 ft.	50 ft.	60 ft.	60 ft.
Maximum lot coverage		70%	50%	50%	55%
Minimum open space		30%			
SETBACKS					
Front yard setback (minimum)	20 ft.	10 ft.	20 ft.	20 ft.	20 ft.
Side yard setback (minimum)	15 ft.		15 ft.	10 ft.	10 ft.
Side yard setback lot size 2,000-4,000 SF		5 ft.			
Side yard setback lot size 4,001-7,000 SF		5 ft.			
Total of both side yards, lot size 2,000-4,000 SF		10 ft.			
Total of both side yards, lot size 4,001-7,000 SF		10 ft. [1]			
Rear yard setback (minimum)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Rear yard setback for accessory building, detached garages and/or carriage house (minimum)		5 ft.			
BUILDING STANDARDS					
Maximum building height	30 ft.	30 ft.	30 ft.	35 ft.	35 ft.

See Section 180-3.17 for additional standards and exceptions.
Notes:
[1] The minimum total of both side yards for lot sizes 4,001-7,000 sf is ten feet plus one foot for each additional 300 feet of lot area over 4,000 sf to a maximum of 20 feet of total side yard.

180-3.16.2. DIMENSIONAL TABLE: COMMERCIAL/MIXED-USE

TABLE 3-6
SUMMARY OF COMMERCIAL/MIXED-USE DIMENSIONAL STANDARDS

	GW	CO	LI	CC	MU
PROJECT STANDARDS					
Maximum density	16 du/ac			16 du/ac	14 du/ac
Maximum Floor Area Ratio (FAR)		1.0			
LOT STANDARDS					
Minimum lot area	none	none	10,500 sf	3,500 sf	none
Minimum lot frontage	none	none	50 ft.	none	none
Maximum lot coverage	60%			70% [1]	60%
Minimum open space					10% of GFA
SETBACKS					
Front yard setback (minimum)	20 ft.	15 ft.	15 ft.	10 ft. [1]	20 ft.
Front yard setback – Properties on Main Street (minimum)				3 ft.	5 ft.
Front yard setback – Properties on Granite Alley, Galena Alley, Granite Street, and Galena Street (minimum)				5 ft.	
Side yard setback (minimum)	10 ft.	none	none	5 ft. [1]	10 ft.
Side yard setback – Properties on Main Street (minimum)				0 ft.	
Side yard setback – Properties on Granite Alley, Galena Alley, Granite Street, and Galena Street (minimum)				5 ft.	
Rear yard setback (minimum)	10 ft.	10 ft.	10 ft.	5 ft. [1]	10 ft.
Rear yard setback – Properties on Main Street (minimum)				0 ft.	
Rear yard setback – Properties on Granite Alley, Galena Alley, Granite Street, and Galena Street (minimum)				5 ft.	
Setback for alley facing yard – Properties on Granite Alley, Galena Alley, Granite Street, and Galena Street (minimum)				3 ft.	
STEPBACKS					
Minimum stepback for the third and above floors of street-facing wall facades				10 ft.	
BUILDING STANDARDS					
Maximum building height	50 ft. (pitched); 40 ft. (flat)	50 ft. (pitched); 40 ft. (flat)	45 ft. (pitched); 35 ft. (flat)	40 ft. (pitched); 35 ft. (flat)	45 ft. (pitched); 35 ft. (flat)
Maximum building height, first 20 feet in from property line on Galena Street				25 ft. (pitched roof required)	

See Section 180-3.17 for additional standards and exceptions.
[1] For one- or two-unit residential including accessory units only.

180-3.16.3. DIMENSIONAL TABLE: OTHER

TABLE 3-7 SUMMARY OF OTHER DISTRICT DIMENSIONAL STANDARDS			
	OS	PR	PF
BUILDING REQUIREMENTS			
Front yard setback (minimum)		30 ft.	25 ft.
Side yard setback (minimum)		30 ft.	15 ft.
Rear yard setback (minimum)		30 ft.	10 ft.
Maximum building height		25 ft.	25 ft.
See Section 180-3.17 for additional standards and exceptions.			

180-3.17 Additional Dimensional Standards and Exceptions

[Amended 04-09-19, Ord. 19-04]

180-3.17.1. LOT COVERAGE

A. Additional Lot Coverage

In the RL, RM, RH, GW, and MU Districts, if additional lot coverage incentives are utilized, in no instance shall the aggregate lot coverage allowed be more than an additional 12 percent of the lot area.

1. Accessory Dwelling Unit Exceptions

a. In the RL and RM Districts, when a deed-restricted accessory dwelling unit meeting the Town's requirements is constructed, the lot coverage requirements shall be increased such that lot coverage shall not exceed 55 percent of the total lot area.

b. In the RH District, when a deed-restricted accessory dwelling unit meeting the Town's requirements is constructed, the lot coverage requirements shall be increased such that lot coverage shall not exceed 60 percent of the total lot area.

c. In the GW District, when a deed-restricted accessory dwelling unit meeting the Town's requirements is constructed, the lot coverage requirements shall be increased such that lot coverage shall not exceed 65 percent of the total lot area.

2. Building Height Exceptions

a. In the GW District, a five percentage point increase in lot coverage is permitted for every five feet below the maximum height the building(s) is constructed.

b. In the MU District, lower building height exceptions are as follows:

i. A one percentage point increase in the maximum allowable lot coverage shall be permitted for buildings constructed from 41' to 42' in height.

ii. A two percentage point increase in the maximum allowable lot coverage shall be permitted for building constructed from 39' to 40.99' in height.

iii. A three percentage point increase in the maximum allowable lot coverage shall be permitted for buildings constructed from 37' to 38.99' in height.

iv. A four percentage point increase in the maximum allowable lot coverage shall be permitted for buildings constructed from 35' to 36.99' in height.

v. If multiple buildings of varying building heights are constructed on a single parcel, the Community Development Department shall assess this lot coverage incentive in a proportional

amount based on the floor area of each building proposed. In no instance shall this lot coverage incentive result in an increase in more than five percentage points per lot.

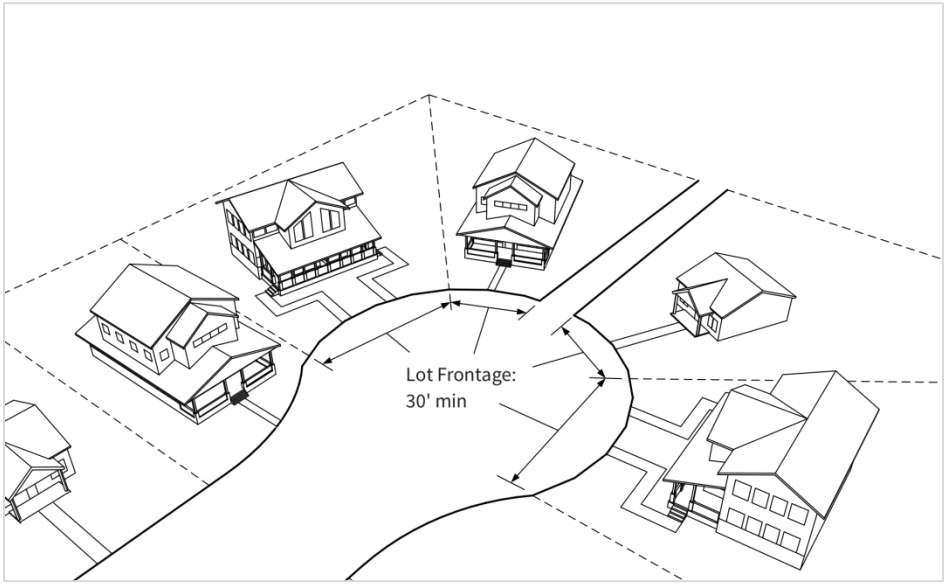
B. Driveway Exceptions

In the RL, RM, and RH Districts, driveways, up to a maximum of 12 feet in width, shall not count towards lot coverage when accessing only rear loaded garages or parking areas.

180-3.17.2. LOT FRONTAGE

A. In the RS, RL, RN, RM, and RH Districts, a lot on the bulbous end of a cul-de-sac may have a minimum of 30 feet lot frontage.

Figure 3-O: Lot Frontage



B. In the RN District, lots with frontage on a street or park or open space area and that have alley/driveway vehicular access may have minimum lot frontages of 30 feet for single-household dwelling units, and 20 feet for individual duplex units.

180-3.17.3. MAXIMUM DENSITY

A. Exceptions to the maximum density requirements may be permitted subject to the affordable housing standards in Section 180-5.5.

180-3.17.4. FLOOR AREA RATIO

In the RN District, for purposes of calculating floor area ratio (FAR), the total floor area of buildings includes all habitable space and garage space, except as provided below. The following items are exempt from the calculation of total floor area for purposes of the FAR calculation:

A. Accessory units and accessory buildings (e.g., sheds) and/or carriage houses.

B. Non-habitable under ground floor space (e.g., crawl spaces).

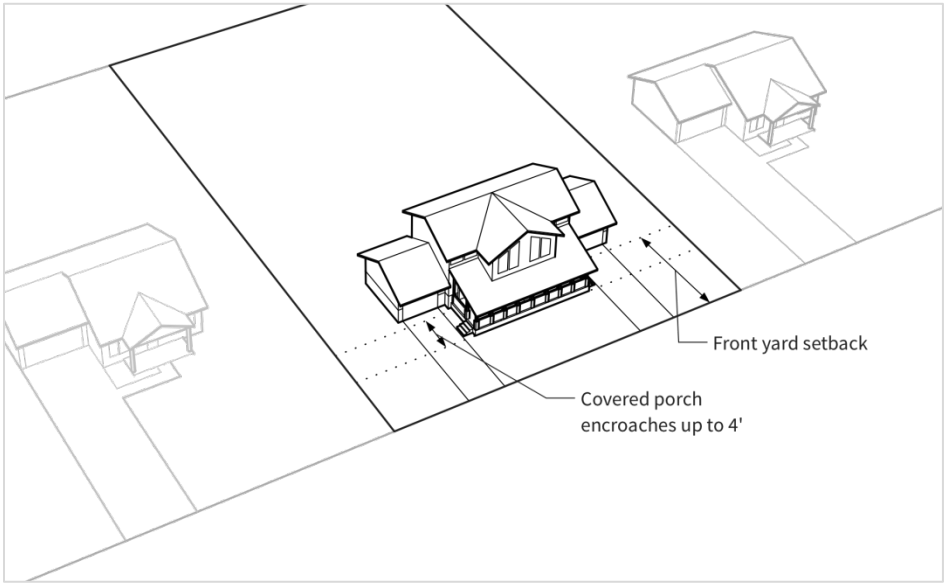
C. Attached and detached garages up to 400 square feet.

180-3.17.5. SETBACKS

A. Front Yard Setbacks

In the RN District, the minimum front yard setback is measured to the building primary frontage. The front yard setback may be reduced to six feet for covered porches located on the ground floor and uncovered second floor decks.

Figure 3-P: Front Porch Setback Exception



B. Side Yard Setbacks

1. In the RN District

When an accessory building, including garages, is located adjacent to a public right-of-way, eaves up to one foot in depth may encroach into the side yard setback.

2. GW District Roof Eave Exception

Upon approval from Planning Commission, and if it adds to the aesthetic character of the structure and meets the intent of the GW District, roof eaves two feet and greater are permitted to encroach up to five feet into the side and/or rear setbacks.

180-3.17.6. DUPLEX RESUBDIVISION EXCEPTION

In the RL, RM, and RH Districts, a duplex dwelling on a lot that meets the requirements set forth in Sections 180-3.16 and 180-3.17 above may be resubdivided, provided that the resulting two lots and the building meet the following minimum requirements:

A. Minimum lot area: 5,250 square feet.

B. Minimum lot frontage: 30 feet.

C. Setback requirements.

1. Front yard:

   RL, RM, and RH Districts: 20 feet.

2. Side yard:

   a. RL District: 15 feet.

b. RM and RH Districts: 10 feet.

c. All-party wall: 0 feet

3. Rear yard:

RL, RM, and RH Districts: 10 feet.

D. The party wall in all such duplex dwellings shall run along and upon the lot line common to the resulting two lots.

180-3.17.7. BUILDING HEIGHT

A. In the PR District, upon Planning Commission approval, a maximum height of up to 35 feet may be permitted when necessary to accommodate for special recreation specific needs and when the following criteria are met:

1. That substantial architectural relief is provided to alleviate the feeling of mass.
2. That the additional height allowance provides a recreational amenity that is unique and desired in Frisco, and is supported in the Master Plan.

B. In the PF District, the Planning Commission may allow a maximum of 35 feet for schools or other public buildings when necessary to accommodate special public, utility, or institutional needs.

180-3.17.8. CEILING HEIGHT

A. In the Central Core District

1. For properties located between Main Street and Galena Alley and for properties located between Main Street and Granite Alley, the ground floor ceiling height for all uses shall be a minimum of ten feet in height.
2. For properties located between Galena Street and Galena Alley and for properties located between Granite Street and Granite Alley, the ground floor ceiling height for non-residential uses shall be a minimum of ten feet in height.

B. In the Mixed Use District

For properties located along Main Street, the ground floor ceiling height for all uses shall be a minimum of ten feet in height.

180-3.17.9. OPEN SPACE

In the RN District, required open space may include areas maintained in a natural or undisturbed state, areas for active recreation, as well as plazas, pathways, sidewalks, landscaping, gardens, water features, fountains, or other similar areas that provide visual relief from the mass of buildings. Open space shall not include space used for driveways, parking areas, dumpster enclosures, or decks, patios and balconies above grade. The list of exclusions herein is not intended to be exhaustive and any item not mentioned may be determined by the Planning Commission and/or Town Council on a case by case basis.

180-3.17.10. DRIVEWAYS

In all zoning districts, driveways shall comply with Chapter 155, Minimum Street Design and Access Criteria.

180-3.17.11. STEPBACKS

In the CC District, the following encroachments into a required stepback are permitted:

A. Roof overhangs, limited to two feet in depth; and

B. Railings, limited to the minimum height required by Chapter 65, Town of Frisco Building Construction and Housing Standards.

Chapter 180, Article 4: Overlay Districts

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180-4.1 General

Development applications within an overlay district shall meet all zoning district regulations with regard to the underlying zoning requirements. In addition, all development applications shall also meet the development regulations specific to each applicable overlay district (see the Town of Frisco Zoning District Map). Where the provisions of the overlay district and the underlying zoning district are in conflict, the provisions of the overlay district shall govern.

180-4.2 Historic Overlay (HO) District

[Amended 03-13-18, Ord. 18-03]

180-4.2.1. PURPOSE

To preserve and promote Frisco's historical heritage. The HO designation is not a requirement for historical properties; rather it encourages the voluntary preservation of historic buildings, preferably on the original site, and properties through incentives and allows for alteration and rehabilitation of historic structures, and the addition of new development of lands designated HO. Inclusion of properties into the HO will enhance the visual, historic, and cultural character of Frisco.

Historic properties within the HO may be eligible for state tax incentives.

180-4.2.2. APPLICABILITY

An owner of a historic building or property within the Town of Frisco may request that the subject property be rezoned to the HO designation. The underlying zone district will remain. Once a property is designated as HO, any incentives described in this section may be requested and, if granted, applied to the entire development site.

180-4.2.3. DESIGNATION OF HISTORIC OVERLAY DISTRICT

Pursuant to the procedures and criteria of this section, the Town Council may, by ordinance:

A. Designate properties that have special historical value as being within the Historic Overlay District. The designation must be accomplished through the amendment procedures as described in Section 180-2.4, Amendments, with the exception of Subsection 180-2.4.1.C, Area Required. Each ordinance shall designate a historic overlay, shall include a description of the characteristics of the historic site that justify its designation, and shall include a legal description of the location and boundaries of the historic site. Any designation shall be in compliance with the purposes and criteria of this section. The property included in any designation shall be subject to the controls and standards of this section.

B. The criteria for designating properties within the Historic Overlay District are as follows:

1. That the structure(s) is at least 50 years old; and
2. That the structure(s) or lot(s) has unique historical significance; and
3. That remodeling has not covered the original significant features of the structure(s), or that the structure(s) has been or is in the process of being rehabilitated to its original configuration and design.

180-4.2.4. PROCEDURES FOR NOMINATING AND DESIGNATING BUILDINGS, PROPERTIES, AND HISTORIC DISTRICTS FOR HISTORIC PRESERVATION

An application for designation may be made by the owner or by 100 percent of owners for a historic district, or the Town, at the owner's or owners' request(s). The Community Development Department shall review the proposal to ensure that the proposed designation conforms with Town policies and plans.

A. Proceedings by the Planning Commission

The Commission shall review the designation through the amendment procedures as listed in Section 180-2.4, Amendments, with the exception of Subsection 180-2.4.1.C, Area Required, and through the public notice procedures listed in Section 180-2.3.5.

The Commission shall review the application for conformance with the criteria in Section 4.2.3.B for designation, and shall recommend either approval, approval with conditions, or denial, and shall refer the proposal with a recommendation to the Town Council:

B. Proceedings by the Town Council

Such designation must be accomplished by Town Council through amendment procedures as listed in Section 180-2.4, Amendments, with the exception of Subsection 180-2.4.1.C, Area Required, and through the public notice procedures listed in Section 180-2.3.5. The Council shall approve, approve with conditions, or deny the proposal for designation. Once a historic property or historic district has been designated by the Town Council as provided above, the Community Development Department shall reflect the designation on the Frisco Zoning Map. After approval, any structural alterations to the designated property(s) shall follow the procedure described in Section 180-4.2.6.

C. Revocation of Designation

For historic structures or properties that have taken advantage of any of the incentives outlined in this Chapter, if the historic structure or feature on the historic property was lawfully relocated or demolished per 180-4.2.7.E, the owner may apply to the Town for a revocation of the historic overlay designation on that property. The Town shall revoke the historic overlay designation if it determines that without the demolished structure or feature, the property no longer meets the purpose, intent, and criteria of this section. For historic structures or properties that have not utilized any of the incentives outlined in this Chapter, the owner shall be entitled to revocation of designation upon filing of the same application and following the review procedures as outlined for the original designation.

180-4.2.5. PURCHASE OF DEVELOPMENT RIGHTS

A. If proposed by the owner of a historic property, the Town may consider purchasing some or all of the remaining market-based development rights, which rights are not utilized with the current development or an approved development application, and which rights would exist prior to a preservation easement. As a condition to utilize this incentive, a preservation easement must be established and granted to the Town or other entity designated by the Town on the subject historic property.

B. The process of purchasing development rights shall be adhered to as outlined in the Town's adopted Historic Preservation Plan, and any related Town policies or plans. Any decision of the Town to purchase or refrain from purchasing any remaining development rights pursuant to this section shall be made in the Town's sole and absolute discretion. It is not the intent of this section to provide any person with a right to have the Town purchase the development rights to their property.

180-4.2.6. ALTERATIONS OF STRUCTURES WITHIN THE HISTORIC OVERLAY DISTRICT

No person shall carry out or permit within a designated historic district any new construction, alteration, rehabilitation, removal/relocation, demolition, or any other structural alteration of a building or other designated feature, without first receiving approval of the proposed work, as described in this section, as well as any other permits required by this Chapter or other ordinances of the Town.

A. Any proposed addition, alteration or rehabilitation to a historic structure or feature must comply with all of the Secretary of the Interior's Standards for Rehabilitation as listed below:

1. A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the structure and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alternations of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

180-4.2.7. INCENTIVES FOR ADDITIONS, ALTERATIONS, AND REHABILITATION TO HISTORIC STRUCTURES, HISTORIC FEATURES, OR NEW DEVELOPMENT ON PROPERTIES WITHIN THE HISTORIC OVERLAY DISTRICT

A. Applicability

Any proposed addition, alteration, or rehabilitation to a historic structure or feature that preserves the integrity of the existing historic property, and meets a minimum of two of the following criteria, and all of the standards in Section 180-4.2.6.A, shall be eligible to utilize some or all of the incentives described in Section 180-4.2.7.C. New development on HO properties is not subject to the standards in Section 180-4.2.6.A, but shall be eligible to utilize some or all of the incentives described in Section 180-4.2.7.C, if it is found in its design, massing, and scale to be sensitive to and compatible with the architectural character of the historic structure(s) on the property, and meets a minimum of two of the following criteria. In evaluating and recommending or deciding upon the granting of incentives, a greater number of incentives may be recommended or granted when a greater number of criteria are met, and fewer incentives may be recommended or granted when a lesser number of criteria are met. Criteria for review are that the development project:

1. The development project protects and preserves the Town's historic and cultural heritage by retaining and/or remodeling aspects of a historic building(s) such as, but not limited to, the facades being compatible with the character of the historic era.
2. The development project promotes economic and financial benefits by enhancing the property and making it more accessible and/or attractive for heritage tourism.
3. The development project includes educational opportunities to increase the public's awareness and appreciation of Frisco's unique heritage.
4. The development project maintains the structural integrity of the historic structure and/or rectifies safety concerns for the structure or brings the structure into greater compliance with life, health, and safety codes;
5. The development project retains some or all of the historic structure(s) on the original site;
6. The structural or use change furthers goals or objectives of the Master Plan; and
7. The development project brings new development/redevelopment on the site that allows for the preservation of historic resources on the site that would not likely occur without the development.

B. Procedure

In the event that an owner of a historic property intends to utilize any or all of the incentives outlined in this section, the development application will require a final decision to be made by the Planning Commission during a public hearing.

C. Incentives

1. Relief from Underlying Zoning Requirements

The following development standards may be modified or waived (up to 100 percent) within the underlying zoning district requirements:

a. Lot coverage

b. Setbacks

c. Lot area

d. Lot frontage

e. Driveway width

f. Density bonus (waiver of all or part of the deed restriction requirement)

g. Ceiling height requirements of the Central Core and Mixed Use Districts

2. Relief from Overlay District Requirements

Overlay district standards may be modified or waived up to 100 percent.

3. Relief from Development Standard Requirements

The following development standards may be modified or waived (up to 100 percent), if applicable:

a. Snow storage

b. Parking and loading

c. Landscaping and revegetation

d. Access

e. Bicycle parking

f. Refuse management

g. Outdoor lighting, but only to the extent necessary to preserve the historic features of a building

h. Non-residential development standards

i. Residential development standards

j. Bulk plane

4. Planning Commission Approval

In the event that an owner of a historic property requests the use of any or all of the incentives outlined in this subsection after such time as the property has been designated by the Town Council as being within the HO district, such request will require a final decision to be made by the Planning Commission after a public hearing on a development application that makes such a request.

D. Unsafe or Dangerous Conditions Exempted

Nothing in this section shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct an unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the Frisco Building Department or Lake Dillon Fire Authority.

E. Demolition of a Historic Structure or Feature in the Historic Overlay District

Before demolition may occur, an owner of a designated historic property must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. Review Criteria for Total Demolition

a. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure; and

b. The structure cannot be rehabilitated or reused onsite to provide for any reasonable beneficial use of the property; and

c. The structure cannot be practically moved to another site in Frisco; and

d. The applicant demonstrates that the proposal mitigates the following to the greatest extent practicable:

   i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.

   ii. Any impact on the historic importance of the structure(s) located on the property and adjacent properties.

   iii. Any impact to the architectural integrity of the structure(s) located on the property or adjacent properties.

e. In the case of archaeological sites or relocation of a historic structure, consideration will be given to whether information can be recovered as part of the demolition or relocation process.

2. Review Criteria for Partial Demolition or Relocation

a. The partial demolition or relocation is required for renovation, restoration or rehabilitation of the structure in its present location or future site; and

b. The applicant has mitigated to the greatest extent possible:

   i. Impacts on the historic importance of the structure(s).

   ii. Impacts on the architectural integrity of the structure(s).

c. In the case of archaeological sites or relocation of a historic structure, consideration will be given to whether information can be recovered as part of the demolition or relocation process.

F. Procedures for Alterations or Demolition of Structures within the Historic Overlay District

1. Department Review

The Community Development Department shall maintain a current record of all designated historic district areas and pending designations. The Community Development Department will review all development application information within these areas by the criteria as noted in Section 180-4.2.6, and make a determination as to whether there would be a significant impact or potential detriment to the historical character of the site as a result of the proposal. If no significant impact is determined and the structural change is considered to be minor, the Community Development Department may approve these applications without Planning Commission review. The Community Development Department shall provide updates of all changes to buildings within an HO to the Planning Commission.

2. Planning Commission Review

If the Community Development Department determines that there may be a significant impact or potential detriment to the historical character of the site as a result of the proposal, or if any incentive is requested as noted in Section 180-4.2.7, or if a permit application for demolition of a historic structure(s) has been received, then the application will be forwarded up to the Planning Commission for review and decision. Additional information, such as but not limited to comments or analysis from a historic preservation specialist, may be requested if it is determined to be beneficial for a comprehensive review of the application.

G. Construction on Proposed Buildings

No person shall receive a permit to construct, alter, remove, or demolish any structure or other feature on a proposed historic property after an application has been filed to initiate the designation of such property as HO and designation status is pending.

180-4.2.8. PROPERTY MAINTENANCE AND ENFORCEMENT

A. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of structures within designated historic district properties. No owner, lessee, or occupant of any building within the HO shall allow significant deterioration of the exterior of the structure.

B. The Community Development Department shall notify the property owner, lessee, or occupant of the designated historic district property of the need to repair, maintain, or restore the property. The Town shall assist the owner, lessee, or occupant in determining how to preserve the property and shall provide the owner with possible incentives and a reasonable time to perform such work.

180-4.2.9. WAIVER OF FEES

At the discretion of the Community Development Director for purposes such as but not limited to fiscal ability, any and/or all planning and building application fees may be waived for designation into the Historic Overlay District, and/or for review of development applications that occur within the Historic Overlay District.

180-4.2.10. ENFORCEMENT PENALTIES

No person shall violate or permit to be violated the requirements of this section. Violations of this section are punishable as provided in Section 180-1.7.

180-4.3 Planned Unit Development Overlay (PUD) District

180-4.3.1. MAXIMUM DENSITY

The allowable density on the total site shall not exceed the density allowed in the underlying zoning district with the following exceptions.

A. Accessory Dwelling Unit Exemption

Any accessory housing unit meeting the Town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 100 percent of the area median income, at a rate established by the Summit Combined Housing Authority for that income level, and pursuant to other criteria as established from time to time by the Town or the Summit Combined Housing Authority.

B. Affordable Housing Exemption

A density bonus over the maximum allowable density is available. A density bonus is an increase in the allowable number of dwelling units over the maximum density, provided that:

1. A minimum of 50 percent of the total number of bonus units is provided as affordable housing; or
2. For each bonus dwelling unit allowed, at least two affordable housing units are provided on property outside of the subject property, but within the Town of Frisco or within one mile of any corporate limit of the Town of Frisco.

180-4.3.2. DEVELOPMENT STANDARDS

A. A minimum of 55 percent of the site shall be devoted to usable open space. The Planning Commission may determine whether portions of stream areas, floodways, floodplains, wetlands, accessible bodies of water and outdoor recreational facilities may or may not be included in the calculation of usable open space as defined in Chapter 180, Article 9. In making such a determination, the Planning Commission shall consider the following criteria:

1. The relationship of these areas to other areas, structures, and uses within the planned unit development.

2. The degrees to which these areas contribute to the quality, aesthetics, and overall objectives of the planned unit development.

B. The development shall be made accessible by public streets that conform to the street standards established by the Town of Frisco's Minimum Street Design and Access Criteria, Chapter 155, and shall provide direct access to the existing street system.

C. Structures within the planned unit development shall be placed no closer than thirty (30) feet from the planned unit development boundary line, provided that this provision may be modified subject to Planning Commission approval, if the Commission finds the following to be true:

1. That the interests of the Town concerning harmonious design, environmental amenities, and the efficiency of public services are thereby enhanced.

2. That the modification has no adverse effect on neighboring properties.

3. That it is consistent with the purposes of the planned unit development regulations.

D. No building shall be more than 35 feet in height unless a review of the following factors indicates no adverse impacts will occur if this height is exceeded:

1. Building orientation in relation to the natural and built environment.

2. Adverse visual effects to adjoining districts or property owners, including potential problems caused by shadows, loss of solar access, or loss of view.

3. Other related impact(s) to existing uses in the area.

E. Planned unit developments shall be required to meet all requirements specified in Chapter 180, Article 6, including, but not limited to, signage, parking, steep slope, snow storage, lighting and landscaping regulations.

F. If the Planned Unit Development is located within an overlay district, all applicable requirements of that overlay district shall be met.

Chapter 180, Article 5: Use Standards

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180-5.1 Table of Allowed Uses

[Amended 04-09-19, Ord. 19-04]

Table 5-1 lists the uses allowed within all base zoning districts. All uses are defined in Chapter 180, Article 9, Definitions. Approval of a use in Table 5-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other uses not specifically allowed in Table 5-1 nd approved under the appropriate process is prohibited.

180-5.1.1. EXPLANATION OF TABLE SYMBOLOGY

Table 5-1 identifies allowable uses and applicable procedures according to the following:

A. 4 Permitted use by-right

B. 2 Conditional use

C. A blank cell indicates that the use is not permitted in that zoning district.

180-5.1.2. TABLE ORGANIZATION

Table 5-1 organizes the allowable uses by use category based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a basis for assigning present and future uses into appropriate zoning districts. Specific use types are not included in multiple use categories. These categories are intended only for the purposes of indexing and not for regulatory purposes. The far right-hand column references additional standards that are applicable to a particular use.

180-5.1.3. GENERAL USE RESTRICTIONS

No building or structure shall be erected, moved, altered, enlarged, or used except as set forth in this Chapter and in the regulations specified for the district in which the property is located. No building permit shall be issued for a use not specifically mentioned or described by category in this Chapter. In such case before a building permit is issued, the Planning Commission shall recommend to the Town Council the use group in which the use shall be allowed. The Council shall consider such recommendation and may assign the use to a use group by amending this Chapter.

180-5.1.4. CLASSIFICATION OF NEW AND UNLISTED USES

A. When a proposed land use is not specifically listed in Table 5-1, Table of Allowable Uses, the Director shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. In making this determination, the Director shall consider the scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties. The Director's interpretation shall be made available to the public and shall be binding on future decisions of the Town until the Director makes a different interpretation or this Chapter is amended to treat the use differently. Should the Director determine no similar use is listed within this Chapter, the Director shall have the right to delay making a determination pending legislation adoption, or to propose the addition of a new use to the Table of Allowable Uses through an amendment to this ordinance as described in Section 180-2.4.3, Code Text Amendments.

B. Appeal of the Director's decision may be made to the Town Council following the procedures under Section 180-2.7.1.

C. On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Director may initiate an application for a text amendment to this Chapter in accordance with Section 180-2.4.3, Code Text Amendments, to list the use or structure in Table 5-1 as a permitted use, conditional use, or special use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Director shall be binding.

180-5.1.5. TABLE OF ALLOWED USES

TABLE 5-1 TABLE OF ALLOWED USES

4 = Permitted 2 = Conditional Use
Blank cell = Not allowed

Use Category	Use Type	Residential					Commercial/ Mixed-Use					Other			Use-specific Standards
		RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF	
RESIDENTIAL USES															
Group Living	Group care facility					2	2				2				
	Senior housing					2	2				2				
Household Living	Cabin housing		4	4	4	4				2	2				180-5.2.1 *on Granite & Galena Streets only
	Duplex and two-unit townhomes		4	4	4	4				4	4 2				180-5.2.8
	Fractional ownership unit					2	4			2	2				
	Multi-unit dwellings				4	4	2			4	4 2				180-5.2.8
	Single-household detached dwelling	4	4	4	4	4				4	4 2				180-5.2.8
	Townhomes, attached or standalone			4	4	4				4	4 2				180-5.2.8
PUBLIC, INSTITUTIONAL, AND CIVIC USES															
Community and Cultural Facilities	Activities for conservation of natural resources and the environment	4	4	4	4	4	4	4	4	4	4	4	4	4	
	Arts and entertainment center						4	4		4	4				
	Community center					2	2	4		4	2			4	
	Church or place or worship and assembly			2	2	2				2	2			2	
	Homeowner association recreation facility	2		2	2	2									
Child Care Facilities	Child day care center		2	2	2	2		2			2				
	Family day care	4	4	4	4	4									
Educational Facilities	School, Type 1			2	2	2					2			2	
	School, Type 2			2	2	2		2			2			2	
	School, Type 3							2			2			2	
Institutional Uses	Institutional use	2	2	2	2	2	4	4	4	4	2		2	4	
Parks and Open Space	Active recreation												4	4	
	Common area	4	4	4	4	4									
	Common building		4												
	Marina										4		4		
	Open space	4	4	4	4	4	4	4	4	4	4	4	4	4	
	Park	4	4	4	4	4				4			4		
	Passive recreation and open space use (no site disturbance; compatible with natural state)											4	4		

TABLE 5-1 TABLE OF ALLOWED USES

4 = Permitted 2 = Conditional Use
Blank cell = Not allowed

Use Category	Use Type	Residential					Commercial/ Mixed-Use					Other			Use-specific Standards
		RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF	
	Passive recreation and open space use some site disturbance; compatible with natural state)											2	4		
	Public or private active and/or passive recreation area												4		
Public Utilities and Facilities	Public improvement	4	4	4	4	4	4	4	4	4	4	4	4	4	
	Public utility facility	2	2	2	2	2	2	2	2	2	2	2	2	4	
	Telecommunication facility (standard)						4	4		4	4			4	180-5.2.11
	Telecommunication facility (low power)	4	4	4	4	4	4	4	4	4	4	4	4	4	180-5.2.11
	Transit oriented facility and use						4	4		2	2			4	
COMMERCIAL USES															
Agriculture Uses	Community garden	2	2	2	2	2	4	4	2	2	2	2	4	4	
	Farmers' market						2	2		2	2		2	2	180-5.2.2
	Plant nursery or greenhouse						2	4	4		2		2		
	Produce stands						4	4		4	4				180-5.2.7
Food and Beverage	Fast food restaurant						4	4		4	2				
	Microbrewery, distillery and/or tasting room						4	4		4	4				
	Restaurant, bar, tavern						4	4		4	4		2		
Lodging Facilities	Boarding, rooming, and lodging facility				2	4	4	2			2				
	Condominium hotel						4			2	2				
	Hostel						4	2		2	2				
	Hotel and motel						4	2		4	2				
Offices	Financial service						4	4		4					
	Medical office						2	4	4	4	4				180-5.2.12
	Office					2	2	4	4	4	4				180-5.2.12
Parking Facilities	Parking facility						2	2		2	2		2		
Personal Services	Personal services, General					2	4	4		4	4				
	Laundromat, Commercial/ Industrial								4						
	Laundromat, Self-service					2	4	4		4	4				
Recreation and Entertainment	Health, recreation, and exercise establishment						4	4	2	4	2		4		
	Indoor arts and entertainment center					2									
Retail	Artisan studio or gallery						4	4		4	4				
	Light retail						4	4	2	4	4		2		
	Medical marijuana dispensary						4	4	4		4				180-5.2.6

TABLE 5-1 TABLE OF ALLOWED USES

4 = Permitted 2 = Conditional Use
Blank cell = Not allowed

Use Category	Use Type	Residential					Commercial/ Mixed-Use					Other			Use-specific Standards
		RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF	
	Professional trade								4						
	Professional trade retail								4						
	Regional retail						4	4							
	Retail marijuana						4	4	4		4				180-5.2.9
	Sexually-oriented business						4	4	4	4	4				180-5.2.10
	Showroom								4						
Vehicles and Equipment	Auto, boat, and recreational vehicle sales or leasing						2	2							
	Auto fuel sales						2	4			2				
	Auto service or wash						4	4	4						
	Light goods repair						4	4	4	2	4				
Veterinary Services	Animal boarding or training						2	2	2		2				
	Veterinary clinic						2	4	4		2				
INDUSTRIAL USES															
Industrial Service and Research	Commercial firewood cutting and storage								2						
	Research and development							2	4						
Manufacturing and Production	Light manufacturing							2	4	2					
	Repair and light fabrication workshop							2	4						
Warehouse and Freight Movement	Storage facility								4						
	Warehouse								4						
	Wholesale business							2	4						
ACCESSORY USES															
Accessory Uses	Accessory building and use	4	4	4	4	4	4	4	4					4	
	Accessory dwelling unit	2	4	4	4	4	4	4	4	4	4		2	2	180-5.3.1
	Home occupation	2	2	2	2	2				2					
	Home office	4	4	4	4	4	4	4		4	4				
	Solar energy facility	4	4	4	4	4	4	4	4	4	4	4	4	4	180-5.3.3
	Electric Vehicle Charging Station	4	4	4	4	4	4	4	4	4	4	4	4	4	

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

180-5.2 Use-Specific Standards

[Amended 08-08-17, Ord. 17-06; 04-09-19, Ord. 19-04]

180-5.2.1. CABIN HOUSING

A. Purpose

To provide an opportunity for innovative neighborhood housing development in the Town of Frisco. This type of development allows for an increase in density for small, compact homes to be built on a development site. This type of housing is intended to:

1. Provide housing that meets the needs of a diversity of household demographics (e.g., retirees, small families, single person households);
2. Provide opportunities for ownership of small, detached dwelling units in many Frisco neighborhoods;
3. Increase the affordable housing supply;
4. Encourage the creation of usable outdoor space for residents through flexibility in design;
5. Provide development regulations to ensure the compatibility of cabin housing developments with surrounding land uses and encourage the preservation of Frisco's small mountain town character; and
6. Encourage energy efficient structures.

TABLE 5-2
CABIN HOUSING
DIMENSIONAL STANDARDS

	PROJECT STANDARDS
Maximum density	One and one-half times the maximum number of dwellings allowed in the underlying zoning district
	LOT STANDARDS
Minimum lot area	Same as underlying zoning district
	SETBACKS
Minimum front yard setback	10 ft.
Minimum side yard setback	5 ft.
Minimum setback – corner lot, from all street property lines, except alleys	10 ft.
Minimum rear yard setback	5 ft.
Minimum distance between structures [1]	10 ft.

[1] As measured from any point on any structure to any other point on any other structure including portions of a roof eave or deck.

B. Description

A cabin housing development is a grouping of small, single-household detached dwelling units, clustered around a common area or courtyard and developed through a unified site plan. The small size, shared common area and coordinated design accommodates densities that are higher than what is otherwise allowed in the underlying zoning district while minimizing impacts on adjacent properties.

C. Dimensional and Other Standards

1. Floor Area

The gross floor area for dwelling units within a cabin housing development shall be as follows:

a. The maximum size for a cabin housing unit shall not exceed 1,200 square feet (including all levels, but excluding basements and attached garages).

b. To ensure a range of sizes, no more than 50 percent of the cabin housing units proposed on a parcel shall be larger than 1,000 square feet in gross floor area (including all levels, but excluding basements and attached garages).

c. The gross floor area for the second story of any cabin housing unit may not exceed 70 percent of the gross floor area of the ground floor (the portion of the structure that is at grade) for that unit.

2. Crawlspaces and Basements

Basements or other similar below-grade living areas are permitted in a cabin housing development. A basement shall not exceed the gross floor area of the ground floor of the unit and shall be located primarily below the grade of the property so as not to be visible when viewed from the ground level. No more than 30 percent of the wall area of the basement may be above the finished grade and visible. A basement, regardless of its configuration or intended use, shall provide an egress window meeting the requirements of Chapter 65, Town of Frisco Building Construction and Housing Standards. Crawlspaces located below grade are permitted, but shall not exceed the gross floor area of the ground floor for the unit. Crawlspaces shall not be habitable living space as defined by Chapter 65, Town of Frisco Building Construction and Housing Standards. A crawlspace area may be used for storage, mechanical equipment, or other similar uses that do not involve habitation.

3. Front Porches and First Floor Heights

A covered front porch shall be built on each cabin housing unit. Front porches are excluded from the gross floor area and lot coverage restrictions. Front porches shall be designed to be in scale with the cabin housing unit and the overall development. First floor ceiling heights are not limited by other provisions in the chapter.

4. Affordable Housing Requirement

All cabin housing development proposals of five units or more shall provide affordable housing meeting the Town's affordable housing requirements and guidelines in the following amounts:

a. Five to eight units: one affordable unit

b. Nine to 12 units: two affordable units

c. Greater than 12 units: 25 percent of the total number of units

5. Design

Each cabin housing unit shall be designed to appear as a small cabin that is reflective of Frisco's historic architecture in terms of its small scale, pitched roof, has the appearance of natural siding, and miner's-cabin influenced past. Modern or eclectic designs may be approved by the Planning Commission if it finds that the more modern or eclectic design is reflective or rationally related to Frisco's historic architecture in terms of its small scale, pitched roof, natural siding, and miner's cabin influenced past. In addition, each of the following requirements shall be met for each cabin housing development:

a. Common usable open space shall be provided within the cabin housing development in an amount of not less than 400 square feet per cabin housing unit. The common usable open space shall be in a location within the development so that it may be practicably available for shared use by all residents. Common usable open space shall meet the Town's definition of usable open space found in Chapter 180, Article 9 of this Chapter. (For example, for an eight-unit development, 3,200 square feet of common usable open space would be required.) The Planning Commission may alter the amount of required common usable open space and lot coverage if it finds that, due to the layout of the development or unique site or location conditions, the residents will have adequate outdoor living space.

b. A minimum of 200 square feet of private usable open space shall be provided for each unit within a cabin housing development. This private space shall be located contiguous and adjacent to each unit and is for the exclusive use of the adjacent unit. It shall be oriented towards the common open space as much as possible, with no dimension less than ten feet. Notwithstanding any other provision of this Chapter, a partially covered deck and/or patio is permitted to be within the private usable open space area.

c. There shall be a maximum building height limit for each cabin housing unit of 20 feet. In those instances where a structure has a 12/12 roof pitch or greater, then the maximum building height limit may be up to 22 feet.

d. Notwithstanding any other provision of this Chapter, on-site parking areas shall be provided in the amount of one parking space per bedroom, with a maximum of two parking spaces required per unit. For cabin housing developments of four units or more, the following visitor parking shall be provided:

   i. Four to six units: one space

   ii. Seven to ten units: two spaces

   iii. Greater than ten units: 25 percent of the total number of units

e. A common or private detached garage or carport is permitted, provided that the architecture of the garage structure is similar to the residential units. If a common or private garage or carport is not provided, then parking for the development may be provided in common and/or private parking spaces(s).

f. Garages constructed underground are permitted as long as the topography of the site allows for construction. No more than 30 percent of the wall area of the garage may be above the finished grade and visible.

g. Attached garages and carports are permitted as long as the following requirements are met:

   i. The maximum size of the garage or carport shall be nor more than 350 square feet in area;

   ii. Window designs shall be similar to the appearance of the windows of the cabin and shall be located on all external walls of the garage;

   iii. Architectural materials and color of the garage door or carport shall be similar to the residential structure;

   iv. The driveway for an attached garage or carport shall not exceed 12 feet in width;

   v. A minimum distance of 20 feet from the face of the garage or carport to the property line facing a public right-of-way is required.

h. Storage sheds that are designed with the same materials and colors as the cabin units are permitted so as long as the storage shed is attached entirely on one side to the cabin unit and does not exceed 50 square feet of floor area. The floor area for an attached storage shed is exempt from the floor area calculation for the cabin unit, but is subject to cabin housing setback requirements.

i. A common building for guest housing, joint cooking facilities, recreation, or similar uses is permitted as long as the structure appears as a residential structure and has architecture that is similar to the residential units. This space may be located over a garage.

j. Notwithstanding any other provision of this section, if a cabin housing unit is to be constructed on a lot that has existing development, then the architecture of the cabin housing unit shall be similar to that of the existing structure(s).

k. The following features are encouraged within cabin housing developments:

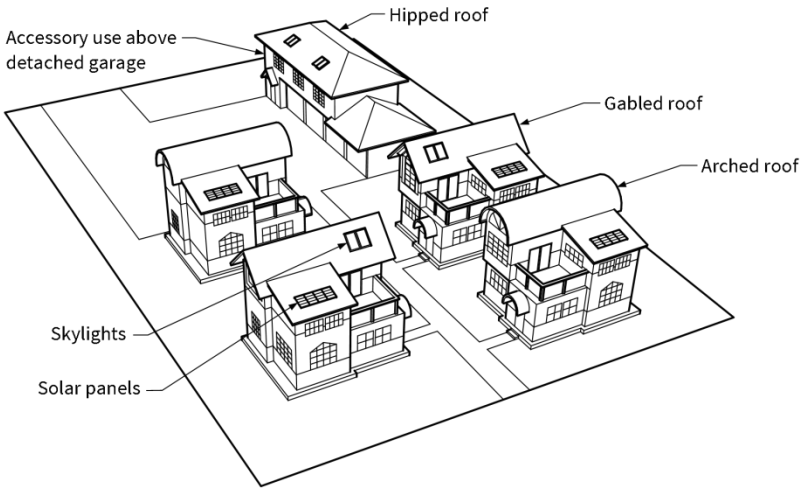
   i. Shed, gabled, arched, or hipped roof forms;

   ii. Skylights and/or solar panels;

   iii. Metal roofs; and

   iv. Accessory units above garages. Accessory units cannot be used to meet the requirement for deed restricted units.

Figure 5-A: Cabin Housing Design



180-5.2.2. FARMERS' MARKETS

This use may sell food, food products, arts, and crafts prepared on- or off-site, as long as its principal ingredients or components are grown on-site or within Colorado.

180-5.2.3. OUTDOOR STORAGE AREAS

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 refuse containers and all new development.

C. General Provisions

1. Screening

a. Outdoor storage (including 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 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.

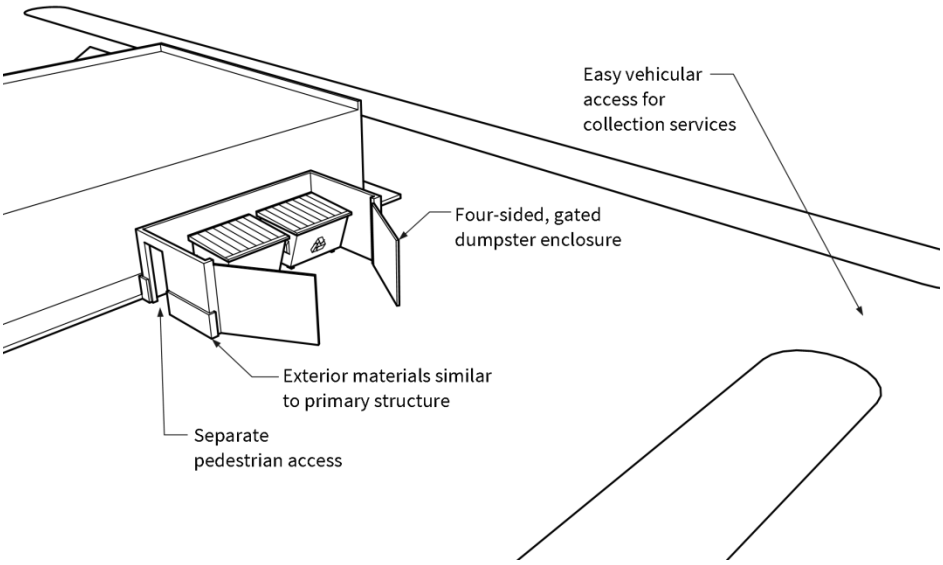
iii. Dumpster enclosures shall be designed to provide a separate pedestrian access into the enclosure.

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. Vehicle Access to Outdoor Storage Areas

If the manner of outdoor storage or collection requires vehicular access, it shall be provided in a manner that does not impair vehicular or pedestrian movements along public rights-of-way, including sidewalks and public trails.

180-5.2.4. OUTDOOR COMMERCIAL ESTABLISHMENTS

A. Purpose

Outdoor commercial establishments allow a transient or mobile commercial use and/or structure not otherwise allowed under the Town's Zoning Chapter to locate within the Town on any non-residential property with the owner's consent. This section is intended to allow outdoor commercial establishments which contribute to the pedestrian and small mountain town atmosphere of the Town by permitting certain outdoor commercial uses.

B. Permit Approval

It shall be unlawful to construct, erect, or use, or to cause to be constructed, erected, changed, or used, in any zoning district of the Town, any outdoor commercial structure, or equipment, or to engage in an outdoor commercial use, unless and until an outdoor commercial establishment permit has been approved by the Community Development Department as provided in this Section 180-5.2.4. At the discretion of the Community Development Department, any application for an outdoor commercial establishment permit may be referred to the Planning Commission for approval.

C. Permitted Uses

1. Outdoor commercial establishment permitted uses include and are limited to the following: mobile food vendors, including carts and trucks, mobile vendors of merchandise, sale of merchandise, such as for sidewalk sales and other special events, seasonal farmer's markets and other similar fresh food sales, temporary art and craft fairs and festivals, seasonal holiday sales, and community events.
2. Mobile vendors are defined as mobile carts and trucks that are under independent ownership from an established business located within a building in Frisco.
3. The following criteria apply to mobile vendors along Main Street between Madison Avenue and Summit Boulevard:
    a. There shall be no more than one mobile vendor per each Main Street block. For purposes of this section, a Main Street block is defined as both sides of Main Street between any two intervening cross streets. Issuance of an outdoor commercial establishment license for such use shall be on a first come first serve basis, based upon the date of a complete application for the use.
    b. All Mobile Vendor structures or equipment shall not utilize temporary tents, and each outdoor commercial establishment must be able to secure the structure or equipment utilized each night while not in use.
    c. All outdoor commercial use that includes the sale of food shall remove any food item and trash from the structure or equipment each night while not in use.
    d. No Mobile Vendor may be in operation and open for business during more than 180 days in any calendar year.
4. Exemption: Not withstanding any of the forgoing, any Town-sponsored outdoor community-wide events and festivals, held on Town-controlled property or on private property with permission of the property owner, are exempt from the regulations under this section.

D. Permit Review Criteria

The Community Development Department shall approve an application if all of the foregoing and following applicable criteria and specific regulations are met or may deny an application for failure to meet the foregoing or following applicable criteria and specific regulations, or may impose such conditions of approval as may be necessary for approval of an outdoor commercial establishment permit to ensure that all of the following applicable criteria and specific regulations are met:

1. The allowance of such outdoor commercial establishment will not be detrimental to the public health, safety, or general welfare, and the outdoor commercial establishment is compatible with the purpose

and intent of this Chapter and the specific zoning district in which the outdoor commercial establishment is proposed.

2. The outdoor commercial establishment is compatible in intensity of use, characteristics, and appearance with the existing land uses in the immediate vicinity of the proposed location. The use, value, and qualities of the neighborhood surrounding the proposed location will not be adversely affected by the outdoor commercial establishment or activities within it. Factors such as location, access, traffic generation, noise, lighting, parking, dust control, hours of operation, and structure, height, size, and appearance will be considered.
3. The applicant shall provide as part of their application written consent from the property owner. If the outdoor commercial establishment is to be located partially or entirely on Town property, approval of the Town Council is required.
4. Adequate parking is to be provided to serve the outdoor commercial establishment. The outdoor commercial establishment must not be located on or displace required parking spaces, including off-site spaces, seasonal snow storage areas (from October 31st to April 15th) or loading areas of the principal permitted uses on the site. Required parking will be calculated based on the Town's parking requirements in Section 180-6.13 of this Chapter. Parking required for the outdoor commercial establishment shall be paved unless the applicant provides a method to minimize air pollution or dust on the property and on adjacent properties.
5. No food or drink may be sold except in accordance with the standards and written approval of the Summit County Environmental Health Department, such approval must be submitted at time of application to the Community Development Department
6. All lighting proposed for the outdoor commercial establishment shall meet the requirements of Section 180-6.16, Outdoor Lighting. No spot lights shall be permitted.
7. It shall be unlawful for any outdoor commercial establishment merchandise or other promotional materials to hang from any building facade or door or from any foliage, and no outdoor commercial establishment shall block any window, door, or architectural feature of a building.
8. Outdoor commercial establishments shall not be located within the right-of-way of any Town street or alley without the approval of the Town Council. Outdoor commercial establishments, upon approval from the Community Development Department and Public Works Department, may be allowed within the Town's three foot sidewalk easement adjacent to both sides of the Main Street right-of-way as long as the outdoor commercial establishment does not significantly impede pedestrian traffic, snow removal, or general maintenance activities.
9. No outdoor commercial establishment will be approved in a residential zoning district under this section of the Town Code or in an area where exclusively residential uses exist.
10. Mobile Vendors. In addition to meeting all other requirements of this section, mobile vendor structure or equipment must provide for trash disposal and remove trash daily. Mobile vendor structure or equipment may not exceed 100 square feet in area.
11. Formal seating areas are not permitted for any mobile vendor structure or equipment.
12. An outdoor commercial establishment is limited to a maximum of ten square feet of signage, including any banners, and such signage may not be affixed to any building. No other items intended to draw attention to the outdoor commercial establishment are permitted (such as balloons, flags, etc.). All other requirements of Section 180-6.19 as amended from time to time, shall apply.
13. For outdoor commercial establishments on Town-controlled property, at the discretion of the Town Council, financial security may be required to ensure compliance with any condition of approval and/or to ensure that the subject property is restored to its original use and condition.

14. Before an outdoor commercial establishment involving the sale of merchandise or food may begin, the applicant's business must have a valid business license from the Town Clerk's office.

E. Application

Application for an outdoor commercial establishment permit shall include:

1. A general development application form obtained from the Community Development Department.
2. A plan showing property lines, existing and proposed features relevant to the outdoor commercial establishment, the location of the outdoor commercial establishment in relationship to uses and structures in the immediate vicinity, setbacks from property lines, fencing or screening, lighting, trash receptacles, sign locations, parking, and anticipated circulation patterns. An application for an outdoor commercial establishment shall include drawings or pictures of any structure or equipment including elevations and a description of colors and materials proposed.
3. A letter of intent explaining the nature of the outdoor commercial establishment including but not limited to the time period requested, hours of operation.
4. Such other information as may be deemed necessary by the Community Development Department for the purposes of evaluating the application.
5. Payment of the applicable permit fee and security deposit, if any. If determined necessary by the Community Development Department or Town Council, financial security may be required to ensure compliance with any and all conditions of approval and/or to restore the subject property to its original use and condition.

F. No Vesting of Outdoor Commercial Establishments

A development application for and an approval of an outdoor commercial establishment shall not constitute nor be interpreted by any property owner, applicant or court as a site specific development plan entitled to vesting under Article 68 of Title 24 of the Colorado Revised Statues. Outdoor commercial establishments shall be considered transitory at all times and shall not vest. The failure of an applicant to adhere to any condition of approval for an outdoor commercial establishment shall result in the immediate forfeiture of approval and such establishment and the use of any accompanying structure or equipment shall immediately cease and may be subject to abatement as a public nuisance as provided for in the Code of the Town of Frisco.

G. Appeals

Any appeal of the Community Development Department decision regarding an outdoor commercial establishment permit shall be made in accordance with Section 180-2.7.1 of this Chapter.

H. Expiration of Approval

If a holder of an approved outdoor commercial establishment fails to renew the Town's annual business license within six months of receipt of said license renewal, the previously approved outdoor commercial establishment permit shall be deemed to be expired. An application for a new outdoor commercial establishment permit meeting all of the standards of this Section 180-5.2.4 will be required.

I. Approval

Any change in use or location of an approved outdoor commercial establishment shall require a new outdoor commercial establishment application be submitted to the Community Development Department for review.

J. Nonconformity

Any existing outdoor commercial establishment approved prior to the adoption of the current requirements may continue to operate under the conditions of approval.

K. Fire Extinguisher Requirement

All mobile vendors with any heat source, and any mobile vendor using electricity for the purposes of operating equipment are required to have an approved fire extinguisher with a classification of 2-A:101B:C at the location of the outdoor commercial establishment.

180-5.2.5. MOBILE HOMES AND CAMPERS

A. Permitted Occupancy

Mobile homes and mobile home parks are not permitted in Frisco. Campers may be occupied only within a campground.

B. Mobile Home Parks

Mobile home parks existing as of the effective date of Ordinance 03-14 shall conform to the following requirements:

1. No mobile home park shall contain more than 22 mobile homes per acre.
2. Each mobile home site shall have an area of not less than 5,000 square feet.
3. Mobile homes shall not be closer to each other or other structures than ten feet end to end or 20 feet laterally.
4. Each mobile home site shall be serviced with water and sanitary sewage suitable for permanent connection.
5. No mobile home shall be placed within 100 feet of a street line or 40 feet of any other lot line.
6. Mobile home parks must have approved access from the Planning Commission and the Lake Dillon Fire Authority.

C. Campgrounds

Campgrounds shall conform to the following minimum requirements:

1. A minimum lot area of ten acres is required.
2. Each rental site shall have an area of not less than 2,500 square feet and a width of not less than 40 feet in its smallest dimension.
3. If each rental site is not serviced with water and sanitary drainage, common sanitary facilities shall be provided.
4. No rental site for overnight occupancy shall be placed within 100 feet of a street line or 40 feet of any other lot line.
5. No campground shall be occupied by the same person for more than six continuous months in any twelve month period.
6. Campgrounds must receive approval of access and circulation by the Frisco Public Works Department, Planning Commission, and The Lake Dillon Fire Authority.

180-5.2.6. MEDICAL MARIJUANA DISPENSARIES

A. Purpose and Intent

The purpose of this section is to implement the provisions of Article 43.3 of Title 12, C.R.S., known as the Colorado Medical Marijuana Code, and to regulate medical marijuana businesses in the interest of public health, safety, and general welfare. In particular, this section is intended to regulate the sale and distribution of marijuana in the interests of patients who qualify to obtain, possess, and use marijuana for medical purposes under Article XVIII, Section 14 of the Colorado Constitution. Nothing in this section is intended to

promote or condone the sale, distribution, possession, or use of marijuana in violation of any applicable law. Compliance with the requirements of this section shall not provide a defense to criminal prosecution under any applicable law.

B. Other Laws

If the state adopts any stricter regulation governing a medical marijuana business than that set forth in this section, the stricter regulation shall control the establishment or operation of any medical marijuana business in the Town. A licensee shall be required to demonstrate, upon demand by the local licensing authority, or by law enforcement officers, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with applicable state regulation. If the state prohibits the sale or other distribution of medical marijuana, any license issued under this Section shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress by the licensee. The issuance of any license pursuant to this section shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution, or use of marijuana.

C. Licensing Authority Created

There shall be and is hereby created a Medical Marijuana Licensing Authority hereafter referred to in this section as the "Authority."

D. Composition of the Authority

The Authority shall be the Town Clerk.

E. Functions of the Authority

The Authority shall have the duty and authority pursuant to the Colorado Medical Marijuana Code and this section to grant or deny licenses, as well as all powers of a local licensing authority as set forth in the Colorado Medical Marijuana Code. The Authority shall have the power to: (i) promulgate rules and regulations concerning the procedures for hearings before the Authority; (ii) require any applicant or licensee to furnish any relevant information required by the Authority; and (iii) administer oaths and issue subpoenas to require the presence of persons and the production papers, books and records at any hearing that the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by a district court of the state.

F. License Required; Term of License; Renewal Application

1. It shall be unlawful for any person to establish or operate a medical marijuana business in the Town without first having obtained from the Town and the state a license for each facility to be operated in connection with such business. Such licenses shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current license shall constitute a violation of this section.

2. Any license issued by the Authority under this section shall expire at such time as any license then issued by the state or the medical marijuana business expires.

3. An application for renewal of an existing license shall be made on forms provided by the Town and the state. At the time of the renewal application, each applicant shall pay a nonrefundable fee to the Town in the amount of $1,500.00 to defray the costs incurred by the Town for review of the application and inspection of the proposed premises, as well as any other costs associated with the processing of the application.

G. Application Requirements; Payment of Application Fee

1. A person seeking a license pursuant to the Colorado Medical Marijuana Code and the provisions of this section shall submit an application to the Town on forms provided by the state and Town. At the time of application, each applicant shall pay a nonrefundable fee to the Town in the amount of $3,000.00 to defray the costs incurred by the Town for background investigations, review of the application and

inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present for recording one (1) of the following forms of identification: (i) an identification card issued in accordance with Section 42-2-302, C.R.S.; (ii) a valid state driver's license; (iii) a valid driver's license containing a picture issued by another state; (iv) a United States military identification card; (v) a valid passport; or (vi) an alien registration card.

2. The applicant shall also provide the following information on a form approved by, and acceptable to, the Town, which information shall be required for the applicant, and as applicable, the proposed manager of the medical marijuana business.

    a. Name, address, date of birth, and other identifying information as may be required by the Licensing Authority, as well as the name, address, date of birth, and other identifying information for any person that is required by the state in accordance with the applicant's application for a state license;

    b. A copy of the deed reflecting the applicant's ownership of, or a lease reflecting the right of the applicant to possess, the proposed licensed premises for the proposed use;

    c. Evidence of the issuance of a valid Town business license;

    d. Evidence of the issuance of a medical marijuana business license by the state licensing authority for the proposed licensed premise; and

    e. A "to scale" diagram of the boundaries of the proposed licensed premises;

    f. A description of any cultivation activities, if any, within the medical marijuana business including, without limitation, the area in which plants will be grown, and a description of the associated ventilation and odor filtration system for the premises; and

    g. If the medical marijuana business will be providing marijuana products in an edible form, evidence at a minimum of a pending application for any food establishment license that may be required by the state or by Summit County; and

    h. Any additional information that the Authority reasonably determines to be necessary in connection with the investigation, review, and determination of the application.

3. A license issued pursuant to this section does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the medical marijuana business including, without limitation, any development approvals or building permits required by this Code.

4. Upon receipt of a complete application, the Authority shall circulate the application to all affected service areas and departments of the Town to determine whether the application is in full compliance with all applicable laws, rules, and regulations. No license shall be approved until after the Authority has caused the proposed premises to be inspected to determine compliance of the premises with any applicable requirements of this Article and Code, and with the plans and descriptions submitted as part of the application. Within thirty 30 days after the completion of the Authority's investigation of the application, the Authority shall issue a written decision approving or denying the application for licensure, which decision shall state the reason(s) for the decision and be sent via certified mail to the applicant at the address shown in the application. In addition, the Authority shall promptly notify the state medical marijuana licensing authority of any approval of an application for local licensure.

5. After approval of an application, the Authority shall not issue a license or license certificate until the building in which the business is to be conducted is ready for occupancy with such equipment in place as may be necessary to comply with the applicable provisions of this section. After approval of an application, the Authority shall not issue a license or license certificate until the applicant provides written evidence that the applicant has paid all license application fees due to the state in connection with the state licensing authority's review of the application. Each license certificate issued by the Town pursuant to this section shall specify the date of issuance, the period of licensure, the name of the licensee, and the premises or optional premises licensed.

H. Issuance or Denial of Application

The Authority shall deny any application that does not meet the requirements or limitations of this section. The Authority shall deny any application that contains any false, misleading, or incomplete information. The Authority shall deny an application for good cause. Denial of an application for a license shall be subject to review by a court of competent jurisdiction.

I. Persons Prohibited as Licensees

No license shall be issued to, held by, or renewed by any of the following:

1. Any applicant who has made a false, misleading or fraudulent statement, or who has omitted pertinent information, on the application for a license;
2. Any applicant for an optional premises cultivation operation license unless the applicant is simultaneously applying for, or currently holds, a license for a medical marijuana center or a medical marijuana-infused products manufacturing facility in the Town; and
3. Any applicant for a medical marijuana-infused products manufacturer license unless the applicant is also applying for, or currently holds, a license for a medical marijuana center in the Town.

J. Locational Criteria

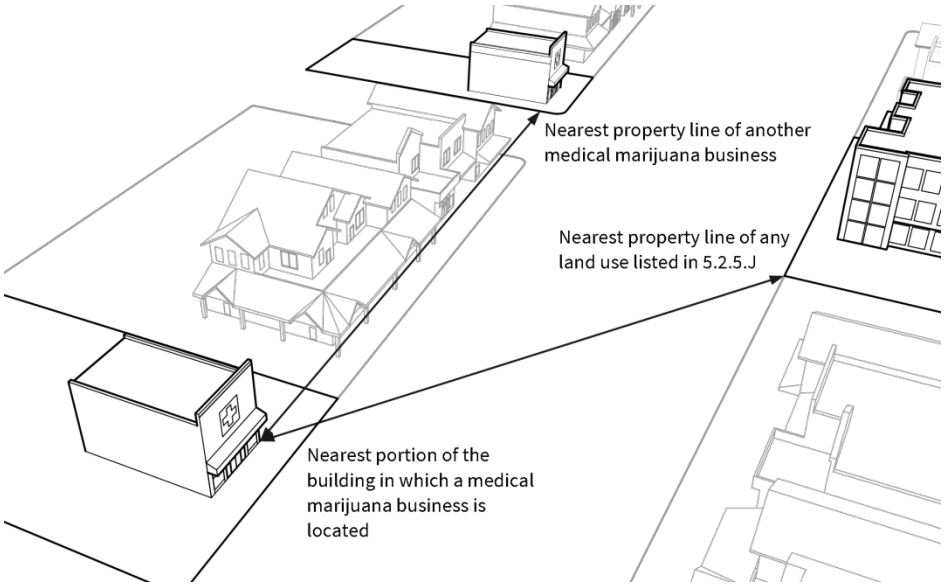
No medical marijuana business shall be issued a license if, at the time of the initial application for such license, the proposed location is:

1. Within 500 feet of any licensed child care facility;
2. Within 500 feet of any educational institution or school, either public or private;
3. Within 500 feet of any halfway house or correctional facility;
4. Within 700 feet of another medical marijuana business or retail marijuana establishment;
5. Within 500 feet of a residential dwelling unit;
6. Within any residential zoning district, or the Central Core Zoning District, or the Mixed-Use Zoning District along East or West Main Street;
7. Within any building containing a dwelling unit, a pediatrician's office, or any hotel, motel, condominium hotel, boarding facility, lodging facility or rooming facility; or
8. Within a single development project that contains another medical marijuana business or a retail marijuana establishment.

For purposes of this section, a "residential dwelling unit" shall not include an accessory dwelling unit to a commercial unit nor any other dwelling unit that is accessory or incidental to a commercial. For purposes of this section, a "single development project" shall mean and include any area in which the property proposed for use as a medical marijuana business shares a common interest in common property, such as parking areas or sidewalk areas, or is a member of a property owners' association with another medical marijuana business or retail marijuana establishment. The distances set forth in this section shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated above, respectively, to the nearest portion of the building in which the medical marijuana business is located. The locational criteria contained in this section shall apply to all proposed changes in the location of an existing license. Nothing in this subsection shall be construed so as to limit the location of a medical marijuana business or retail marijuana business based upon its distance from another medical marijuana business or retail marijuana establishment when the medical marijuana business is engaged in dual operations under Subsection R below or when the medical marijuana businesses are operated in the same licensed premises, in one contiguous location, and under the same ownership, in the event that applications for licensure of more than one medical marijuana business and/or retail marijuana establishment are pending at the same time and one proposed location is within 700 feet of another proposed location, the Licensing Authority shall consider and act first upon the application determined by the Licensing Authority to have first been a complete

application without regard to the proposed location that is set forth in any application determined to have been complete at a later date.

Figure 5-C: Medical Marijuana Distance Requirements



K. Requirements Related to the Premises

Medical marijuana businesses shall be subject to the following additional requirements:

1. All medical marijuana dispensing, production, manufacturing, and cultivation activities shall be conducted indoors.
2. All product storage shall be indoors. Products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way. All medical marijuana or medical marijuana-infused products ready for sale shall be in a sealed or locked cabinet except when being accessed for distribution.
3. The business may only be open for the sale, service, or distribution of medical marijuana between the hours of 8:00 a.m. and 10:00 p.m. of the same day, Monday through Sunday.
4. No marijuana shall be consumed on the licensed premises.
5. The cultivation of marijuana is only permitted when the premises are equipped with a system that removes the odors of the marijuana being cultivated so that the odor is not detectable from the exterior of the business or from within any adjoining premises. Approval of the odor removal system by the Building Official is required prior to any cultivation process beginning. The Building Official's determination of the adequacy of any proposed odor-removing system shall be based on his reasonable determination of the ability of the proposed system to remove odors as required by this Subsection, which determination shall be based upon the manufacturer's or an engineer's design specifications for the system as they relate to the premises in question.

L. Prohibited Acts

1. It shall be unlawful for any licensee to permit the consumption of alcohol beverages, as defined in the Colorado Liquor Code, on the licensed premises.

2. It shall be unlawful for any licensee holding a medical marijuana center license, or any agent or employee thereof, to sell, give, dispense or otherwise distribute medical marijuana or any medical marijuana infused product from any outdoor location or vehicle.
3. It shall be unlawful for any optional premises cultivation operation to:
   a. Operate in the Town, unless it operates as an optional premises to a medical marijuana center or a medical marijuana-infused products manufacturer located in the Town that is under the same ownership as the optional premises cultivation operation; or
   b. Sell, give, dispense, or otherwise distribute medical marijuana except to a medical marijuana center or medical marijuana-infused products manufacturer located in the Town that is under the same ownership as the optional premises cultivation operation.
4. It shall be unlawful for any medical marijuana-infused products manufacturer to:
   a. Operate in the Town unless its owner also holds a medical marijuana center license in the Town; or
   b. Sell, give, dispense, or otherwise distribute any of the products that it manufactures except to a medical marijuana center located in the Town that is under the same ownership as the medical marijuana-infused product manufacturer.
5. After issuance of a license, it shall be unlawful for a licensee to make a physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without obtaining the prior written approval of the Authority and the state licensing authority. For purposes of this subsection, physical changes, alterations or modification of the licensed premises, or in the usage of the premises requiring prior written approval, shall include but not be limited to the following:
   a. Any increase or decrease in the size or physical capacity of the licensed premises; and
   b. Any enlargement of a cultivation area.

M. Inspection of Licensed Premises

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Chief of Police or the Building Official, or the authorized representative of either of them, for the purpose of investigating and determining compliance with the provisions of this section and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

N. Nonrenewal, Suspension or Revocation of License

1. The Authority may suspend, revoke, or refuse to renew a license for good cause.
2. The Authority shall not suspend or revoke a license until after notice and an opportunity for hearing has been provided to the licensee.
3. The Authority shall not hold a hearing on a license renewal application unless a complaint has been filed concerning the licensee or there are allegations against the licensee that, if established, would be grounds for suspension, revocation, or non-renewal under this section.

O. Violations and Penalties

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this section, any person, including but not limited to any licensee, manager or employee of a medical marijuana business, or any customer of such business, who violates any provision of this section, shall be guilty of a misdemeanor punishable in accordance with Section 1-14 of this Code.

P. No Town Liability; Indemnification; No Defense

1. By accepting a license issued pursuant to this section, the licensee waives any claim concerning, and releases the Town, its officers, elected officials, employees, attorneys and agents from, any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers of the licensee for a violation of state or federal laws, rules or regulations.
2. By accepting a license issued pursuant to this section, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana business that is the subject of the license.
3. The issuance of a license pursuant to this section shall not be deemed to create an exception, defense or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of marijuana.

Q. Dual Operations

Any medical marijuana business that has been issued a license pursuant to this section may, in accordance with the requirements and limitations of state law, share its licensed premises with a licensed retail marijuana establishment.

R. Medical Marijuana Definitions

The following words and phrases, when used in this section, shall have the meanings ascribed to them. In addition to the definitions contained in this section, other terms used in this section shall have the meaning ascribed to them in Article XVIII, Section 14, of the Colorado Constitution or the Colorado Medical Marijuana Code, and such definitions are hereby incorporated into this section by this reference.

1. Applicant

Any person or entity who has submitted an application for a license or renewal of a license issued pursuant to this section. If the applicant is an entity and not a natural person, applicant shall include all persons who are the members, managers, officers, directors and shareholders of such entity.

2. Colorado Medical Marijuana Code

Title 12, Article 43.3 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

3. Cultivation or Cultivate

The process by which a person grows a marijuana plant.

4. Dual Operation

A business that operates both as a licensed medical marijuana business and a licensed store in accordance with Subsection Q.

5. Good Cause

For the purpose of refusing or denying a license or license renewal means: (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this section, of the Colorado Medical Marijuana Code or of any rule and regulation promulgated pursuant to this section or the Colorado Medical Marijuana Code; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license, whether state or local, at the time the license was issued, or that were placed on its license, whether state or local, in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or (3) the licensee's medical marijuana business has

been found to have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the medical marijuana business is located. Evidence to support such a finding can include: (i) a continuing pattern of offenses against the public peace; (ii) a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana business or in the immediate area surrounding the medical marijuana business; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana business.

6. Industrial Hemp

The plant of the genus cannabis and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis

7. License

A document issued by the Town officially authorizing an applicant to operate a medical marijuana business pursuant to this section.

8. Licensee

The person or entity to whom a license has been issued pursuant to this section.

9. Licensed Premises

The premises specified in an application for a license under this section, or if required by the context, under Section 180-5.2.9 of this Chapter, which is owned or in possession of the licensee and within which the licensee is authorized to operate a medical marijuana business, or if required by context, a retail marijuana establishment, in accordance with state and local law.

10. Marijuana

All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

11. Medical Marijuana Business or Business

A medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.

12. Residential Zoning District

Includes the following Town of Frisco zoning districts: (1) Residential Single-Household District; (2) Residential Neighborhood District; (3) Residential Low Density District; (4) Residential Medium Density District; (5) Residential High Density District.

180-5.2.7. PRODUCE STANDS

The majority of products sold at the stand shall have been grown, raised, or produced on the property where the stand is located. Only one stand is permitted on a property.

180-5.2.8. RESIDENTIAL USES IN CENTRAL CORE AND MIXED USE DISTRICTS

A. Central Core District

For properties located between Main Street and Galena Alley and properties located between Main Street and Granite Alley, residential uses and uses accessory to residential uses are prohibited on the ground floor.

B. Mixed Use District

For properties fronting along Main Street, residential uses on the ground floor are a conditional use.

180-5.2.9. RETAIL MARIJUANA

A. Purpose and Intent

The purpose of this section is to implement the Colorado Retail Marijuana Code, which authorizes the licensing and regulation of retail marijuana businesses and affords the Town the option to determine whether or not to allow retail marijuana businesses within its jurisdiction and to adopt licensing requirements that are supplemental to or more restrictive than the requirements set forth in state law. The intent of this section is to establish a nondiscriminatory mechanism by which the Town can control, through appropriate regulation, the location and operation of retail marijuana establishments within the Town. Nothing in this section is intended to promote or condone the sale, distribution, possession, or use of marijuana in violation of any applicable law. Compliance with the requirements of this section shall not provide a defense to criminal prosecution under any applicable law.

B. Other Laws

If the state adopts any stricter regulation governing the sale or distribution of retail marijuana or retail marijuana products than that set forth in this section, the stricter regulation shall control the establishment or operation of any retail marijuana establishment in the Town. A licensee may be required to demonstrate, upon demand by the local licensing authority, or by law enforcement officers, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with applicable state regulation. If the state prohibits the sale or other distribution of marijuana, any license issued under this section shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress by the licensee. The issuance of any license pursuant to this section shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution, or use of marijuana.

C. Licensing Authority Created

There shall be and is hereby created a Local Licensing Authority hereafter referred to in this section as the "Authority."

D. Composition of the Authority

The Authority shall be the Town Clerk.

E. Functions of the Authority

The Authority shall have the duty and authority pursuant to this section to grant or deny licenses for marijuana stores. The Authority shall have the power to: (i) promulgate rules and regulations concerning the procedures for hearings before the Authority; (ii) require any applicant or licensee to furnish any relevant information required by the Authority; and (iii) administer oaths and issue subpoenas to require the presence of persons and the production papers, books and records at any hearing that the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by a district court of the state.

F. Retail Marijuana Establishment Prohibitions, Marijuana Store License Required; Term of License; Renewal Application, Taxes

1. It shall be unlawful for any person to operate any retail marijuana establishment within the Town of Frisco other than a marijuana store, marijuana cultivation facility, or marijuana products manufacturing facility that has been licensed by the state licensing authority. It shall further be unlawful for any person to operate any marijuana store, marijuana cultivation facility, or marijuana products manufacturing facility within the Town of Frisco without first having obtained from the Authority a license for the store or facility. Such licenses shall be kept current at all times and shall be conspicuously displayed at all times

in the premises to which they apply. The failure to maintain a current state or Town license shall constitute a violation of this section.

2. Any license issued by the Authority under this section shall expire at such time as any license then issued by the state for the marijuana store expires.
3. An application for renewal of an existing license shall be made on forms provided by the Authority.
4. A licensee shall collect and remit Town sales tax on all retail marijuana, retail marijuana products, paraphernalia and other tangible personal property sold at retail.
5. A license issued pursuant to this section does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the marijuana store, marijuana cultivation facility, or marijuana products manufacturing facility, including, without limitation, a Town business license, and any development approvals or building permits required by any applicable provisions of this Code.

G. Application Requirements

1. A person seeking a license pursuant to the provisions of this section shall submit an application to the Town on forms provided by the Authority. As a part of any such application, the applicant shall present for recording one (1) of the following forms of identification: (i) an identification card issued in accordance with Section 42-2-302, C.R.S.; (ii) a valid state driver's license; (iii) a United States military identification card; or (iv) a valid passport.
2. The applicant shall also provide the following information on a form approved by, and acceptable to, the Authority, which information shall be required for the applicant and the proposed manager of the marijuana store:
   a. Name, address, date of birth, and other identifying information as may be required by the Licensing Authority, as well as the name, address, date of birth, and other identifying information for any person that is required by the state in connection with the applicant's application for a state license;
   b. A copy of the deed reflecting the applicant's ownership of, or a lease reflecting the right of the applicant to possess, the proposed licensed premises for the proposed use;
   c. Evidence of the issuance of a valid Town business license;
   d. Evidence of the issuance of a marijuana store, marijuana cultivation facility and/or marijuana products manufacturing facility license by the state licensing authority for the proposed licensed premises;
   e. If the marijuana store will be providing retail marijuana products in an edible form, evidence, at a minimum, of a pending application for any food establishment license or permit that may be required by the state and Summit County;
   f. A description of cultivation activities, if any, within the retail marijuana establishment including, without limitation, the area in which plants will be grown, and a description of the associated ventilation and odor filtration system for the premises; and
   g. A "to scale" diagram of the boundaries of the proposed licensed premises.
3. The applicant shall pay the to the Town a license fee in the amount of $3000.00 to cover the cost of inspections conducted pursuant to Subsection O of this section for the purpose of determining compliance with this section and other applicable law.

H. Issuance or Denial of Application

1. Upon receipt of a complete application, the Authority shall circulate the application to all affected service areas and departments of the Town to determine whether the application is in full compliance with all applicable laws, rules, and regulations. Within 30 days after the completion of the Authority's investigation of the application, the Authority shall issue a written decision approving or denying the

application for licensure, which decision shall state the reason(s) for the decision and be sent via registered mail to the applicant at the address shown in the application. In addition, the Authority shall promptly notify the state licensing authority of its decision on the application for local licensure.

2. The Authority shall deny any application that does not meet the requirements or limitations of this section. The Authority shall deny any application that contains any false, misleading, or incomplete information. The Authority shall deny an application for good cause. Denial of an application for a license shall not be subject to further administrative review, but shall subject to review by a court of competent jurisdiction.

3. The Authority may impose such reasonable terms and conditions on a license as may be necessary or desirable to ensure compliance with the requirements of this section

I. Locational Criteria

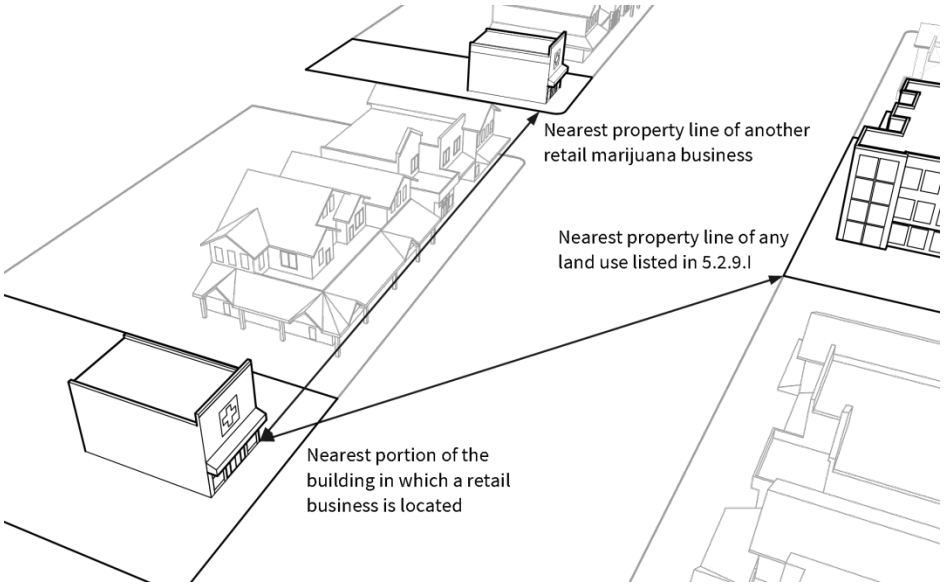
A retail marijuana establishment shall be operated from a permanent, indoor location and, except as further limited in this subsection, within a zoning district of the Town that allows for retail sale uses. No retail marijuana establishment shall be permitted to operate from a moveable, mobile, or transitory location. The suitability of a location for a retail marijuana establishment shall be determined at the time of the issuance of the first license. The fact that later changes in the neighborhood occur that may render the site unsuitable for a marijuana store shall not be grounds to suspend, revoke, or refuse to renew the license. No applicant shall be issued a license for a retail marijuana establishment if, at the time of the initial application for such license, the proposed location of the licensed premise is:

1. Within 500 feet of any licensed child care facility;
2. Within 500 feet of any educational institution or school, either public or private;
3. Within 500 feet of any halfway house or correctional facility;
4. Within 700 feet of another retail marijuana establishment or medical marijuana business;
5. Within 500 feet of a residential dwelling unit;
6. Within any residential zoning district, or the Central Core Zoning District, or the Mixed-Use Zoning District along East or West Main Street;
7. Within any building containing a dwelling unit, a pediatrician's office, or any hotel, motel, condominium hotel, boarding facility, lodging facility or rooming facility; or
8. Within a single development project that contains another retail marijuana establishment or medical marijuana business.

For the purposes of this section, a "residential dwelling unit" shall not include an accessory dwelling unit to a commercial unit, nor any other dwelling unit that is accessory or incidental to a commercial use. For purposes of this section, a "single development project" shall mean and include any area in which the property proposed for use as a retail marijuana establishment shares a common interest in common property, such as parking areas or sidewalk areas, or is a member of a property owners' association with another retail marijuana establishment or medical marijuana business. The distances set forth in this subsection shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated above, respectively, to the nearest portion of the building in which the medical marijuana business is located. The locational criteria contained in this subsection shall apply to all proposed changes in the location of an existing license. Nothing is this subsection shall be construed so as to limit the location of a retail marijuana establishment based upon its distance from another retail marijuana establishment or medical marijuana business when the retail marijuana establishment is engaged in dual operations under Subsection L below, or where the retail marijuana establishments are operated in the same licensed premises, in one contiguous location, and under the same ownership. In the event that applications for licensure of more than one medical marijuana business and/or retail marijuana establishment are pending at

the same time and one proposed location is within 700 feet of another proposed location, the Licensing Authority shall consider and act first upon the application determined by the Licensing Authority to have first been a complete application without regard to the proposed location that is set forth in any application determined to have been complete at a later date.

Figure 5-D: Retail Marijuana Distance Requirements



J. Requirements Related to the Premises

Marijuana stores shall be subject to the following additional requirements:

1. A licensed marijuana store may sell retail marijuana or retail marijuana products to persons 21 years of age or older in the following quantities:
   a. Up to one ounce of retail marijuana or its equivalent in retail marijuana products during a single sales transaction to Colorado residents; or
   b. Up to one-quarter ounce of retail marijuana or its equivalent in retail marijuana products during a single sales transaction to a non-Colorado resident.
2. The following forms of identification may be accepted to determine Colorado residency: a valid state of Colorado driver's license; a valid state of Colorado identification card; or any other valid government-issued picture identification that demonstrates that the holder of the identification is a Colorado resident.
3. The retail marijuana offered for sale and distribution shall be packaged and labeled in accordance with state law.
4. The business may only be open for the sale or distribution of retail marijuana or retail marijuana products only between the hours of 8:00 a.m. and 10:00 p.m. of the same day, Monday through Sunday.
5. No marijuana shall be consumed on the licensed premises.
6. The cultivation of marijuana is only permitted when the premises are equipped with a system that removes the odors of the marijuana being cultivated so that the odor is not detectable from the exterior of the business or from within any adjoining premises. Approval of the odor removal system by the Building Official is required prior to any cultivation process beginning. The Building Official's

determination of the adequacy of any proposed odor-removing system shall be based on his reasonable determination of the ability of the proposed system to remove odors as required by this subsection which determination shall be based upon the manufacturer's or an engineer's design specifications for the system as they relate to the premises in question.

K. Prohibited Acts Related to Marijuana Cultivation Facilities and Marijuana Product Manufacturing Facilities

1. It shall be unlawful for any marijuana cultivation facility to:
   a. Operate in the Town, unless it operates in the same licensed premises and under the same ownership with a marijuana store located in the Town; or
   b. Sell, give, dispense, or otherwise distribute marijuana except to the marijuana store located in the same licensed premises and that is under the same ownership as the marijuana cultivation facility.
2. It shall be unlawful for any marijuana product manufacturing facility to:
   a. Operate in the Town, unless its operates in the same licensed premises and under the same ownership with a marijuana store located in the Town; or
   b. Sell, give, dispense, or otherwise distribute any of the products that it manufactures except to the marijuana store located in the same licensed premises and under the same ownership as the marijuana product manufacturing facility.

L. Dual Operations

Any medical marijuana business that has been issued a license pursuant to Section 180-5.2.6 of this Chapter may, in accordance with the requirements and limitations of this section and state law, share its licensed premises with a licensed retail marijuana establishment.

M. Legal Nonconformity

Any other provision of this Chapter notwithstanding, any medical marijuana business that has, as of October 1, 2013, been issued a license pursuant to Section 180-5.2.6 of this Chapter, whether for a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer, or any combination thereof, each as defined in the Colorado Medical Marijuana Code, may, without diminution of any legal nonconforming status that it may have, engage in dual operations as set forth in Subsection L above, or may, in accordance with applicable law, transfer its operations to that of a marijuana store, so long as, in each instance, the floor area of the dual operations or the new marijuana store does not exceed the floor area of the licensed medical marijuana business as of October 1, 2013.

N. Prohibited Acts

It is unlawful for any licensee to:

1. Permit the consumption of alcohol beverages, as defined in the Colorado Liquor Code, on the licensed premises;
2. Purchase or otherwise obtain retail marijuana from a source that is not properly authorized under state and local law to sell or dispense retail marijuana;
3. Permit the use, consumption, ingestion or inhalation of retail marijuana or retail marijuana products on or in the premises of a marijuana store; or
4. Dispense marijuana to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana.
5. After issuance of a license, make a physical change, alteration, or modification to the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without obtaining the prior written approval of the Authority and the state licensing authority. For purposes of this subsection,

physical changes, alterations or modification of the licensed premises or in the usage of the premises requiring prior written approval, shall include but not be limited to the following:

a. Any increase or decrease in the size or physical capacity of the licensed premises; and

b. Any enlargement of a cultivation area.

O. Inspection of Licensed Premises

During all business hours and other times of apparent activity, all licensed premises shall be subject to inspection by the Chief of Police or the Building Official, or the authorized representative of either of them, for the purpose of investigating and determining compliance with the provisions of this section and any other applicable state or local law or regulation. Such inspection may include, but need not be limited to, the inspection of books, records, and inventory. Where any part of the premises consists of a locked area, such area shall be made available for inspection, without delay, upon request.

P. Nonrenewal, Suspension or Revocation of License

1. The Authority may suspend, revoke, or refuse to renew a license for good cause.

2. The Authority shall not suspend or revoke a license until after notice and an opportunity for hearing has been provided to the licensee.

3. The Authority shall not hold a hearing on a license renewal application unless a complaint has been filed concerning the licensee or there are allegations against the licensee that, if established, would be grounds for suspension, revocation, or non-renewal under Subsection Q of this section.

Q. Violations and Penalties

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this section, any person, including but not limited to any licensee, manager, or employee of a marijuana store who violates any provision of this section, shall be guilty of a misdemeanor punishable in accordance with Section 1-14 of this Code.

R. No Town Liability; Indemnification; No Defense

1. By accepting a license issued pursuant to this section, the licensee waives any claim concerning, and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries or damages of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers of the licensee for a violation of state or federal laws, rules or regulations.

2. By accepting a license issued pursuant to this section, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the marijuana store that is the subject of the license.

3. The issuance of a license pursuant to this section shall not be deemed to create an exception, defense or immunity for any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of marijuana.

S. Retail Marijuana Definitions

The following words and phrases, when used in this section, shall have the meanings ascribed to them by Section 180-5.2.9, Retail Marijuana. In addition to the definitions provided in this subsection, other terms used in this section shall have the meaning ascribed to them in Article XVIII, Section 16, of the Colorado Constitution or the Colorado Retail Marijuana Code, and such definitions are hereby incorporated into this subsection by this reference.

1. Applicant

Any person or entity who has submitted an application for a license or renewal of a license issued pursuant to this section. If the applicant is an entity and not a natural person, applicant shall include all persons who are the members and managers of such entity.

2. Colorado Medical Marijuana Code

Title 12, Article 43.3 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

3. Colorado Retail Marijuana Code

Title 12, Article 43.4 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

4. Consumer

A person 21 years of age or older who purchases marijuana or marijuana products for personal use by a person 21 years of age or older, but not for resale to others.

5. Cultivation or Cultivate

The process by which a person grows a marijuana plant.

6. Dual Operation

A business that operates as both a licensed medical marijuana business and a licensed marijuana store in accordance with Subsection L of this section.

7. Industrial Hemp

The plant of the genus cannabis and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

8. Good Cause

For the purpose of refusing or denying a license or license renewal means (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this section, of the Colorado Retail Marijuana Code or of any rule and regulation promulgated pursuant to this section or the Colorado Retail Marijuana Code; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license, whether state or local, at the time the license was issued, or that were placed on its license, whether state or local, in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or (3) the licensee's retail marijuana store has been found to have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the retail marijuana store is located. Evidence to support such a finding can include: (i) a continuing pattern of offenses against the public peace; (ii) a continuing pattern of drug-related criminal conduct within the premises of the retail marijuana store or in the immediate area surrounding the retail marijuana store; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana establishment.

9. License

A document issued by the Town officially authorizing an applicant to operate a retail marijuana establishment pursuant to this section or, if required by the context, means a document issued by the state licensing authority pursuant to the Colorado Retail Marijuana Code.

10. Licensee

The person or entity to whom a license has been issued pursuant to this section.

11. Licensed Premises

The premises specified in an application for a license under this section, or if required by the context, under Section 5.2.5 of this Chapter, which is owned or in possession of the licensee and within which the

licensee is authorized to operate a retail marijuana establishment, or if required by context, a medical marijuana business, in accordance with state and local law.

12. Marijuana

All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

13. Marijuana Accessories

Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

14. Marijuana Cultivation Facility

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to marijuana stores, but not to consumers.

15. Marijuana Product Manufacturing Facility

An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to marijuana stores, but not to consumers.

16. Marijuana Store

An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

17. Marijuana Testing Facility

An entity licensed to analyze and certify the safety and potency of marijuana.

18. Medical Marijuana Business

A medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.

19. Residential Zoning District

Includes the following Town of Frisco zoning districts: (1) Residential Single-Household District; (2) Residential Neighborhood District; (3) Residential Low Density District; (4) Residential Medium Density District; (5) Residential High Density District.

20. Retail Marijuana

Marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

21. Retail Marijuana Establishment

A marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility or a marijuana testing facility.

22. Retail Marijuana Products

Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, ointments and tinctures.

23. State Licensing Authority

The authority created by the Colorado Department of Revenue for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale and testing of retail marijuana in the State of Colorado pursuant to C.R.S. § 12-43.4-201.

180-5.2.10. SEXUALLY-ORIENTED BUSINESSES

A. Purpose and Intent

The purpose and intent of this section is to regulate sexually-oriented businesses to promote the health, safety, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and design of sexually-oriented businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such sexually-oriented businesses. The provisions of this section are not intended to impose a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. It is not the intent of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment or the Colorado Constitution, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

B. Definitions

The following words and phrases, when used in this section, shall have the meanings ascribed to them by Section 180-5.2.10, Sexually-Oriented Businesses.

1. Adult Arcade

Any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines, for viewing by five or fewer persons per machine at any one time, are used regularly to show films, motion pictures, video cassettes, slides, or other photographic, digital or electronic reproductions describing, simulating or depicting "specified sexual activities" or "specified anatomical areas."

2. Adult Bookstore, Adult Novelty Store, or Adult Video

A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations however produced that depict or describe "specified sexual activities" or "specified anatomical areas"; or

b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

3. Adult Cabaret

A nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

a. Persons who appear nude or in a state of nudity or seminudity; or

b. Live performances that are characterized by the exposure of "specified anatomical areas" or by the exhibition of "specified sexual activities."

4. Adult Motel

A hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

5. Adult Motion Picture Theater

A commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar photographic reproductions, on more than 100 days per year, that have an "X" rating or that have an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

6. Adult Theater

A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of "specified anatomical areas" or by "specified sexual activities."

7. Commercial Establishment

A Commercial Establishment may have other principal business purposes that do not involve the depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as a sexually-oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually-oriented business so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." The term "commercial establishment" includes clubs, fraternal organizations, social organizations, civic organizations, or other similar organizations with paid memberships.

8. Employee

For the purposes of this section, a person who works or performs in and/or for a sexually-oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

9. Establishment of a Sexually-oriented Business

Any of the following:

a. The opening or commencement of any such business as a new business;

b. The conversion of an existing business into a sexually-oriented business;

c. The addition of a different sexually-oriented business to any other existing sexually-oriented business; or

d. The relocation of a sexually-oriented business.

10. Foyer

An architectural element of a building that consists of an entry hall or vestibule that is completely enclosed and contains one door to provide access to areas outside of the building and a separate door to provide access to areas inside of the building.

11. Licensee

A person in whose name a license to operate a sexually-oriented business has been issued, as well as the individual listed as an applicant on the application for a sexually-oriented business license.

12. Licensing Officer

The Town Clerk or his or her designee.

13. Manager

An operator, other than a licensee, who is employed by a sexually-oriented business to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

14. Nude Model Studio

Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

15. Nudity or State Of Nudity

a. The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or

b. A state of dress which fails opaquely and fully to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

16. Operator

The owner, license holder, custodian, manager, operator, or person in charge of any licensed premises.

17. Peep Booth

A room, semi-enclosure or other similar area located within a licensed premises wherein a person may view representations of "specified anatomical areas" or "specified sexual activities."

18. Person

An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

19. Premises or Licensed Premises

For the purposes of this section, any premises that requires a sexually-oriented business license and that is classified as a sexually-oriented business, including parking lots and sidewalks immediately adjacent to the structure containing the sexually-oriented business.

20. Principal Business Purpose

As to any establishment, having as a substantial or significant portion of its stock in trade the items listed in subparagraphs (a) and (b) of the definition of adult bookstore, adult novelty store, or adult video store above and having on the premises at least thirty percent of the establishment's display space occupied by the display of the items described therein.

21. Principal Owner

Any person owning, directly or beneficially:

a. Any membership or partnership interest in a limited liability company or limited liability partnership if such person has any legal control or authority over the management or operation of the entity; or

b. In the case of any other legal entity, five percent or more of the ownership interests in the entity, except for shareholders, but including such shareholders who are corporate officers or directors or who otherwise have any legal control or authority over the management or operation of the entity.

22. Public Park

An area of land owned by a governmental entity and intended to be used for recreational purposes, but not including any such land that contains no improvements and is intended only for open space purposes, and not including any such land that is intended for use only for pathway purposes.

23. Seminude or Seminudity

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

24. Sexually-Oriented Business

An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Colorado engages in medically approved and recognized sexual therapy.

25. Specified Anatomical Areas

As used herein means and includes any of the following:

a. Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or

b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

26. Specified Criminal Acts

Sexual crimes against children, sexual abuse, sexual assault, or crimes connected with another sexually-oriented business including, but not limited to, distribution of obscenity, prostitution, or pandering.

27. Specified Sexual Activities

Any of the following:

a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

c. Masturbation, actual or simulated;

d. Human genitals in a state of sexual stimulation, arousal, or tumescence; or

e. Excretory functions as part of or in connection with any of the activities set forth in subsections a through d of this definition.

28. Transfer of Ownership or Control of a Sexually-oriented Business

Any of the following:

a. The sale, lease, or sublease of the business;

b. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

c. The establishment of a trust, management arrangement, gift, or other similar legal device that transfers ownership or control of the business, including a transfer by bequest or operation of law.

C. Interior Lighting Regulations

1. The interior portion of the premises of a sexually-oriented business to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place (including peep booths) at an illumination of not less than 5.0 foot-candles as measured at the floor level.

2. It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

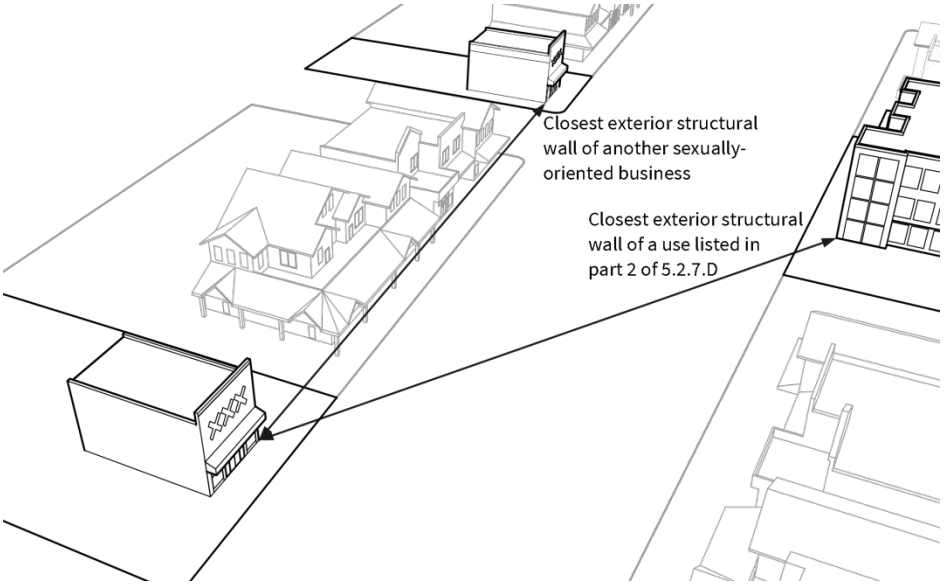
D. Location of Sexually-Oriented Businesses and Design of Same

1. It shall be unlawful to operate or cause to be operated a sexually-oriented business outside of the Gateway District, Commercial Oriented District, Mixed-Use District, Light Industrial District, and the Central Core District.
2. It shall be unlawful to operate or cause to be operated a sexually-oriented business within the Gateway District, Commercial Oriented District, Mixed-Use District, Light Industrial District, and the Central Core District within five hundred (500) feet of:
   a. Any church;
   b. Any school meeting all requirements of the compulsory education laws of the State of Colorado;
   c. An existing dwelling;
   d. A public park; or
   e. A licensed childcare facility.
3. It shall be unlawful to operate or cause to be operated a sexually-oriented business within the light industrial district zone on any property that has frontage on School Road.
4. It shall be unlawful to cause or permit the operation, establishment, or maintenance of a sexually-oriented business within 100 feet of any other sexually-oriented business.
5. All exterior windows in a sexually-oriented business shall be opaque to such an extent that interior objects viewed from outside shall be so obscure as to be unidentifiable. Exterior windows in sexually-oriented businesses shall not be used for any display or sign except for a sign that complies with the requirements of Section 180-5.2.10.O of this Chapter.
6. All doors for ingress and egress to a sexually-oriented business, except emergency exits used only for emergency purposes, shall be located on the front of the sexually-oriented business. For purposes of this subsection, the front of a sexually-oriented business shall be deemed to be that facade of the building that faces the front lot line of the lot or parcel on which the business is located. Every sexually-oriented business shall have a foyer at every point of ingress or egress, except for emergency exits. In the case of a sexually-oriented business having more than one front lot line, the sexually-oriented business shall be oriented such that the front of the business faces away from the nearest of any of the land uses listed in Subsection 2 above.

E. Measurement of Distance

1. The distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business, or, in the case of a sexually-oriented business operating within a condominium estate or leasehold estate, from the closest airspace boundary of such condominium estate or from the closest wall of such leasehold estate.

Figure 5-E: Sexually-Oriented Businesses Distance Requirements



2. The distance between any sexually-oriented business and any church, school, dwelling, public park or childcare facility shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the sexually-oriented business to the nearest property line of the premises of a church, school, dwelling, public park or childcare facility. If the premises where the sexually-oriented business is conducted is comprised of a condominium estate or leasehold estate, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest airspace boundary of the condominium estate or the nearest wall of the leasehold estate used as part of the premises where the sexually-oriented business is conducted to the nearest property line of the premises of a church, school, dwelling, public park or childcare facility.

F. Other Locational Regulations

1. Any sexually-oriented business lawfully operating on the effective date of this ordinance that is in violation of Section 180-5.2.10.D will be permitted to continue for a period of six months from the effective date hereof.

2. Upon application made by the owner of a sexually-oriented business within four months of the effective date of this ordinance, and notwithstanding the provisions of Subsection 1, the Town Manager may, after a hearing to be held within 30 days of the application, grant an extension of time during which a sexually-oriented business in violation of Section 180-5.2.10.D will be permitted to continue upon a showing, by competent evidence, that the owner of the business has not had a reasonable time to recover the initial financial investment in the business. At the hearing, the Town Manager shall hear such statements and consider such evidence as the Town Attorney, the owner, occupant, lessee, or other party in interest, or any other witness shall offer that is relevant to issue of whether the owner of the business has had a reasonable time to recover the initial financial investment in the business. The Town Manager shall make findings of fact, from the statements and evidence offered, as to whether the owner of the business has had a reasonable time to recover the initial financial investment in the business. If the Town Manager grants an extension of time during which a sexually-oriented business in violation of Section 180-5.2.10.D will be permitted to continue, he or she shall issue an order to that effect which states exactly the period of the extension. A copy of the order shall be mailed to or served on the owner within 30 days of the hearing. No extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his or her initial financial investment in the business. A sexually-oriented

business in violation of Section 180-5.2.10.D may continue during such extended period unless the business is sooner terminated for any reason, or voluntarily discontinued for a period of 30 days or more. Such business shall not be enlarged, extended, or altered except that the business may be brought into compliance with this section. In performing his duties pursuant to this section, the Town Manager may retain independent counsel to advise him with regard to any matter.

3. A sexually-oriented business which at the time it received its sexually-oriented business license was in compliance with the location requirements of Section 180-5.2.10.D does not violate that section if when the sexually-oriented business applies to renew its valid sexually-oriented business license a church, school, dwelling, public park or childcare facility is now located within 500 feet of the sexually-oriented business. This provision applies only to the renewal of a valid sexually-oriented business license and does not apply to an application for a sexually-oriented business license that is submitted as a result of the previous sexually-oriented business license at the same location expiring or being revoked.

G. Stage Required in Adult Cabaret and Adult Theater

Any adult cabaret or adult theater shall have one or more separate areas designated as a stage in the diagram submitted as part of the application for the sexually-oriented business license. Entertainers shall perform only upon a stage. The stage shall be fixed and immovable and located inside the building in which the adult use operates. No seating for the audience shall be permitted within three feet of the edge of the stage. No members of the audience shall be permitted upon the stage or within three feet of the edge of the stage.

H. Conduct in Sexually-Oriented Business

1. No licensee, manager or employee mingling with the patrons of a sexually-oriented business, or serving food or drinks, shall be in a state of nudity. It is a defense to any prosecution for a violation of this subsection that an employee of a sexually-oriented business exposed any specified anatomical area only during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room that is accessible only to employees.

2. No licensee, manager, or employee shall encourage or knowingly permit any person upon the premises to touch, caress, or fondle the genitals, pubic region, buttocks, anus, or breasts of any person.

I. Employee Tips

1. It shall be unlawful for any employee of a sexually-oriented business to receive tips from patrons except as set forth in Subsection 3 of this section.

2. A licensee that desires to provide for tips from its patrons shall establish one or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patron of the sexually-oriented business into the tip box.

3. A sexually-oriented business that provides tip boxes for its patrons as provided in this section shall post one or more signs to be conspicuously visible to the patrons on the premises, in bold letters at least one inch high to read as follows:

   "All tips are to be placed in the tip box and not handed directly to employees. Any physical contact between a patron and employees is strictly prohibited."

J. Unlawful Acts

It shall be unlawful for a licensee, manager, or employee to violate any of the requirements of this Chapter, or of Article II of Chapter 110, or knowingly to permit any patron to violate the requirements of this section.

K. Exemptions

The provisions of this section regulating nude model studios do not apply to:

1. A college, junior college, or university supported entirely or partly by taxation;

2. A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

3. A business located in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class, a student must enroll at least three days in advance of the class; and where no more than one nude model is on the premises at any one time.

L. Regulation of Peep Booths

It shall be unlawful for a person who operates or causes to be operated a sexually-oriented business with peep booths to violate the following requirements of this section:

1. At least one employee must be on duty and situated at each manager's station at all times that any patron is present inside the premises. The interior of the premises shall be configured in such a manner that such employee shall be clearly visible from every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the employee in at least one of the manager's stations from each area of the premises to which any patron is permitted access for any purpose. The view required in this subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any opaque coverings, two-way mirrors, doors, walls, merchandise, display racks, or other materials at all times, and no patron shall be permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to Article II of Chapter 110 of this Code.
2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video display equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any opaque coverings, two-way mirrors, doors, walls, merchandise, display racks, or other materials at all times, and no patron shall be permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to Article II of Chapter 110 of this Code.
3. No peep booth may be occupied by more than one person at any one time.
4. No door, two-way mirror, screen, opaque covering, or other covering shall be placed or allowed to remain on any peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent peep booths.

M. Hours of Operation

It shall be unlawful for a sexually-oriented business to be open for business or for the licensee, manager or any employee of a licensee to allow patrons upon the licensed premises during the following time periods:

1. On any Tuesday through Saturday from 2:00 a.m. until 7:00 a.m.;
2. On any Monday, other than a Monday that falls on January 1, from 12:00 a.m. until 8:00 a.m.;
3. On any Sunday from 2:00 a.m. until 8:00 a.m.;
4. On any Monday which falls on January 1 from 2:00 a.m. until 7:00 a.m.

N. Minimum Age

1. Except for such employees as may be permitted by law, it shall be unlawful for any person under the age of 21 years to be upon the premises of a sexually-oriented business that operates pursuant to a type A sexually-oriented business license. It shall be unlawful for any person under the age of 18 years to be upon the premises of a sexually-oriented business.

2. It shall be unlawful for the licensee, manager or any employee of the licensee to allow anyone under the age of 21 years, except for such employees as may be permitted by law, to be upon the premises of a sexually-oriented business operated pursuant to a type A sexually-oriented business license. It shall be unlawful for the licensee, manager or any employee of the licensee to allow anyone under the age of 18 years upon the premises of a sexually-oriented business.

O. Signs for Sexually-Oriented Businesses

In addition to complying with all other sign regulations of this Chapter, a sexually-oriented business shall display a sign, clearly visible and legible at the entrance to the business, that gives notice of the adult nature of the sexually-oriented business and of the fact that the premises is off limits to minors or those under the age of 21 years, as the case may be. No sign for a sexually-oriented business shall contain flashing lights, words, lettering, photographs, silhouettes, drawings, or pictorial representations that emphasize specified anatomical areas or specified sexual activities.

180-5.2.11. TELECOMMUNICATION FACILITIES

[Amended 02-12-20, Ord. 20-01]

A. Purpose and Intent

The purpose and intent of this Section 180-5.2.11 is to accommodate the telecommunication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. The Town Council finds that these regulations are necessary in order to (1) facilitate the provision of wireless telecommunication services to the residents and businesses of the Town; (2) minimize adverse visual effects of towers through careful design and siting standards; (3) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and (4) encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

B. Applicability

The standards and procedures contained in this Section 180-5.2.11 apply to all applications for approval for telecommunication facilities. The Planned Unit Development process is not available to vary the standards applicable to telecommunication facilities. The applicant shall demonstrate that its proposed telecommunication facility meets all standards and provisions of this Section 180-5.2.11.

1. Amateur Radio Antennas

This Section 180-5.2.11 shall not govern any tower or antenna owned or operated by a federally licensed amateur radio station operator or used exclusively for receive-only antennas. All other applicable zoning district requirements must be met.

2. Residential Services and Small Dish Antennas

This Section 180-5.2.11 shall not govern any residential dish or antenna or the installation of any dish or antenna of less than three feet in diameter or seven square feet of frontal surface area.

3. Pre-existing Telecommunication Facilities

Any telecommunication facility for which Town approval has been properly issued prior to the effective date of this Section 180-5.2.11 shall not be required to meet the requirements of this Section 180-5.2.11 other than the requirements of Sections 180-5.2.11.C (1) through (3), and Sections 180-5.2.11.C (5) through (7). Changes and additions to pre-existing telecommunication facilities must meet the applicable requirements of this Section 180-5.2.11.

C. General Requirements

Unless otherwise provided by this Chapter or other applicable law, the following general requirements shall apply to all telecommunication facilities located within the Town of Frisco.

1. Federal Requirements

All towers and antennas must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within the time period required by the controlling federal agency. Failure to bring a tower or antenna into compliance with such revised standards and regulations shall be a violation of this Chapter and constitute grounds for removal of the tower or antenna at the owner's expense.

2. Radio Frequency Standards

a. All owners of telecommunication facilities shall comply with federal standards for radio frequency emissions.

b. With the exception of any low power telecommunications facility, at the time of application for a tower, antenna or related telecommunication facilities, and thereafter at the request of the Town upon complaint (but not more than annually), the owner shall submit a project implementation report that provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and that compares the results with established federal standards.

c. If, upon review, or at any time any telecommunications facility within the Town is operational, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the telecommunication facilities at the owner's expense. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner.

3. Building Codes; Safety Standards

a. To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower is of sufficient structural strength to accommodate reasonable co-location, if required, and is maintained in compliance with standards for towers that are published by the Electronic Industries Association, as amended from time to time, and all other applicable codes of the Town.

b. In addition to any other applicable standards and requirements, the following shall apply to all towers and telecommunication facilities:

   i. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass and injury.

   ii. No guy wires employed may be anchored within the area in front of any principal building or structure on a parcel.

   iii. All telecommunication facilities shall comply with the power line clearance standards set forth by Colorado Public Utilities Commission.

   iv. All telecommunication facilities must be structurally designed and physically sited so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. Any tower shall be designed and maintained to withstand without failure maximum forces expected from wind, snow, ice, tornadoes, and other natural occurrences, when the tower is fully loaded with antennas, transmitters, and other telecommunication facilities and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Town's Building Official prepared and stamped by a structural engineer licensed in the State of Colorado describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided upon request.

c. If, upon inspection, the Town concludes that a telecommunication facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of a telecommunication facility, the owner shall have 30 days to bring such telecommunication facility into compliance with such standards. Upon good cause shown by the owner, the Town's Building Official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such telecommunication facility into compliance within said time limit, the Town may remove such telecommunication facility at the owner's expense.

4. Order of Preference

a. Zoning District

Applicants are encouraged to construct alternative telecommunication facilities in commercial districts. An applicant requesting approval to construct a telecommunication facility in a residential district must first demonstrate to the reasonable satisfaction of the Town that a location in a commercial district would not meet the applicant's service needs. Small cell facilities, however, shall be permitted as uses by right in all zone districts, subject to the process and standards described in Section 5.2.11.J.

b. Facility Type

Wall- or roof-mounted telecommunication facilities and low power telecommunications facilities are preferred over freestanding telecommunication facilities. An applicant requesting approval to construct a freestanding telecommunication facility, which is not a low power facility must first demonstrate to the reasonable satisfaction of the Town that a wall- or roof-mounted facility is not feasible or is inadequate to provide service. When appropriate, the Town may require that an alternative telecommunication facility that reflects the character of the surrounding property (developed or undeveloped) be employed.

5. Design Standards

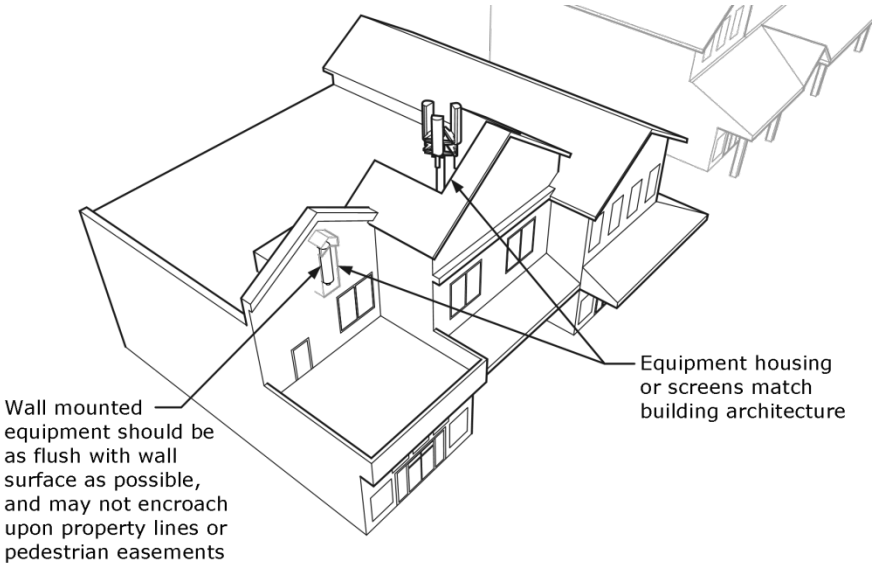
The guidelines set forth in this Subsection 180-5.2.11.C.5 shall apply to the location of all telecommunication facilities governed by this Article VII; provided, however, that the Town may waive these requirements if it determines that the overall intent of this Section 180-5.2.11.C, as defined in 180-5.2.11.A, is not served by the implementation of a particular guideline with respect to a particular telecommunication facility.

a. The location and design of a telecommunication facility and any accessory equipment shall use materials, colors, textures, screening, and landscaping that will blend the telecommunication facility to the surrounding natural setting and built environment. Accessory equipment in areas of high visibility shall, where possible, be sited below the ridgeline or designed (e.g., placed underground, depressed, or located behind earth berms) to minimize its profile.

b. Any accessory equipment located within an overlay district adopted by the Town must generally conform with the intent of the specific district standards.

c. Roof- and wall-mounted facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached. Wall-mounted facilities shall be mounted as flush to the building wall as possible. A wall-mounted facility shall not encroach into the required setback for the building to which it is attached, and shall not extend across any required utility, pedestrian or sidewalk easement or extend across the property line.

Figure 5-F: Roof- and Wall-Mounted Telecommunication Facilities



d. Freestanding telecommunication facilities shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light falling onto nearby properties, particularly residences.

e. No portion of any antenna array may extend across a required property setback or beyond the property line.

f. All applicants under this Article VII shall comply with the landscaping requirements and guidelines found in Section 180-6.14 of this Chapter.

g. The height, bulk, and setback requirements for the telecommunication facility shall be controlled by the district regulations of the zoning district in which the facility is located. Accessory equipment shall be compatible with the surrounding area and must conform with all zoning requirements.

6. Co-Location

a. No building permit shall be granted to construct a new freestanding telecommunication facility unless the applicant first demonstrates to the reasonable satisfaction of the Town that no existing tower or structure can accommodate the applicant's needs. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed telecommunication facility shall consist of one or more of the following:

i. No existing towers or structures are located within the geographic area required to meet the applicant's coverage requirements.

ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

iv. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures, or the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna.

v. The applicant demonstrates that there are other limiting factors, including but not limited to engineering factors, that render existing towers and structures unsuitable for co-location.

vi. There is insufficient land area to accommodate the placement of additional accessory equipment on the property.

b. No telecommunication facility owner or operator shall unreasonably exclude a telecommunication competitor from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence and a written statement to explain why co-location is not possible at a particular facility or site.

c. If a telecommunication competitor attempts to co-locate a telecommunication facility on an existing or approved telecommunication facility or location, and the parties cannot reach an agreement, the Town may require a third-party technical study to be completed at the expense of both parties to determine the feasibility of co-location.

7. Prohibited Use

Advertising or communication of any visual messages from a tower or antenna is prohibited.

8. Abandonment; Removal

The owner of any telecommunication facility located within the Town shall notify the Community Development Department when such telecommunication facility and any associated accessory equipment is no longer in operation. Upon such notification, or if the telecommunication facility is otherwise determined not to be in operation, the Town shall consider the facility abandoned. For the purposes of this subsection, a telecommunications facility that is not operated for a continuous period of six months shall be deemed to be abandoned. The Town, in its sole discretion, may thereafter require removal of the abandoned facility by the owner and shall notify the owner accordingly. If the facility is not removed within 90 days, the facility shall be considered a nuisance under Chapter 124 of the Town Code and may be removed by the Town. All costs for the removal shall be paid for by the owner of the facility. Upon removal the site shall be restored and/or revegetated to blend with the surrounding environment. After the antenna or tower is removed and the site is restored to the satisfaction of the Town, the Town shall return to the owner the performance bond required pursuant to Section 180-5.2.11.D.2.d. If the antenna or tower is not removed within said 90 days, the Town may remove and dispose of such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

D. Permit and Application Requirements

1. Building Permit

It shall be unlawful for any person, firm, or corporation to construct or erect a telecommunication facility without first obtaining a building permit.

2. Information Required

In addition to any other information required by this Chapter, the following information shall be submitted with all telecommunication facility building permits:

a. The identity and legal status of the applicant, including any affiliates.

b. The name, address, and telephone number of the officer, agent, or employee responsible for the accuracy of the application.

c. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license, or other approvals required by the FCC to provide telecommunication services or facilities within the Town.

d. An agreement to post a deposit at the time a permit is issued, in an amount to be set by the Town, reasonably related to the removal costs that may be incurred by the Town, should the applicant fail

to comply with any of its obligations with regard to the removal of a telecommunication facility, any accessory equipment, and revegetation of the site.

e. An agreement to (i) consider co-location proposals from other commercial radio providers with an interest in applicant's facility and (ii) not unreasonably to exclude co-location by such entities, along with a statement explaining how the facility may be used for co-location.

f. An agreement to notify the Town at least ten days prior to introduction of new services or changes in existing service, and to allow the Town to monitor interference levels with public safety communications during the testing process.

g. Except for low power telecommunications facilities, a verified statement of a qualified radio frequency engineer certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems, or if such potential interference problems exist, a description of the nature of the potential interference and a plan to mitigate and eliminate any such interference.

h. A narrative and map description of the applicant's existing or then currently proposed telecommunication facilities within the Town, and outside of the Town within three miles of its boundaries, including specific information about the location, height, and design of each tower and any accessory equipment. In addition, the applicant shall inform the Town generally of the areas of the Town in which it believes telecommunication facilities may need to be located within the next three years.

   i. This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding the location of facilities within the Town. Rather, it is an attempt to provide a mechanism for the Town and all applicants for telecommunication facilities to share general information, assisting in master planning process, and promote co-location by identifying areas in which telecommunication facilities might be appropriately constructed for multiple users.

   ii. The Community Development Department may share such information with other applicants applying for administrative approvals or special use permits under this Article VII or other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

   iii. Such other information as the Town may reasonably require.

3. Supplemental Information

After issuance of a permit, each owner or operator of a telecommunication facility shall inform the Town, within 60 days, of any change of the information set forth in this Section 180-5.2.11.D.

E. Fees

In addition to any other fees required by this Chapter or other applicable law, the applicant shall pay a telecommunication facility permit fee. Each application shall be submitted with the telecommunication facility permit fee. Such fee schedule shall be reasonably related to the cost of administering this Section 180-5.2.11. In addition, any reasonable costs incurred by the Town, including reasonable costs to verify compliance with any requirements under this Section 180-5.2.11, shall be paid by the applicant.

F. Permitted Uses

Provided that a telecommunication facility is a permitted use in the applicable zoning district and the use is described in Subsection (b) hereof, said facility shall not require a special use permit. Nevertheless, all such uses shall comply with Subsections 180-5.2.11.C and 180-5.2.11.D and the zoning district regulations for permitted structures in the zoning district in which they are located. Telecommunication facilities shall be considered a permitted use in the following zoning districts: Public Facilities District (PF); Central Core District (CC); Commercial Oriented District (CO); Gateway District (AC); Mixed-Used District (MU). A low power telecommunications facility intended for residential uses and services may be considered a permitted use in

all zoning districts. Small cell facilities, however, shall be permitted as uses by right in all zone districts, subject to the process and standards described in Section 5.2.11.J.

1. Specific Uses Considered Permitted Uses

a. Locating a wall- or roof-mounted facility that is within the maximum height limit and as long as all other requirements of the zoning district are met.

b. Locating a freestanding telecommunications facility either as the principal use on a site, or on a site where a principal use already exists, so long as all other requirements of this Chapter, including setbacks and height limitations, are met and as long as all accessory equipment on the property disturb less than 350 square feet of lot area.

   i. No site may have more than one freestanding telecommunications facility as a principal use. If more than one freestanding telecommunications facility is requested, the application for the freestanding telecommunications facility shall be considered a special use.

c. Installing an antenna on an existing tower, so long as said additional antenna does not exceed the height limit for the zoning district or adds no additional height to said existing structure, does not extend laterally a distance of more than 12 feet, and is consistent with any applicable conditions of approval for the subject site that previously have been imposed by the Town.

d. Installing an antenna on an existing alternative telecommunication facility, so long as said additional antenna does not exceed the height limit for the zoning district or adds no additional height to said structure, is consistent with any applicable conditions of approval for the subject site that previously have been imposed by the Town and does not negatively affect the aesthetic appearance of the facility such that it no longer acts to camouflage or conceal the presence of antennas or towers.

e. Installing a low power telecommunications facility on any structure, including a tower, provided:

   i. That the structure or tower does not exceed the maximum building height on the zoning district plus an additional 12 feet;

   ii. That the low power telecommunications facility is not allowed within any required setback, and any such facility in excess of eight feet in height shall be located one foot from the required setback for each foot in height above eight feet;

   iii. That the earth disturbance associated with providing access and or utilities to a low power telecommunications facility does not exceed 500 square feet; and

   iv. That no solar panels greater than 32 square feet in size are installed in association with a low power telecommunications facility.

2. Design Review and Approval

Applications to construct telecommunication facilities that are permitted uses as provided in this Section 180-5.2.11.F shall undergo site plan review by the Community Development Department in accordance with Section 180-2.5.2 of this Chapter.

G. Special Uses

1. Generally

All telecommunication facilities not treated as permitted uses pursuant to Section 180-5.2.11.F are deemed to be special uses and shall require a special use permit. An applicant proposing a telecommunication facility that exceeds the height limitations set by the zoning district in which such facility is proposed shall obtain a special use permit, in lieu of a variance.

2. Review and Approval

Applications to construct telecommunication facilities that require a special use permit shall be processed according to the following procedure:

a. Pre-Application Conference

The applicant shall schedule an informal conference with the Community Development Department prior to the submittal of an application.

b. Information Required

Each applicant requesting special use approval under this section shall submit, in addition to the information required by Section 180-2.5.2 of this Chapter, documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of the proposed telecommunication facilities, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and all other information deemed by the Community Development Department to be necessary to assess compliance with this Section 180-5.2.11.

c. Planning Commission

The Planning Commission, at its next available meeting, a minimum of 45 days after the filing of a complete application, shall hold a public hearing on the application and consider the recommendations of the Community Development Department staff and the merits of the proposed application. The application shall be noticed in accordance with Section 180-2.3.5. In approving any application, the Planning Commission may impose any reasonable conditions to ensure that the proposal satisfies the criteria set forth in this Chapter.

3. Height

An applicant proposing to construct a telecommunication facility that exceeds the height limitations set by the zoning district in which such facility is proposed shall provide a statement that justifies the need for the proposed facility and height requested. Such a statement shall include evidence that:

a. The facility is designed to be the minimum height necessary to provide service; and

b. A greater number of towers built at a lesser height would be inadequate to meet the applicant's service demands.

4. Factors Considered in Granting Special Use Permits for Telecommunication Facilities

In addition to the applicable requirements of this Chapter, the Town shall consider the following factors in determining whether to issue a special use permit:

a. Demonstrated need for a facility that exceeds the height limitation for the zoning district; and

b. Proximity of the tower to residential structures and residential district boundaries; and

c. Nature of uses on adjacent and nearby properties; and

d. Surrounding topography; and

e. Surrounding coverage and tree foliage; and

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

g. Proposed ingress and egress to the property; and

h. An evaluation of the applicant's plans for development of its telecommunication facilities within the Town, as well as those plans on file from other telecommunication providers; and

i. An evaluation of the criteria set forth in Sections 180-5.2.11.C and 180-5.2.11.D above; and

j. Availability of suitable existing towers and other structures as discussed in Subsection 180-5.2.11.C.6; and

k. Any other information that the Town deems reasonably necessary in connection with the review of the application.

5. The Following Additional Provisions Shall Govern the Issuance of Special Use Permits for Telecommunication Facilities:
   a. In granting a special use permit, the Town may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed telecommunication facility on adjoining properties.
   b. Telecommunication facilities approved as a special use shall not require a variance for any specific conditions approved as part of the special use process.
   c. Any information of an engineering nature that the applicant submits, whether civil, mechanical, structural, or electrical, shall be certified by a licensed professional engineer, or a qualified radio frequency engineer.
6. All applications and the subsequent decision on whether to approve, approve with conditions or deny an application for a special use permit shall be in writing, based upon evidence presented to the Town.

H. Public Property

1. A telecommunication facility applicant proposing to locate a telecommunication facility on any public property or public right-of-way shall contact the Public Works Department and the Community Development Department prior to submitting an application.
2. Any telecommunications facility proposed to be located in a public right-of-way is additionally subject to the following requirements:
   a. The facility must meet all setback and other requirements of the zoning district in which it is located, unless located in a public right-of-way.
   b. The facility must not create any threat or impairment to public health and safety, including but not necessarily limited to blocking vehicular and pedestrian sightlines.
   c. The height of the facility shall not exceed the maximum permitted height of public utility poles located in the same zoning district.

I. Telecommunication Facilities Definitions

The following words and phrases, when used in this section, shall have the meanings ascribed to them in this Subsection 180-5.2.11.

1. Accessory Equipment

Equipment, including telecommunication facilities as defined herein, used to protect and enable radio switching equipment, back-up power, support structures, and other devices incidental to a telecommunication facility, but not including towers, antennas or alternative telecommunication facilities.

2. Alternative Tower Facility

An existing or proposed structure that is compatible with the natural setting and surrounding structures and that camouflages or conceals the presence of the antennae and can be used to house or mount an antenna. Examples include manmade trees, clock towers, bell steeples, light poles, silos, existing utility poles, existing utility transmission towers and other similar alternative designed structures.

3. Antenna

Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of wireless communications signals.

4. FAA

The Federal Aviation Administration.

5. FCC

The Federal Communications Commission.

6. Height, Tower or Telecommunication Facility

When referring to a tower or telecommunications facility, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

7. Micro-Cell Facility

A small wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

8. Pre-Existing Towers and Antennas

Shall have the meaning set forth in Section 180-5.2.11.B.3.

9. Public Right-Of-Way or Right-Of-Way

Public streets, alleys, ways, highways, easements, and any other like access dedicated primarily for the use of the public.

10. Small Cell Facilities

a. Shall mean facilities that either

i. are mounted on structures 50 feet or less in height including their antennas;

ii. are mounted on structures no more than 10 percent taller than other adjacent structures; or

iii. do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and

b. Each antenna associated with the deployment is no more than three cubic feet in volume; and

c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

11. Small Cell Network

A collection of interrelated small cell facilities designed to deliver wireless service.

12. Telecommunication Facility

A facility that transmits and/or receives electromagnetic wireless communications signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development. The following types of facilities are included within this definition:

a. Alternative telecommunication facility

A telecommunication facility with an alternative design that camouflages or conceals the presence of antennas or towers such as, but not limited to, artificial trees, clock and bell towers, light standards, flagpoles and steeples.

b. Freestanding telecommunication facility

A telecommunication facility that consists of a stand-alone support structure or tower, antennas, and accessory equipment.

c. Low power telecommunications facility

A telecommunications facility necessary to broadcast telecommunications for voice, data or video with emitted power levels less than 36dBm (or such other levels as may be authorized by the Federal

Communications Commission to be low power telecommunications) with total frontal surface areas of all antennas not exceeding ten square feet for any single parcel.

d. Roof and/or wall mounted telecommunication facility

A telecommunication facility that is mounted to the roof or any rooftop appurtenance, or to the face of a legally existing building or structure.

13. Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and alternative telecommunication facilities.

J. Standards for Small Cell Facilities and Networks

1. Applicable Requirements

Small cell facilities and small cell networks, shall comply in all respects with the requirements of this Subsection J., in addition to all other requirements of this Section 5.2.11 applicable to all wireless telecommunication services facilities, with the following exceptions:

a. Setback;

b. Design;

c. Location; and

d. Any requirement or standard that an applicant demonstrates to operate in a manner that effectively prohibits or materially inhibits the provision of wireless service within the Town, in the context of the particular proposed application.

2. Location

Small cell facilities are permitted in Town rights-of-way, upon facilities in these rights-of-way and on public easements owned by the Town under the following priority:

a. First, on a Town-owned utility pole, if any, which shall be removed and replaced with a pole designed to contain all antennae and equipment within the pole to conceal any ground-based support equipment and ownership of which pole is conveyed to the Town.

b. Second, a Town-owned utility pole with attachment of the small cell facilities in a configuration approved by the Town.

c. Third, on an existing third-party owned utility pole, (with the consent of the owner thereof), with attachment of the small cell facilities in a configuration approved by the Town.

d. Fourth, on an existing traffic signal pole or mast arm in a configuration approved by the Town, or in the case of a CDOT facility, by CDOT.

e. Fifth, on an existing freestanding or ground-mounted facility which meets the definition of and requirements for an alternative tower structure in a location and configuration approved by the Town.

f. Sixth, on a new freestanding or ground-mounted facility, which meets all applicable requirements and standards of this Section.

3. Height

All small cell facilities shall not exceed ten feet above the light pole, traffic signal or other facility or structure to which they are attached, or, for such facilities located outside of the public right-of-way, the lesser of: (a) ten feet above the pole or other facility or structure to which they are attached; or (b) the maximum height in

the relevant zone district. When new utility poles are proposed as an alternative tower, their height shall be similar to existing utility/light poles in the vicinity.

4. Spacing

No small cell facility shall be located within one thousand feet (1000 ft) of any other such facility or such lesser distance as proven by the applicant to be necessary to locate an operational small cell facility within the Town, given all reasonably available location sites, existing technology, and other small cell facilities in the vicinity at the time of application.

5. Design Standards

The purpose and goals of these design standards are to: (i) ensure that the design, appearance, and other features of small cell facilities are compatible with nearby land uses; (ii) manage the Town's rights-of-way to ensure traffic safety and coordinate and accommodate various uses; and (iii) protect the integrity of the Town's historic, cultural, and scenic resources and quality of life.

All small cell facilities shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the Town, consistent with this Code.

a. Camouflage/Concealment. All small cell facilities shall, to the extent possible, use camouflage and concealment techniques designed to minimize or eliminate the visual impact of such facilities to surrounding uses, including, but not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the facilities to the surrounding natural setting and/or built environment. Design, materials and colors of small cell facilities shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located on the public right-of-way and on adjacent parcels. All visible exterior features of a small cell facility shall be constructed out of or finished with non-reflective metals.

b. Proximity to Residential Uses. Small cell facilities shall be sited in a manner that evaluates the proximity of the facility to residential structures and uses and, to the extent practical, equitably distributes any visual impacts of such facilities among adjacent residential uses and properties.

6. Relocation and Removal

All facilities in Town right-of-way or easements shall be removed and/or relocated at the applicant's expense in the event the Town's use of the right-of-way or easement precludes the continued presence of such facilities.

7. Permitting and Procedural Deadlines

All small cell facilities and networks shall be reviewed pursuant to the procedure within this Section 5.2.11. Small cell facilities and networks shall also make application for a permit for work in the right-of-way, as applicable. The Town may accept applications for a small cell network, provided each small cell facility shall be separately reviewed. Once determined to be complete by the Community Development Department, an application to locate a small cell facility shall be acted upon: (a) within sixty days, for a facility co-locating on an existing structure; or (b) within ninety days, for a facility locating on a new site or structure. For purposes of this subsection, an application to locate a small cell facility means and includes all applications for Town-approvals necessary to locate and operate said facility.

8. Indemnification

The operator of a small cell facility which is permitted to locate on a Town right-of-way or easement or on a Town-owned utility pole, traffic signal or other structure owned by the Town, or within a Town-owned right-of-way or easement, shall, as a condition of permit approval, indemnify the Town from and against all liability and claims arising as a result of that location or attachment, including repair and replacement of damaged poles and equipment, in a form approved by the Town attorney.

9. Bonding

All permits for location of small cell facilities on real property not owned by the small cell permittee shall include as a condition of approval a bond, in form approved by the Town attorney, to guarantee payment for any damages to the real property and removal of the facility upon its abandonment.

10. Permit Timing and Expiration

Notwithstanding the seasonal limitation imposed by Section 87-4 of this Code on excavations, if a small cell facility installation requires an excavation permit in order to complete the facility's installation without undue delay, the Town Manager may permit an excavation permit to be issued if the Manager determines that the welfare of the Town's residents and visitors will not be unnecessarily adversely affected by said excavation. Applicants for small cell installations requiring excavation permits must state on their application the reasons why such excavation must occur between November 1 and April 14, in order to assist the Manager in making a determination.

A permit for a small cell facility shall expire nine (9) months after approval unless construction of the permitted structure has been initiated, unless extended as a result of the seasonal time limits imposed by Section 87-4.

180-5.2.12. LIGHT INDUSTRIAL ZONING DISTRICT

A. Offices and Medical Offices
Offices and medical offices on the ground floor are a conditional use. Offices and medical offices not located on the ground floor are a permitted use.

180-5.2.13. MIXTURE OF USES IN THE MIXED USE DISTRICT

For properties located in the Mixed Use District, development shall be a mixture of residential and nonresidential uses, with each such use making up not less than 20 percent of the total gross floor area of all uses within the property. Developments with a lesser mixture of residential or nonresidential uses, including single use developments, are a conditional use.

180-5.3 Accessory Uses and Structures

180-5.3.1. ACCESSORY DWELLING UNITS

A. Accessory dwelling units shall be no larger than 900 square feet.

B. Accessory dwelling units shall not be used for short-term rental housing.

C. Accessory dwelling units shall not be subdivided.

D. In all districts where accessory dwelling units are permitted or conditional, except the PR and PF Districts, one accessory dwelling unit is permitted per principal dwelling unit or commercial unit.

E. An accessory dwelling unit shall be counted as a unit of density, unless exempted by Section 180-5.5.1.

180-5.3.2. CARRIAGE HOUSE REQUIREMENTS

A. A "carriage house" is a separate detached dwelling unit that is incidental and subordinate in size and character to the primary residence and that is located on the same parcel or on a contiguous lot that is under the same ownership as that on which the primary residence is located. A primary residence may have no more than one carriage house. A carriage house may not be accessory to another accessory dwelling unit or carriage house. A carriage house shall be developed in accordance with all applicable requirements of this Chapter.

B. A carriage house shall not be considered a unit of density with regard to zoning requirements provided that it is permanently deed-restricted for rent to persons earning a maximum of 80 percent of the area median income, at a rate established by the Summit Combined Housing Authority. For purposes of this section, the terms of the deed restriction or covenant governing the unit must be acceptable to the Town in its sole discretion.

C. A carriage house shall conform to the following design standards:

1. A carriage house may be no larger than 50 percent of the floor area of the principal dwelling unit, up to a maximum of 1,000 square feet. A minimum of ten percent of the floor area of the carriage house must be closet or storage area.

2. A carriage house must function as a separate dwelling unit. This includes the following:

a. A carriage house must be separately accessible from the exterior of the unit.

b. One parking space for the carriage house shall be provided on-site for the benefit of the carriage house resident. The parking space shall not be stacked with any space for the primary residence.

c. The maximum height of a carriage house is 25 feet.

d. The finished floor heights of the carriage house shall be entirely above the natural or finished grade, whichever is higher, on all sides of the structure.

e. The carriage house shall be detached from the primary residence. A carriage house located above a detached garage or storage area shall qualify as a detached carriage house.

f. The roof design shall prevent snow and ice from shedding upon an entrance area to a carriage house. If the entrance area is accessed via stairs, sufficient means of preventing snow and ice from accumulating on the stairs shall be provided.

180-5.3.3. SOLAR ENERGY FACILITIES

Solar energy facilities may be ground-mounted or mounted on principal or accessory structures, provided they comply with the following requirements:

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.

180-5.4 Temporary Uses and Structures

[Amended 11-12-19, Ord. 19-21]

180-5.4.1. CONSTRUCTION TRAILERS

The use and the placement of construction trailers are subject to the following requirements:

A. Not Residential

Construction trailers cannot be used for living quarters.

B. Period Permitted

All trailers shall be removed after 12 months from the date the Building Permit is issued, or when all Certificates of Occupancy have been issued, whichever occurs first. One extension of a maximum for 120 days may be granted at the discretion of the Community Development Department.

C. Location

No construction trailer shall be located in the Town's right-of-way, or at any location where it will be detrimental to the overall health, safety, and welfare of the surrounding environment, businesses, and neighborhoods. Construction trailers shall be placed in the least visible locations and shall be shielded whenever possible. No pre-existing required parking spaces shall be occupied by construction trailers, unless otherwise approved by the Planning Commission. Construction trailers shall not be used for signage purposes (refer to Section 180-6.19.13.L). Construction trailers shall not be stacked on top of one another.

D. Amendments

Any changes to the approved number, use, or placement of construction trailers on-site may be approved by the Community Development Department staff.

180-5.4.2. EXPANSION OF REPLACEMENT FACILITIES AT THE FRISCO PENINSULA RECREATION AREA AND THE FRISCO BAY MARINA

Temporary expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and are readily removed from the site and installed at other sites, that are on the site of, and are for or in connection with the Town of Frisco's operation of the Frisco Peninsula Recreation Area or the Frisco Bay Marina for a period of no more than 24 months, are exempt from the requirements of this Chapter.

180-5.4.3. RELOCATED BUILDINGS OWNED BY THE TOWN

The temporary placement, for a period of no more than 24 months, of existing buildings owned by the Town, including but not limited to historic structures, that are being relocated to another permanent location, are exempt from the requirements of this Chapter.

180-5.4.4. TOWN SPECIAL EVENTS

Temporary uses and structures that are part of a Town of Frisco special event or an event authorized by a Town of Frisco special event permit, and that are limited to the duration of said event, are exempt from the requirements this Chapter.

180-5.5 Affordable Housing

[Amended 04-09-19, Ord. 19-04]

180-5.5.1. INCENTIVES

A. Accessory Dwelling Units

In the RL, RM, RH, GW, CC, and MU Districts, any accessory dwelling unit meeting the Town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 100 percent of the area median income, at a rate established by the Summit Combined Housing Authority for that income level, and pursuant to other criteria as established from time to time by the Town or the Summit Combined Housing Authority.

B. Density Bonuses

1. Central Core, Gateway, and Mixed-Use Districts

In the CC, GW, and MU Districts, a density bonus over the maximum allowable density is available if approved by Planning Commission, provided that:

a. A minimum of 50 percent of the total number of bonus units is provided as affordable housing deed-restricted for sale or rent to persons earning a maximum of 100 percent of the area median income, at a rate established by the Summit Combined Housing Authority for that income level, and pursuant to the other criteria as established from time to time by the Town or the Summit Combined Housing Authority; or

b. For each bonus dwelling unit allowed, at least two affordable housing units are provided on property outside of the subject property, but within the Town of Frisco or within one (1) mile of any corporate limit of the Town of Frisco.

2. Density Bonus Requirements

a. In order to qualify for the density bonus incentive of additional dwelling units in multi-family and/or mixed-use projects, each deed restricted affordable unit shall be no more than 15 percent smaller in gross floor area than the corresponding bonus market rate unit. Provided, however, that if the affordable housing units provided under any density bonus provision of this Chapter are located off of the site of the subject property, then the foregoing requirement shall not apply and, instead, for every two off-site affordable units provided, the total combined floor area of such units shall, at a minimum, be equal to the floor area of the associated one on-site density bonus unit. Further provided, however, that in no instance shall an off-site affordable housing unit provided under any density bonus provision of this Chapter be less than 600 square feet in gross floor area.

b. Every owner of an affordable housing unit shall ensure that each potential buyer of the unit is qualified for the purchase through the Summit Combined Housing Authority, and any affordable housing unit established pursuant to any density bonus provision of this Chapter shall be marketed and offered solely through the Summit Combined Housing Authority.

c. For each affordable housing unit that is provided under any density bonus provision of this Chapter and that is to be located on or off the site of the subject property, the required deed or covenant restriction for such unit shall be established and legally enforceable prior to the Town's issuance of a certificate of completion or a certificate of occupancy for the corresponding bonus market rate dwelling unit in the development project.

3. Criteria for Approval

Bonus units may be approved by the Planning Commission upon finding that the additional units, because of the structure's design, height, mass, and scale, do not detract from the character of the vicinity and small mountain town character.

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180-6.1 Title

The provisions of this section shall be known and may be cited as the "Frisco Development Standards."

180-6.2 Purpose

The purposes of this section are to:

180-6.2.1. Guide future growth and development in accordance with the Master Plan and related municipal ordinances.

180-6.2.2. Provide for an efficient process to review development proposals.

180-6.2.3. Provide a framework by which development proposals are reviewed to ensure safe and functional development, which are compatible with the natural and man-made environment.

180-6.2.4. Assist orderly, efficient, and integrated development.

180-6.2.5. Promote the health, safety, and general welfare of the present and future residents and guests of the Town.

180-6.2.6. Ensure conformance of development applications with the public improvements plans of the Town, Summit County and the State of Colorado and other public agencies.

180-6.2.7. Protect natural flora and fauna, wetlands and scenic areas.

180-6.2.8. Prevent and control erosion, sedimentation and other pollution of surface and subsurface water.

180-6.2.9. Prevent flood damage to persons and properties and minimize expenditures for flood control.

180-6.2.10. Restrict building on flood lands, steep slopes, areas covered by poor soils or in areas otherwise poorly suited for construction.

180-6.2.11. Prevent loss or injury from landslides, expansive soils and other geological hazards.

180-6.2.12. Provide for adequate access, circulation and other functional considerations of site design.

180-6.3 Applicability

[Amended 04-09-19, Ord. 19-04]

The development standards established in this section are applicable to all development within the Town of Frisco. The development standards established in this section also shall be applied such that any change, extension, or alteration to an existing structure or developed property will require the property to come substantially more into compliance with said standards. This section is intended to complement Section 180-2.5, by detailing standards required for development.

180-6.3.1. JOINT USE RESTRICTION

A. No part of a yard or other open space required about or in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard or other open space similarly required for any other building, except as approved by the Town under the planned unit development regulations.

B. No part of a lot designated for any use(s) or structure(s) for the purpose of complying with the provisions of this Chapter shall be designated as a part of a lot similarly required for another use(s) or structure(s), except as approved by the Town under the planned unit development regulations.

180-6.3.2. BUILDINGS OCCUPYING MORE THAN ONE LOT

Where a residential or non-residential project has been resubdivided into more than one lot, it shall be considered to be occupying one lot for purposes of complying with district regulations such as density, floor area ratio (FAR) lot coverage, open space, lot size, lot frontage, and setbacks. For purposes of this section, the boundaries of the one lot shall be the outermost lot lines of all lots occupied by the project. Except in the case of a condominium building or a property line between duplex or townhouse units, for any proposed development, no building shall be constructed over a property line and any proposal to construct a building over an existing property line shall be accompanied by a plat application to cause the property line to be vacated.

180-6.4 Improvements Agreement

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.

180-6.4.2. FINANCIAL SECURITY

All required improvements shall be completed prior to the issuance of a certificate of occupancy unless an improvements agreement and financial security guaranteeing performance have been approved by the Community Development Department. The financial security to be provided shall be in the amount of one hundred fifty percent (150%) of the estimated cost of the required improvements. The applicant is responsible for obtaining bids to determine costs of said improvements. All improvements are to be completed within one year, with the possibility of one, nine month extension. The financial security shall be released upon certification by the Community Development Department Director or her designee that all requirements have been met.

180-6.5 Land-Disturbing Activities

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.

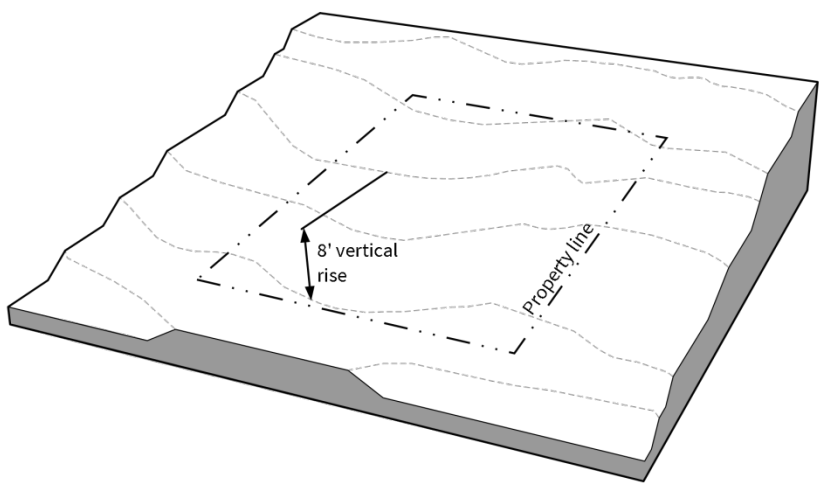
B. Applicability

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. To qualify as a steep slope, the subject area must have at least an eight-foot vertical rise from any one contour line on a topographic map at any point along the continuous sloped area. 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.

Figure 6-A: Development on Steep Slopes



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 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.

Figure 6-B: Visual Impact to Off-Site Areas

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.

F. Exceptions to Minor Changes in Slopes

Upon Town approval, 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.

180-6.5.2. GRADING PERMIT

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 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. Plans must include 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 Community Development Department staff. Landscaping of single-household dwellings and duplexes, profile holes or soil tests disturbing less than 500 square feet, and normal agricultural operations are exempt from the requirement of 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.

180-6.6 Drainage Plans

A drainage plan must be submitted prior to the approval of a proposed subdivision or development. Said plan shall be prepared by a licensed engineer licensed in the State of Colorado. An application that meets the following requirements shall be submitted to and approved by the Town Engineer.

180-6.6.1. SUBMITTAL REQUIREMENTS

An engineer's report describing and providing evidence of the following:

A. Show the type, size, and location of existing and proposed drainage structures such as infiltration galleries, dry wells, retention ponds and grassed channels.

B. Show the manner in which drainage and runoff will be controlled and confined on-site, including all calculations.

C. Contours must be shown at two foot intervals on the drainage plan. If the slope across the site is four percent or less, the contour interval shall be shown at one foot.

D. Show cross sections of specific structures and drainage ways to be constructed.

E. Provide for the diversion of runoff from snow storage areas, dumpsters and other trash storage areas into detention facilities.

F. Provide adequately sized detention facilities where dewatering of excavations may be needed (such facilities may be temporary in nature).

G. Alternate methods shall be accepted only with prior approval by the Town Engineer.

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.

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. 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]. 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.

180-6.6.3. MUNICIPAL STORMWATER DRAINAGE PLAN

Upon the adoption of a stormwater drainage plan by the Town, all lot owners within the affected area shall be subject to the requirements and specifications of such plan at the time of development.

180-6.6.4. EROSION AND SEDIMENT CONTROL

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 shall be used as a guideline for all temporary and permanent erosion and sediment control best management practices 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 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 or 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 ask, 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.

180-6.7 Water Quality Protection

180-6.7.1. OBJECTIVE

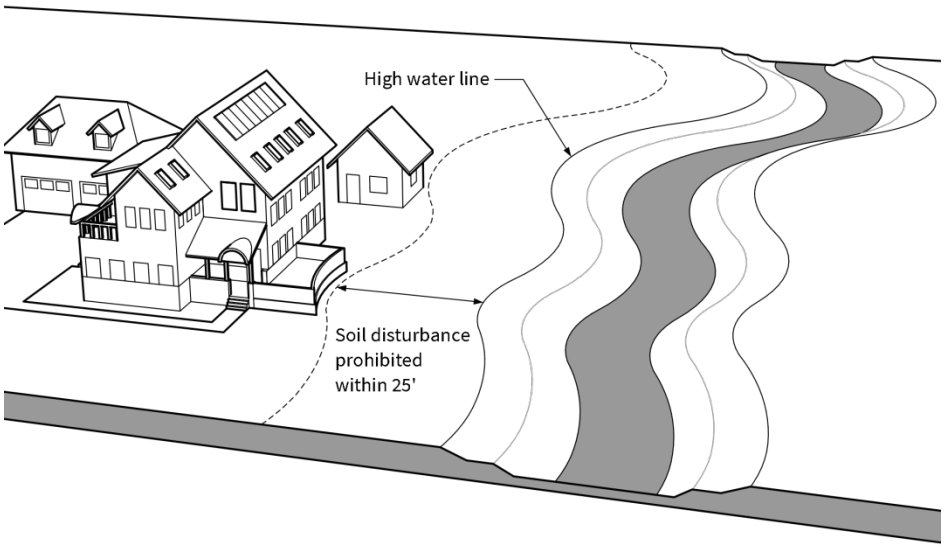
To protect water quality by maintaining a natural buffer through which pollutants pass and to protect the riparian habitat and the visual appearance of the Town's waterways, lakeshores, and wetlands by prohibiting soil disturbance within 25 feet of a body of water or wetland.

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.

Figure 6-C: Waterside Setback



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.

180-6.8 Air Quality Protection

[Amended 04-09-19, Ord. 19-04]

180-6.8.1. ALLOWANCE OF NON-SOLID FUEL-BURNING DEVICES

A. Nothing in the regulation shall be construed to limit the number of non-solid-fuel-burning devices (gas, liquid, electricity) which may be installed in new construction, provided that all such installations are in compliance with Chapter 65, Town of Frisco Building Construction and Housing Standards. For the purpose of this section, "new construction" is construction of a residential, commercial, industrial, or agricultural building. This shall include any modification, replacement, or relocation of existing solid-fuel-burning devices. However, modification to solid-fuel-burning devices shall not include repair, replacement, or relocation of flue pipe.

B. A non-solid-fuel-burning device may be installed only if the applicant(s) can demonstrate that such a device is actually being installed and will be used for burning non-solid-fuel and only if the applicant states, within his application, that said device will not be used for burning solid-fuel. The burden is upon the applicant(s) to present evidence to the Community Development Department for review. An example of evidence includes, but is not limited to, a site plan that depicts the location and installation of the non-solid-fuel-burning device, and the gas, liquid, or electricity lines and venting system which are necessary for proper functioning of this device only.

180-6.8.2. SOLID FUEL-BURNING DEVICES

No uncertified solid-fuel-burning device(s) shall be installed in any new construction. In addition, no uncertified solid-fuel-burning device(s) shall be installed in the process of modifying, replacing, or relocating any existing solid-fuel-burning device. Modifications to solid-fuel-burning devices shall not include repair, replacement, or relocation of flue pipe.

180-6.8.3. LIMITATIONS ON CERTIFIED SOLID FUEL-BURNING DEVICES

The number of certified solid fuel burning devices that may be installed in any structure within the Town of Frisco is hereby limited to the following:

A. The maximum allowable number of certified solid-fuel-burning devices shall not exceed eight certified devices per acre within the proposed project area.

B. Additional certified solid-fuel-burning devices shall be permitted in businesses that deal exclusively in the sale of certified solid-fuel-burning devices. However, limitations within this section shall not apply to the replacement of a noncertified solid-fuel-burning device with a certified solid-fuel-burning device.

180-6.9 Road Construction and Maintenance Standards

Any private or public road design, construction or maintenance (other than routine maintenance) in the Town shall meet the standards set forth in Section 180-6.6, Drainage Plans, Section 180-6.7, Water Quality Protection, Section 180-6.10, Stream Crossings by Roads and Utilities, Section 180-6.7.2.D, and Chapter 155, Minimum Street Design and Access Criteria.

180-6.10 Stream Crossings by Roads and Utilities

180-6.10.1. The number of stream crossings by roads and utilities shall be minimized.

180-6.10.2. The standards set forth in Section 180-6.6, Drainage Plans and Section 180-6.7, Water Quality Protection shall be met for each stream crossing by a road or utility.

180-6.11 Access

180-6.11.1. VEHICULAR ACCESS REQUIREMENTS

All vehicular access must comply with the standards set forth in Chapter 155, Minimum Street Design and Access Criteria.

A. In addition, all vehicular access shall meet the following standards:

   1. Applicant shall provide safe and adequate access to each structure for all public services, including but not limited to fire and emergency equipment.

   2. Applicant's project shall not impose excessive vehicular traffic thereby creating an unacceptable level of service (roadway levels of service D-F) on any of the surrounding roadways.

   3. Access in and out of a project shall be designed so as to create a safe condition and reduce potentially hazardous or inadequate situations, including but not limited to inadequate access, parking or loading of the project site, for residents or employees of the project as well as the general public.

B. Where development abuts a state highway, location of access points to the highway must be approved by the Colorado Department of Transportation.

C. Where development abuts a Town road, location of access points to the road must be approved by the Frisco Public Works Director.

180-6.11.2. NON-VEHICULAR ACCESS REQUIREMENTS

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. All site plans shall provide for and show non-vehicular access in accordance with the standards set forth in Chapter 155, Minimum Street Design and Access Criteria. In addition, all non-vehicular access shall meet the following standards:

A. Every principal structure shall have safe and convenient non-vehicular access to a public street or road year-around.

B. Every principal structure shall be provided with access to adjacent trail systems or public open space usable for recreation activities.

C. New development shall integrate pedestrian ways, trails, and/or bicycle paths with similar existing and planned facilities on adjacent properties. The Town's Paved Pathway Plan should be used as a reference when planning for the integration of these facilities.

180-6.12 Traffic Studies

180-6.12.1. Traffic studies, prepared by a professional engineer licensed in the State of Colorado, shall be provided for any large project that:

A. Requires a conditional use or rezoning approval;

B. Is located adjacent to either Main Street or Summit Boulevard;

C. Contains only one point of access;

D. Contains an access point off an unimproved roadway or unincorporated area;

E. Contains an access point off a road with a service level of D or F; or

F. Is expected to generate 400 or more daily trips per day.

180-6.12.2. The extent of the area to be included in a traffic study shall be determined by Town staff based on the type, scale, and location of the development proposed. Elements of a traffic study shall include, but not be limited to, the following:

A. Existing traffic flow conditions within the defined study area, considering the peak hours and average daily traffic.

B. Future conditions due to the traffic impact from the proposed development within the defined study area.

C. Pedestrian circulation within the study area accessing the proposed development.

D. Recommendations to relieve impacts to traffic due to the proposed development, including but not limited to, pedestrian access, intersections, current roadway sections, noise, signage and safety.

180-6.13 Parking and Loading Regulations

[Amended 04-09-19, Ord. 19-04]

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.

180-6.13.2. PURPOSE

The intent of these regulations is to require that parking and loading spaces be provided relative to the impacts created by proposed new developments, while promoting a pedestrian oriented commercial and downtown area.

180-6.13.3. ON-PREMISE PARKING REQUIREMENTS

A. Parking Requirements

The following minimums for permitted uses. Minimum must be complied with in all zoning districts except the Central Core District (CC) and those properties within the Mixed-Use District (MU) that front on West Main Street. On premise parking requirements for the Central Core District and those properties in the Mixed-Use District that front on West Main Street are found under paragraph D of this Subsection 180-6.13.3. Conditional uses may require additional parking. Multiple uses will be assessed parking requirements per use and an aggregate number will be generated. Unless specifically prohibited elsewhere in this section, accessible parking spaces and electric vehicle charging stations shall be included in the calculation for required parking spaces.

TABLE 6-1
REQUIRED NUMBER OF PARKING SPACES BY LAND USE

USE CATEGORY	USE TYPE		PARKING SPACE REQUIREMENTS
Household Living	Accessory dwelling unit	Per accessory unit:	1.0
		Per Lock-Off:	1.0
	Duplex and two-unit townhomes	Per Bedroom:	1.0
		Minimum Per Unit:	2.0
		Maximum per Unit	4.0
	Single-household	Per Bedroom:	1.0
		Minimum Per Unit:	2.0
		Maximum Per Unit:	4.0
	Multi-unit (3+ Units) [1]	Studio:	1.0
		Per Bedroom:	1.0
		Maximum Per Unit:	4.0
	Deed restricted units (affordable units)	Studio:	1.0
		Per Bedroom:	1.0
		Maximum Per Unit:	2.0
Lodging Facilities	Lock-off	Per Lock-off	1.0
	Boarding, rooming, and lodging facility	Each bedroom	1.0
		Each Residential Employee unit	1.0
	Hotel or motel	Each bedroom	1.0
		Each Resident Employee unit	1.0
Commercial	Auto wash	Stacking spaces per washing bay	5.0
		Plus 500 square feet of GFA or portion thereof	1.0
	Commercial use with drive-through	Stacking spaces per window	5.0
	Auto fuel sales	Per pump	1.0
	Laundromat, Commercial/ Industrial	Per 750 square feet of GFA or portion thereof	1.0
	Laundromat, Self-service	Per 350 square feet of GFA or portion thereof	1.0
	Medical office	Per 350 square feet of GFA	1.0
	Office	Per 350 square feet of GFA or portion thereof	1.0
	Personal Services, General	Per 350 square feet of GFA or portion thereof	1.0
	Retail	Per 350 square feet of GFA area or portion thereof	1.0
	Service station, auto repair	For every service bay	4.0
	Warehousing, wholesale business and contractor trades	Per 750 square feet of GFA	1.0
Educational Facilities	Day care [2]	For every employee at maximum staff level	1.0
	Elementary, junior high	For every classroom	2.0
	High school/college	For every 4 students (capacity)	1.0
Food & Beverage	Fast food restaurant	Per 150 square feet of GFA (non-seating area)	1.0
		Plus Per 250 square feet of GFA (seating area)	1.0
		Stacking spaces per drive-up window	5.0

TABLE 6-1
REQUIRED NUMBER OF PARKING SPACES BY LAND USE

	Restaurant, bar and tavern	Per 250 square feet of GFA	1.0
Public Utilities and Facilities	Church or place of worship or assembly	Per every 4 seats	1.0
	Hospital	Per every 3 beds	1.0
		Plus for every employee at maximum staff level	1.0
	Institutional use	Per 400 square feet of GFA	1.0
		Plus per every 2 employees at maximum staff level	1.0
	Senior housing	Per 3 beds	1.0
Recreation and Entertainment	Arts and entertainment center	For every 4 seats	1.0
	Bowling alley	Per lane	2.5
	Health, recreation, and exercise establishment	Per 200 Square feet of GFA	1.0

Notes:
[1] Plus additional spaces for visitors: One visitor space required for every five units including caretaker units.
[2] Adequate drop-off/pick-up space, equivalent to one parking/stacking space per every ten children (based on center's regulated capacity)

B. Other Unlisted Parking Requirements

As determined by the Director or Planning Commission, as applicable to the application decision maker. The Director and Planning Commission shall be guided by the comparison with the parking requirements for similar uses which are listed.

C. Non-Residential Change in Use

A parking reduction may be allowed such that the "new" use is not assessed by the parking use requirements. In order to qualify for such reduction, the change in use must meet one of the following criteria:

1. Based on the Town's Parking Study for the Central Core area, that the change in use will not substantially limit the amount of parking space availability on-street in that location and at that time of day.
2. That enough on-premise parking is provided for the commercial project area in that it is designed to serve two or more distinctly different land uses at a reduced ratio, as indicated by a study to substantiate different peak uses, which must be provided by a traffic engineer or other qualified professional, and approved by the Town.
3. In all cases, the existing parking space requirements must be maintained.

D. Minimum Parking Requirements for the Central Core District (CC) and Properties within the Mixed-Use District (MU) that Front on West Main Street

1. The following minimums for permitted uses are required. Conditional uses may require additional parking. Multiple uses will be assessed parking requirements per use and an aggregate number will be generated. Unless specifically prohibited elsewhere in this section, accessible parking spaces and electric vehicle charging stations shall be included in the calculation for required parking spaces.

TABLE 6-2
MINIMUM REQUIRED PARKING SPACES – CENTRAL CORE DISTRICT AND MIXED-USE DISTRICTS FRONTING WEST MAIN STREET

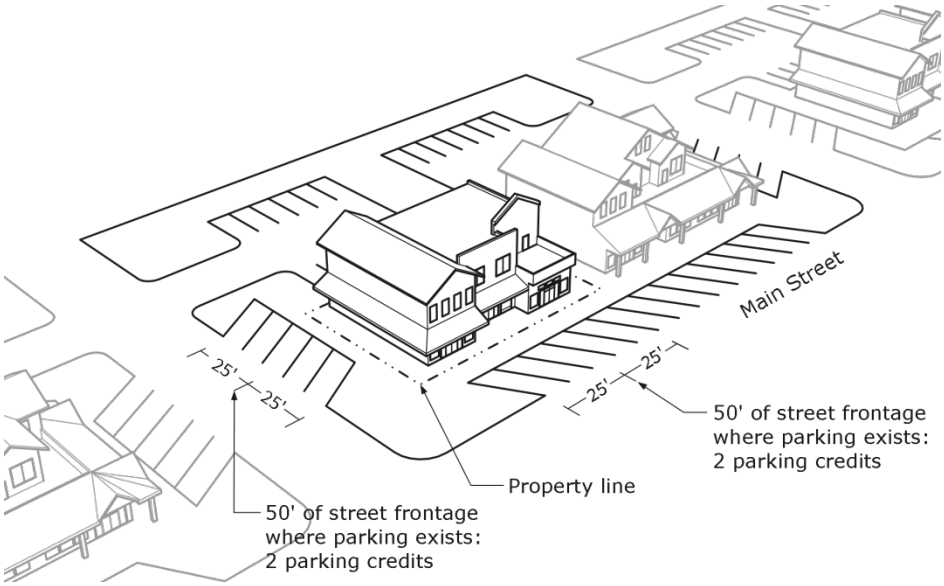
USE	PARKING SPACE REQUIREMENTS
Retail [1]	0.0
Personal Service, General	0.0
Office	1.0 Per 450 square feet of GFA, or portion thereof 0.0 if not located on the ground floor
Medical Office	1.0 Per 450 square feet of GFA or portion thereof
Restaurants, Bars and Taverns [1]	0.0
Hotel or Motel,	1.0 Each resident employee unit 1.0 Each bedroom
Residential Uses	1.0 Per Studio and Accessory Unit 1.0 Per bedroom 4.0 Maximum per unit 1.0 Visitor parking space for every 5 units in multi-family and mixed use developments
Notes: [1] Any change in the use from retail, restaurant, bar or tavern GFA approved by the Town using the parking provisions contained herein to other uses (permitted or conditional) must provide parking spaces in the amounts and locations required by the Article.	

2. For purposes of calculating the minimum parking requirements for any property located within the Central Core District or the Mixed-Use District when a property fronts on West Main Street, if any proposed use is not noted under this paragraph D, the parking requirements as provided in paragraph A of this section shall apply.

E. On-Street Parking Credits

1. In recognition of adjacent on-street and alley parking, the parking requirements for non-overnight uses may be reduced within:
   a. The Central Core District (CC);
   b. The Mixed-Use District for properties that front on West Main Street; and
   c. Any other property fronting Main Street, including West Main Street and East Main Street.
2. In addition, the parking requirements for non-overnight uses may be reduced for properties within the Mixed-Use District that front on Granite Street. The reduction in parking requirements for such properties that front on Granite Street shall not apply to any property that fronts along the alley way or other streets in the vicinity of Granite Street.
3. Credits for nearby parking within rights-of-way shall be granted based on the following:
   a. One parking space reduction for every 25 feet of linear frontage abutting a public right-of-way on which legal on-street parking exists within 300 feet of the property.

Figure 6-D: On-Street Parking Credits



F. Multi-Use Shared Parking Provisions

Within the GW, CO, CC, MU, LI, and RH zoning districts, parking reductions for multi-use developments may be allowed of up to 20 percent of the required parking upon approval (with or without conditions) by the Planning Commission according to the following criteria:

1. The proposed parking for both uses shall be on-site; and
2. The parking is provided in areas designed to serve two or more distinctly different land uses; and
3. The reduction in parking is justified using industry standards such as those established by the Urban Land Institute, the Institute of Transportation Engineers or other acceptable standards.

G. Understructure Parking Facility Provisions

For purposes of this provision, understructure parking shall mean that the parking will be located in a parking facility which is substantially underground or substantially below the average existing grade or located at grade under a structure. All understructure parking must meet the following criteria:

1. That above grade parking for the project be significantly screened from adjacent public rights-of-way; and,
2. That the understructure Parking Facility is significantly screened from any public rights-of-way; and,
3. That vehicular access to and from the understructure Parking Facility is not provided from Main Street or Summit Boulevard, unless no other access point exists.

Technical specifications for underground parking structures are found in the Town of Frisco Minimum Street Design and Access Criteria, as referenced in Chapter 155.

H. Accessible Parking Space Requirements

1. All facilities, commercial, mixed-use, and multi-family (with seven attached units or more) projects shall provide accessible parking according to the following requirements or Federal ADA requirements, whichever is greater. In addition, a minimum of one required accessible space must be designated for accessible vans. One van accessible space is required for every six required accessible spaces:

TABLE 6-3 TOTAL ACCESSIBLE PARKING SPACES REQUIRED	
REQUIRED PARKING SPACES	REQUIRED ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

2. All required accessible parking spaces shall not count towards any required visitor parking space requirements.

I. A nonconforming use or structure that is nonconforming due to inadequacies in its provision of onsite parking may be expanded, changed, or altered in accordance with the provisions of this section, provided that parking is provided for the expansion in accordance with the current parking standards.

180-6.13.4. BICYCLE PARKING

All commercial and mixed-use development shall provide bicycle racks, in an appropriate location, with bicycle 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 stalls. A lesser number may be proposed if reasonably justified by the applicant and approved by the Town.

180-6.13.5. OFF-SITE PARKING ALLOWANCES

A. Off-Site Parking

Up to 100 percent of required non-overnight parking, excluding required accessible spaces, in the Central Core (CC) and Mixed Use (MU) Districts may be met off-site if approved by the Planning Commission pursuant to the following criteria:

1. The property is located within 300 feet (using the shortest distance between two points) of off-site private parking developed per Subsection B.
2. The public health, safety, or welfare would not be adversely affected or more than normal impacts on the neighborhood created by locating the required parking off the property.
3. The off-site parking is easily accessible from the property.

B. Private Parking Facilities

1. Required non-overnight parking may be provided in off-site private parking facilities or lots if the title to the land for off-site parking is deed restricted, in whole or in part, and made subject to an exclusive perpetual easement for parking purposes in favor of the owner(s) of the developing/remodeled property for use of the required number of parking spaces. Proof of ownership of the off-site parking spaces must be provided at the time of development application, subdivision or resubdivision application, business license application or renewal, and/or building permit, whichever is sooner.

2. The off-site parking must be existing and complete prior to a final Certificate of Occupancy being issued for the developing/remodeled property and the off-site parking must be noted on a recorded plat as dedicated to the developing/remodeled property for required parking.

180-6.13.6. PARKING STANDARDS AND CRITERIA

A. Dimensions

Except as noted in Subsection 3, parking stall dimensions shall be designed to conform to the following minimums:

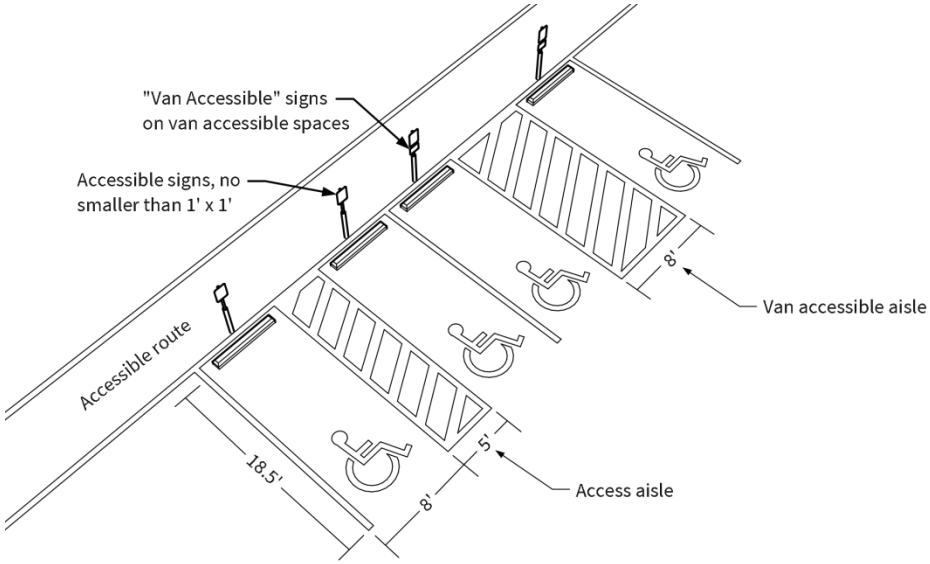
1. Parking Facilities

Nine by eighteen and five-tenths (9 x 18.5) feet (including stacked spaces) with the exception of parallel parking spaces which shall be eight by twenty-five (8 x 25) feet. Covered parking spaces and parking structures shall have a minimum vertical clearance of at least eight feet in height.

2. Accessible Spaces

Eight by eighteen and five-tenths (8 x 18.5) feet plus a minimum accessibility aisle area of five feet for each space. All accessible spaces designated for accessible van must have a minimum aisle width of eight feet. Two adjacent accessible spaces may share the same accessibility aisle. All accessible spaces must be designated by a sign showing the symbol of accessibility (a wheelchair). Accessible spaces designated for accessible vans shall have an additional sign with the words "Van Accessible" mounted below the symbol of accessibility. All accessible signs shall not be obscured by a parked vehicle. Each sign shall be no smaller than one foot by one foot and shall be located at the end of the space. Accessible spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance or to an accessible pedestrian entrance of a parking facility.

Figure 6-E: Accessible Parking Space Design



3. Parking Space Encroachments

Encroachment into parking area stalls with vertical elements (e.g. structural columns, light fixtures) is allowed in accordance with the following provisions:

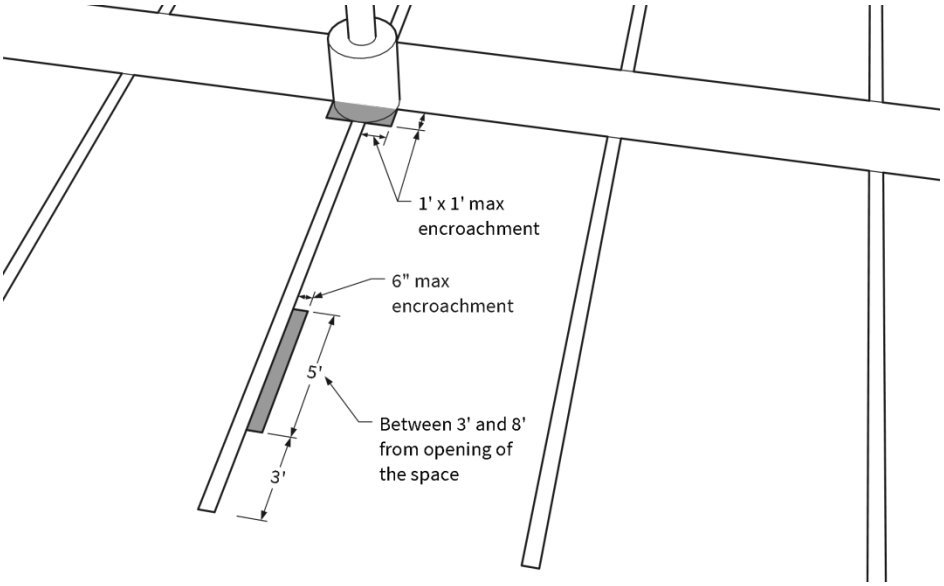
a. The centerline of the vertical element shall be placed on the adjacent parking space line along the 18.5 foot dimension.

b. Encroachment at the front end of the parking space is allowed, but shall be limited to one foot of encroachment from the head of the space and 1 foot of encroachment into the head of the adjacent parking space. No stall shall have more than one of this type of encroachment.

c. Encroachments along the 18.5 foot dimension also is allowed between three feet and eight feet from the opening of the parking space and shall not encroach more than six inches into any one stall. Only one vertical element shall be allowed for this type of encroachment. No stall shall have more than one of this type of encroachment.

d. Nothing in this Subsection 3 shall be construed to allow for an encroachment into or adjacent to any accessibility aisle for accessible parking spaces.

Figure 6-F: Parking Space Encroachments



B. Aisle Widths

Parking lot aisles shall meet the following minimum requirements, upon approval of the Public Works Director.

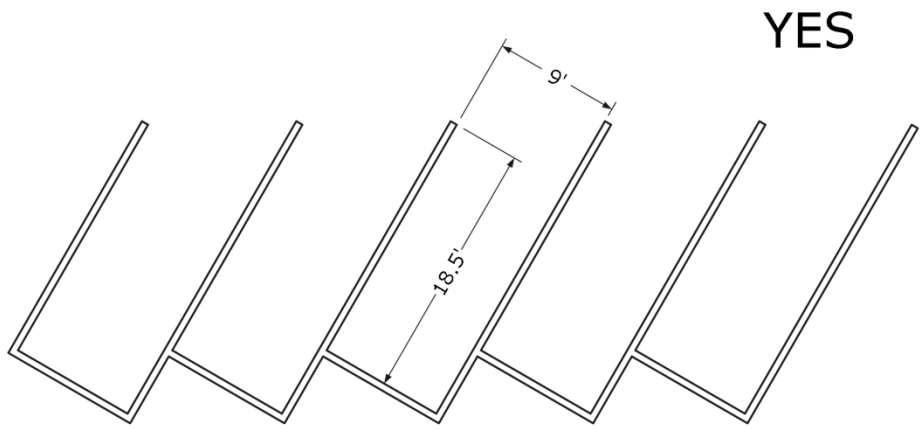
TABLE 6-4
REQUIRED AISLE WIDTHS

TYPE	AISLE
90 degree parking	24 feet (two-way)
90 degree parking	20 feet (one-way, parking on one side of aisle)
60 degree parking	18 feet (one-way)
45 degree parking	12 feet (one-way)
All two-way aisles for multi-family and commercial uses	24 feet (two-way)

C. Design

1. Parking areas shall be designed to be in conformance with the following diagrams and in conformance with the Town of Frisco's Minimum Street Design and Access Criteria, as referenced in Chapter 155:

Figure 6-G: Measuring Parking Spaces



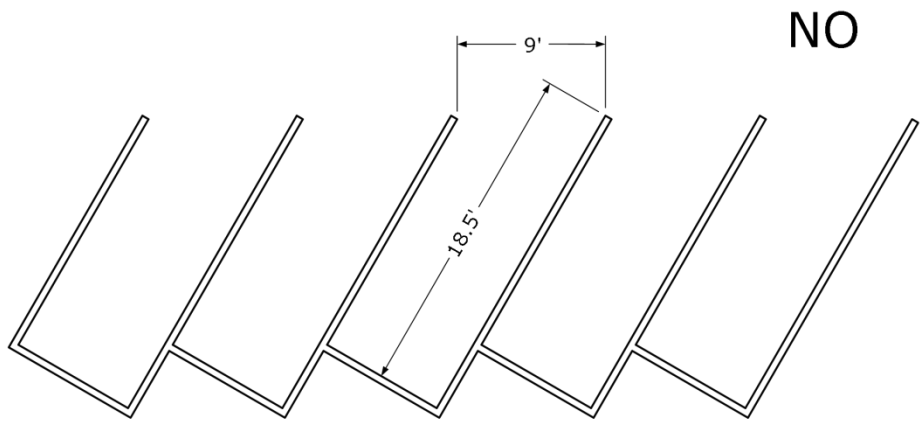
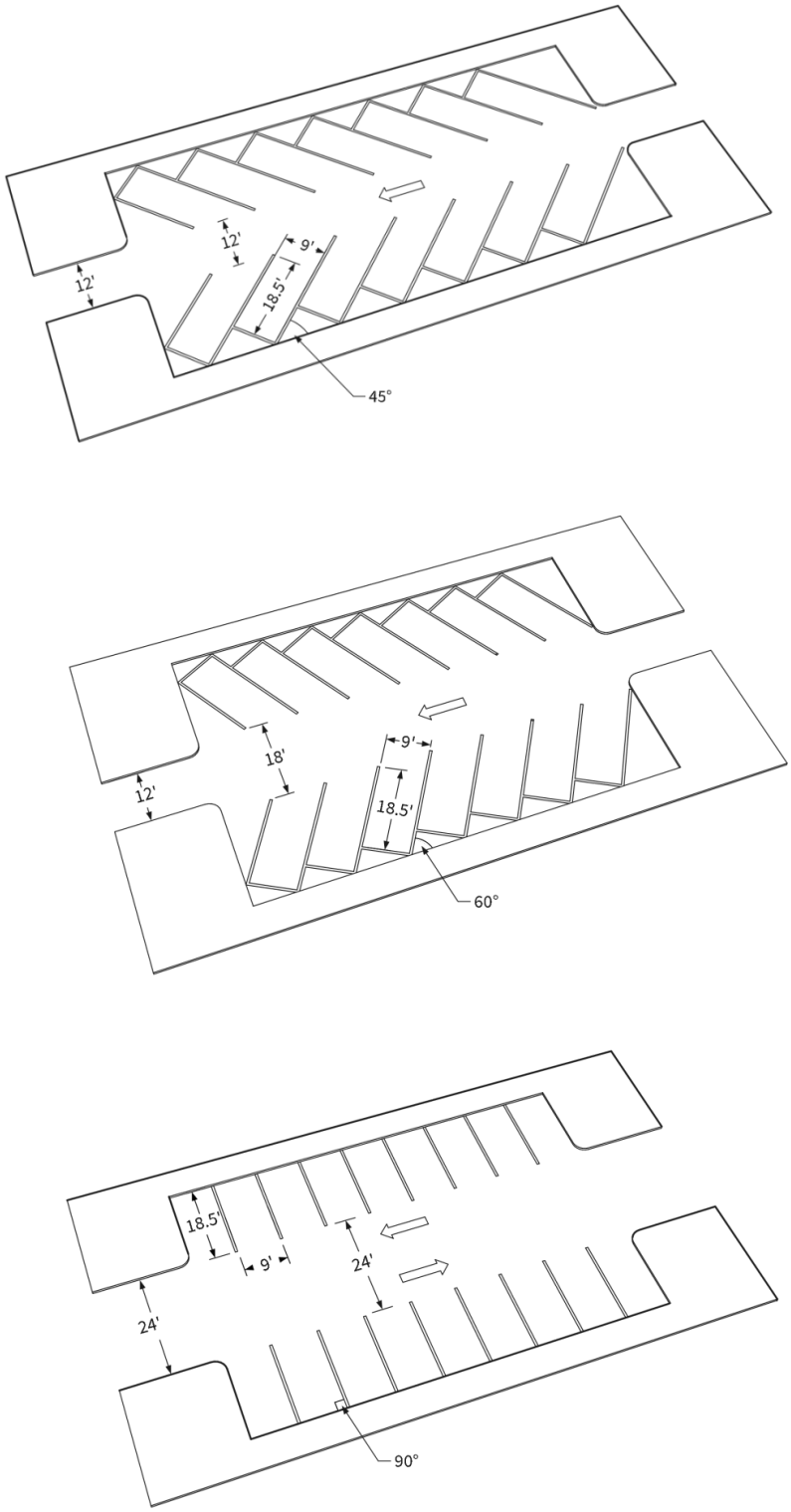
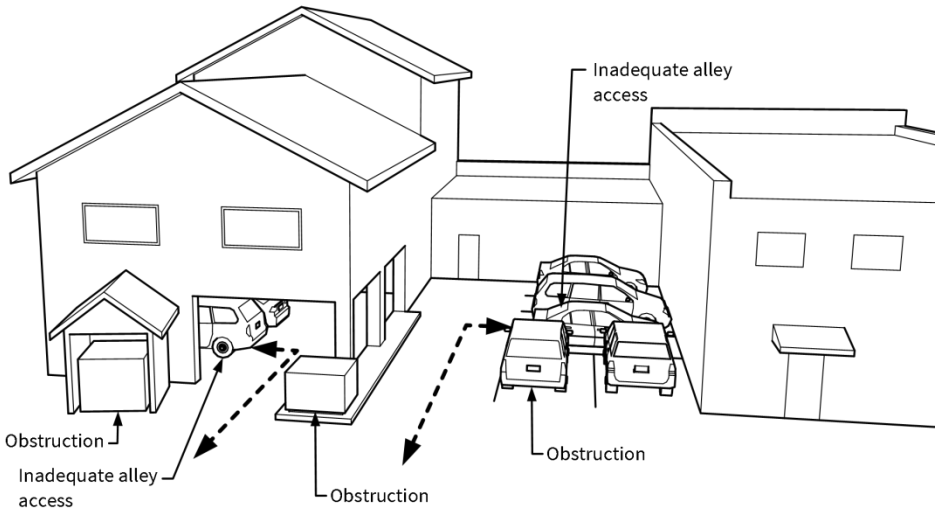


Figure 6-H: Parking Lot Configurations



2. A backup space shall be provided for the end space in dead end lots. Said backup space shall be sized to allow for a safe backing movement, and provide a minimum depth of five feet for the width of the aisle. Backup space shall be considered part of the parking lot.
3. All parking areas shall provide landscaping or other appropriate screening to reduce the visual impact of the parking from any public street as provided in the landscape requirements for the Town of Frisco in Section 180-6.14, Landscaping and Revegetation Requirements.
4. Parking areas shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free from accumulated water or ice. Drainage improvements shall be designed in compliance with Section 180-6.6, Drainage Plans, of the Frisco Town Code.
5. All required parking spaces shall have adequate access to a street or alley.

Figure 6-I: Inadequate Alley Access



6. Residential driveways must be a minimum of nine feet wide by eighteen and five-tenths (9 x 18.5) feet long.
7. All parking areas and driveways required for commercial uses or for multi-family projects containing three or more residential units shall be surfaced concrete or asphalt material and shall be built in accordance with the Town of Frisco Minimum Street Design and Access Criteria, as referenced in Chapter 155. Responsibility for maintenance of the lot shall rest with the property owner.

D. Tandem Parking

1. For non-residential uses, stacked (tandem) parking spaces shall not qualify as required parking spaces.
2. Single-household residential units and duplex units are exempt from the tandem parking space restrictions of 180-6.13.6.A.1 above.
3. For multi-family residential projects, two spaces stacked (tandem) spaces may be permitted if Planning Commission finds that the layout of the parking is functional and, at a minimum, finds two out of the following four criteria are met:
   a. That some of the spaces could be used as potential visitor parking space; and/or,

b. That, given the layout and design of the building, adequate storage space is provided for the residents so that it is not anticipated the parking space(s) will be needed predominately for storage; and/or,

c. That the architecture of the building façade which faces or accesses the parking spaces avoids a canyon effect, such that movement is provided in the building design; and/or,

d. That an adequate turning radius area is provided with the parking layout to allow for turning and backing into or out of the tandem parking spaces.

E. Residential Parking Restriction

Operable licensed commercial vehicles may be parked on-site in residential areas as long as they are parked in designated and approved parking spaces, and provided that the spaces are wide and long enough to accommodate the commercial vehicles and not impede the access of other vehicles to any other designated and approved parking space on the property.

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 of paved surface area and any unpaved parking and driveway areas.

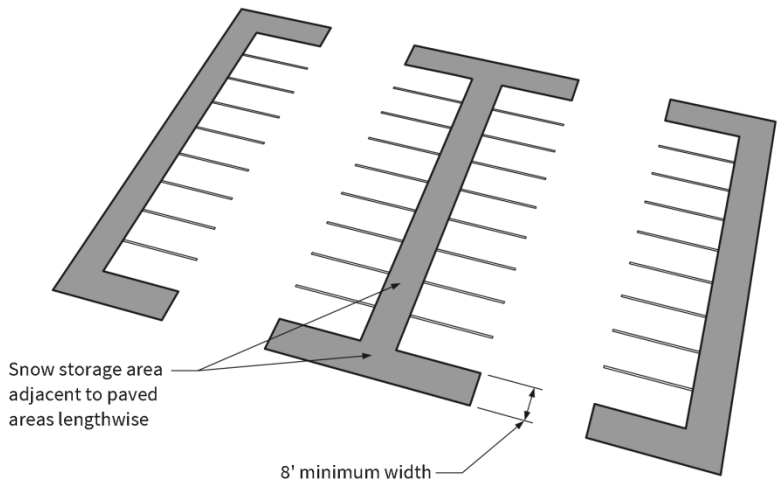
B. Exceptions

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.

Figure 6-J: Snow Storage Areas



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.

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.

180-6.13.8. ON-PREMISES LOADING REQUIREMENTS

On premises service and loading facilities shall be provided according to the following schedule for commercial uses. All such service and loading facilities shall be located so that no vehicle loading or unloading merchandise shall be parked in front of any property or block traffic in any street or public right-of-way including alleys, and must meet the following:

A. On premises loading areas must have a minimum dimension of fifteen by thirty (15 x 30) feet. Where loading areas are covered; a minimum height of 15 feet is required. Where semi-trailer trucks typically unload, the minimum loading area size shall be 15 feet by 60 feet by 15 feet high. No portion of a loading vehicle may protrude into a public right-of-way; and

B. On premises loading areas shall be required for each structure according to the following schedule, unless it can be demonstrated to the satisfaction of the Town that sufficient loading is available from an adjacent alley or other suitable area, which alley or area is shown not to impede vehicular traffic or pedestrian use when used for loading purposes:

1. Commercial Uses:
   a. 0 - 12,000 square feet GFA - 0
   b. 12,000 - 40,000 square feet GFA - 1
   c. For each additional 40,000 square foot GFA, or increment thereof - 2

180-6.13.9. MAINTENANCE STANDARDS

A. All required parking improvements, including but not limited to, parking spaces, aisles, driveways, and curb and gutter shall be maintained in good repair.

B. The minimum required number of parking spaces shall be maintained and not reduced in number, unless there is a change of use or amendment to these regulations which allows for such reduction.

C. Required parking spaces shall not be used as snow storage areas, except on a temporary basis, not to exceed 48 hours for any one snow fall event.

180-6.14 Landscaping and Revegetation Requirements

180-6.14.1. PURPOSE

The purpose of this section is to provide landscaping standards for sites undergoing development in the Town of Frisco. It is the Town's goal that landscape design protects the area's unique natural beauty and environment and enhances its aesthetic appeal. Since mountain climactic conditions affect the probability of plant establishment, landscape improvements must respect the unique mountain environment of Frisco. Key elements of good landscape design practices and appropriate use of plant materials that consider Frisco's semi-arid climate must be considered during the design and construction process. Reduction of environmental and visual impacts within and between developments, consideration of on-site characteristics, encouragement of plantings that require less water and long-term maintenance, and control and reduction of noxious weeds, are all integral aspects of Town design objectives for landscaping.

180-6.14.2. APPLICABILITY

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.

180-6.14.3. LANDSCAPING REQUIREMENTS BY PROJECT TYPE

Plant materials shall be required in amounts determined by the type of development and lot size as follows:

A. Residential Development

1. For every 875 square feet of project lot area or fraction thereof, a minimum of one tree must be planted on the site. One shrub shall be required for every 1,500 square feet.
2. A minimum of one tree shall be planted within the yard setback adjacent to any public street for every 30 feet of total street frontage or fraction thereof. Street trees shall be placed at least eight feet away from the edges of driveways and alleys and to the extent reasonably feasible, be positioned at evenly spaced intervals.

B. Mixed-Use Development

Except as provided in subpart D:

1. For every 1,000 square feet of project lot area or fraction thereof, a minimum of one tree must be planted on the site. One shrub shall be required for every 1,500 square feet of project lot area or fraction thereof.

2. Mixed-use projects are eligible for substitution of hardscape and planter boxes for a portion of the landscaping required as outlined in Section 180-6.14.4, Required Vegetation.

C. Commercial Development

Except as provided in subpart D:

1. For every 1,125 square feet of project lot area or fraction thereof, a minimum of one tree must be planted on the site. One shrub shall be required for every 1,750 square feet of project lot area or fraction thereof.
2. Commercial projects are eligible for substitution of hardscape and planter boxes for a portion of the landscaping required as outlined in Section 180-6.14.4, Required Vegetation.

D. Commercial and Mixed-Use Large Project Development

1. For commercial and mixed-use large projects as defined in this Chapter, for every 1,500 square feet of project lot area or fraction thereof, a minimum of one tree shall be planted on the site. One shrub shall be required for every 2,500 square feet of project lot area or fraction thereof.
2. Large projects are eligible for substitution of hardscape and planter boxes for a portion of the landscaping required as outlined in Section 180-6.14.4, Required Vegetation.

E. Public Projects

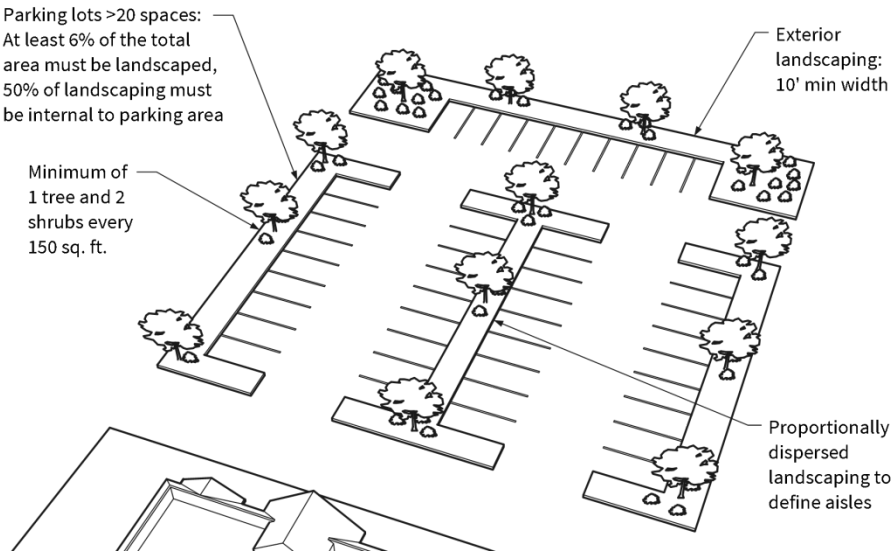
For projects undertaken by the Town or projects which will serve a public purpose and benefit such as, but not limited to: public parks, recreation areas and rights-of-way, the amount of trees and shrubs required shall be determined by the Town. The Town shall be guided by the comparison with similar uses within Town or within the region to determine appropriate landscaping requirements.

F. Parking Area Landscaping

In addition to the landscaping required in Sections 180-6.14.3.B, C, and D, landscaping is required under this section to reduce the visual impacts created by parking areas in multi-family residential, mixed-use, and commercial projects.

1. Any parking lot providing 20 or more parking spaces shall have an area equal to at least six percent of the total paved area landscaped. In parking areas providing 20 or more parking spaces, at least 50 percent of the landscaping required by this section must be internal to the parking area. The remainder of the landscaped area may be external to the parking area so long as it is within ten feet of the perimeter of the paved area.
2. All landscaping required by this section shall include at a minimum, one tree and two shrubs for every 150 square feet of landscape area required, or fraction thereof. All required trees and shrubs must meet the minimum plant size requirements set forth in Section 180-6.14.4.A.
3. Internal parking lot landscaping provided shall be proportionately dispersed so as to define aisles and limit unbroken rows of parking.
4. Parking lot islands shall be a minimum of eight feet in width and length and contain at least one tree.
5. Parking lot islands may not be used in the calculation of required snow storage.

Figure 6-K: Parking Lot Design



G. Additions to Existing Developments

In determining landscape requirements for additions to existing developments or structures, the required amount of landscaping in this Article shall be determined by the amount of soil disturbance and project type per Section 180-6.14.3. A nonconforming use or structure that is nonconforming due to inadequacies in its provision of landscaping may be expanded, changed, or altered provided that landscaping is provided for the expansion in accordance with this section.

180-6.14.4. REQUIRED VEGETATION

Required trees should be planted predominantly in the front setback and the side yards to increase the visual buffer of the building and paving from the street, enhance the site, and provide a landscape buffer to adjacent properties. Spacing of plant material shall be appropriate for each species planted. In proposing landscaping to meet the requirements of this Article applicants shall use materials from the Plant Materials List in Section 180-6.14.8. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence that the proposed plant material is suitable to the climate and placement on the site.

A. Plant Sizes

Plant materials used to satisfy the requirements of this Article must comply with the following minimum size requirements at the time of installation:

1. Deciduous Trees

a. Fifty percent three-inch minimum diameter measured 12 inches above the ground. If only one tree is required, then it must be at least three inches in diameter.

b. Fifty percent two-inch minimum diameter measured 12 inches above the ground.

c. When there are an odd number of trees required, then the larger specimen is required.

d. Deciduous trees should be planted in groups of three or more to achieve a clustered effect, or as a single specimen tree.

2. Coniferous (Evergreen) trees

a. Twenty-five percent ten-foot minimum height. When only one tree is required, then it must be a minimum of ten feet in height.

b. Twenty-five percent eight-foot minimum height.

c. Fifty percent six-foot minimum height.

d. When there are an odd number of trees required, then the largest specimen required by this section is required.

3. Shrubs (Deciduous and Evergreen)

a. Five gallon container, with minimum height or spread of two feet.

B. Landscape Alternatives for Mixed-Use, Commercial and Large Projects

The following alternative forms of landscaping may be used to meet the vegetation requirements:

1. For properties fronting Main Street or along Summit Boulevard: Up to 50 percent of the landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D may be provided in the form of street furniture, planter boxes, or other forms of landscaping. To be substituted for landscaping that is otherwise required; planter boxes shall have a minimum plantable area of 16 square feet. Each bench or each 16 square feet of plantable planter box area or other non-vegetative landscaping may be substituted for one required tree.

2. For properties fronting Main Street, East and West Main Street or along Summit Boulevard: Up to 25 percent of the landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D may be provided in the form of public art or public space such as a patio, plaza, or outdoor seating area. To be substituted for landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D public spaces shall have a minimum area of 100 square feet. Each 100 square feet of public space may be substituted for one required tree.

C. Species Diversity

To prevent uniformity and insect or disease susceptibility, species diversity is required and extensive monocultures of trees are prohibited. Species diversity does not apply to existing trees or trees planted in excess of the minimum number required by this article. The following minimum requirements shall apply to any development plan:

Number of required trees on site	Maximum percentage of any one species
1-9	No diversity required
10-19	45 percent
20-39	33 percent
40 or more	25 percent

180-6.14.5. GENERAL LANDSCAPE REQUIREMENTS

A. Yard Landscaping Required

Except for the placement of landscaping required in this Article and except for such lawn area as permitted by Section 180-6.14.5.C.1, all front, side and rear yards, exclusive of permitted access drives, walkways, parking lots and accessory structures, shall be left in natural vegetation.

B. Additional Screening Requirements

1. Additional landscape screening may be required when it is determined by Community Development Department staff or Planning Commission to be in the best interest of the affected properties. Additional

landscaping may be deemed to be in the best interest of the affected properties only if it is determined by the Community Development Department that:

a. The proposed development will have a substantial adverse impact on an adjacent property; and

b. The substantial adverse impact is due to an impact of the proposed development that is unique and peculiar to the proposed development and not of the type normally associated with the type of development proposed.

2. Additional landscaping, not to exceed 20 percent of the landscaping otherwise required may be required in areas including but not limited to:

a. At the edges (perimeter) of a parking lot and between parking lots.

b. Between building development and recreational trails or open space.

c. Between multi-family or commercial development and a road or other public spaces.

d. Between commercial and residential areas.

e. On slopes of over 15 percent. Developers shall be required to place additional trees in sufficient numbers to screen such properties from major thoroughfares, such as Highway 9 and Main Street.

C. Water Conservation

All landscape plans should be designed to incorporate water conservation materials and techniques through application of xeriscape landscaping principles. Xeriscape is a method of landscaping that promotes water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native or drought tolerant vegetation, limiting the amount and type of irrigation and other related measures to conserve water and create a native landscape.

1. Maximum Amount of Lawn Area

The maximum amount of lawn/sod area shall not exceed ten percent of the undeveloped area of the site.

2. Plant Materials

The selection of plant materials shall be based on the Town of Frisco's climate and site specific conditions. All new plant materials shall use species found in the "Plant Materials List – Frisco Colorado" of this Chapter. These species have been selected either because they are a native species to this climate or have a demonstrated ability to survive in this harsh alpine climate with minimal water and no threat of competition. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence that the proposed plant material is suitable to the climate and placement on the site.

D. Limit of Work Area

Prior to approval of any grading or building permit, existing trees, shrubs, and/or sensitive native landscape areas that are to be preserved shall be defined in the field. These plants and areas shall be defined by a minimum of a four-foot high visibility fence (polyethylene, painted, wooden slat, snow fence, etc.) which is to be located no closer than the drip line of the vegetation to be preserved and which is to remain and be maintained throughout the construction period until ready for revegetation.

E. Revegetation of Disturbed Land

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.). 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 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.

F. Noxious Weeds

It is the duty of any property owner or occupant to control noxious weeds which aggressively invade native plant communities or are carriers of detrimental insects, diseases, or parasites and it is unlawful to permit such noxious weeds to grow as noted in Chapter 61, Brush, Grass and Weeds.

G. Credit for Preservation of Existing Trees

The use of existing healthy, undamaged vegetation is encouraged because it is already established on the site and is natural to the area. Existing healthy trees (including Lodge Pole pine) may be substituted for up to 50 percent of the tree landscaping required by this Article, on a tree-for-tree basis, in cases where the existing trees meet or exceed the standards for required vegetation and minimum plant sizes.

H. Protection of Existing Vegetation

1. Existing vegetation including trees, shrubs, and/or sensitive native landscape areas that are to be preserved on the site shall be identified on the required landscape plan and shall be protected during construction.
   a. This vegetation shall be identified on the site by a minimum of a four-foot high visibility fence (polyethylene, painted wooden slat, snow fence, etc.). This fence is to be located no closer than the drip line of the vegetation to be preserved and shall remain and be maintained throughout the construction period until ready for revegetation.
   b. Construction debris storage/staging areas shall be located away from vegetation to be preserved.
   c. Snow storage and snow shedding areas may not overlap sensitive landscape areas, such as those which include non-flexible deciduous trees, shrubs, and formal planting beds.
2. All coniferous trees with a diameter of six inches or more and all deciduous trees with a diameter of three inches or more, measured one foot above the ground shall be defined as a qualifying tree and may be removed without replacement, only as follows:
   a. Trees on land to be occupied by buildings, parking, and paving plus a maximum eight-foot clearance strip adjacent to the perimeter thereof.
   b. Diseased trees, trees damaged by natural causes, and other trees that interfere with utility lines may be removed only upon authorization of the State Forester or other qualified person and authorization of the Town.
   c. Trees whose removal is necessary for fire safety or wildland fire defense may be removed upon authorization of a qualified specialist and authorization of the Town.
3. Any removed qualifying trees that are not subject to the exceptions set forth in Section 180-6.14.5.H shall be replaced with a one for one and a half (1:1.5) replacement ratio.[1] All replacement plant material shall conform to the requirements by plant type set forth in Section 180-6.14.4.A, Plant Sizes.

[1] The total diameter (in inches) of the replacement trees, must be one and a half times greater than the total diameter (in inches) of those trees removed, (e.g.-one removed twelve (12) inch diameter coniferous tree may be replaced with two (2) nine (9) inch diameter coniferous trees, or three (3) six (6) inch diameter coniferous trees, etc.) with a minimum diameter replacement for coniferous trees of four (4) inches and for deciduous trees of two (2) inches. The tree replacement requirements of this paragraph may be partially waived on a case-by-case basis as determined by Planning Commission for project sites that have at least 50 percent more again, the number of trees that would be required. In the case of these significantly forested sites, whenever possible, building and paving placement should occur in the least densely forested area of the lot to take advantage of any naturally occurring openings that would result in the removal of fewer trees.

I. Irrigation System Requirements

Landscape improvements shall be properly irrigated during that period of time necessary for the plant to be established on the site and on an ongoing basis so as to maintain the landscape in good health and condition. The applicant must indicate what method of irrigation is proposed for any required landscape improvements. As indicated on the "Plant Materials List – Frisco Colorado", some species may not require formal irrigation after their establishment period. It is encouraged that temporary, above ground piping and heads or hand watering be used for these plants during their establishment period to promote water conservation once the plant has become established.

180-6.14.6. LANDSCAPE MAINTENANCE

Landscaping shall be maintained in good health and condition for perpetuity. If any vegetative landscaping required by this Article shall die the owner of the property on which it is located shall replace it with the vegetation required by the approved landscape plan within one year of the death of the vegetation.

180-6.14.7. LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

The applicant shall provide landscape, irrigation, and grading plans that cover the entire property. There may be a separate landscape plan, however, in most cases it can be configured with a site plan. All landscape plans must contain the following information:

A. Property lines and dimensions.

B. Existing and finished grade.

C. North arrow and both graphic and written scales.

D. Name of Applicant and landscape consultants, if any.

E. A legend indicating all proposed plant materials with common and botanical names, indication of drought tolerant plants, sizes, maximum spacing, caliper size, and quantities.

F. Method of irrigation.

G. Location of all plant material, other landscape features (including but not limited to wetlands, water bodies, rock outcroppings, detention areas, retaining walls) and buildings and paved areas (both existing and proposed).

H. Ground surfaces and materials by type, such as paving, sod, mulch, edger, seed mixes, shrub and flower beds, etc., shall be clearly indicated with a note as to the percentage of plant coverage.

I. Clearly labeled locations and calculations for amounts for all of the required landscape vegetation, including the percentage of drought tolerant plantings and any required parking area landscaping.

J. A tree survey with the size and location of all existing coniferous trees with a diameter of six inches or more and all deciduous trees with a diameter of three inches or more measured one foot above the ground. The tree survey shall be prepared by and Colorado licensed surveyor.

K. Identify which existing trees will remain on the property and how they will be protected from damage during construction.

L. If snow storage is required, the location of all snow storage areas in relation to proposed landscaped areas must be shown.

M. Identify construction debris storage and staging areas.

N. Additional information may be required by the Town on a case-by-case basis if such information is deemed necessary to determine compliance with provisions of this Chapter.

180-6.14.8. PLANT MATERIALS LIST – FRISCO COLORADO

A. Plant materials listed are those determined to be suitable for Frisco's arid alpine environment. Landscaping materials required by this Article shall be chosen from this section. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence, that the proposed plant is suitable to the climate and placement on the site.

B. Information has been included to help the applicant select a mixture of drought tolerant materials, likely to survive in this climate with little water.

☼ - Native

X – Thrives in slightly dry conditions. Once established, these plants generally require about 1" of water per week.

XX – Thrives in dry conditions. Once established, these plants generally require about ½" of water per week.

XXX – Thrives in very dry conditions. Once established, these plants generally require about ½" of water every 2 weeks.

1. Grass Mixes

	Xeriscape Rating	
Short Grass Mixture	X	
Perennial Ryegrass	25%	A premium lawn mix for consistently watered and mowed lawns. Similar mix as used in sod. Not recommended for wildflowers.
Chewings Fescue	30%	
Kentucky Bluegrass, Limousine	25%	
Kentucky Bluegrass, Marquis	20%	
Short Dry Grass Seed Mixture	XX	
Hard Fescue	30%	Drought tolerant low growing grass mix that can be left unmowed. Requires little water once established. Use with wildflowers only if not watering, this mix will out compete wildflowers. Grows 6" to 8" in height.
Creeping Red Fescue	30%	
Sheep Fescue	25%	
Canada Bluegrass	10%	
Canby Bluegrass	5%	
Aggressive Grass Seed Mixture	XXX	
Intermediate Wheatgrass	20%	Quick cover mix that contains tall non-native aggressive grasses. Use for erosion control & reclamation. For very steep slopes & poor soils. With water can grow 4' in height. Do Not use with wildflowers and not recommended for home properties. Provides a crop or field look.
Crested Wheatgrass	15%	
Kentucky Bluegrass	10%	
Orchardgrass	10%	
Creeping Red Fescue	10%	
Tall Fescue	10%	
Perennial Ryegrass	5%	
Timothy	5%	
Mountain Broomegrass	5%	
Annual Ryegrass	5%	
Summit Hills Grass Seed Mixture	XXX	
Slender Wheatgrass ☼	25%	Mixture of primarily bunch type grasses to provide a "natural" look. With water, can grow to 3' in height. Good companion with wildflowers.
Hard Fescue	20%	
Sheep Fescue ☼	20%	
Tall Fescue	15%	
Big Bluegrass ☼	10%	

Canby Bluegrass	10%

Native High Country Grass Seed	XXX
Slender Wheatgrass	15%
Bluebunch Wheatgrass	15%
Sandberg Bluegrass	10%
Indian Ricegrass	10%
Idaho Fescue	10%
Western Wheatgrass	10%
Blue Wildrye	10%
Rocky Mountain Fescue	10%
Tufted Hairgrass	5%
Canby Bluegrass	5%

100% Native mix. With water, can grow to 3' in height. Good companion for wildflowers.
This mix meets Summit County recommendations for reclamation.

2. Trees

Coniferous Trees	Xeriscape Rating
Bristlecone Pine	XX
Colorado Spruce	
Colorado Blue Spruce	
Engelmann Spruce	
Rocky Mountain Douglas Fir	
Subalpine Fir	

Deciduous Trees	Xeriscape Rating
Aspen	
Balsam Poplar	
Narrowleaf Cottonwood	
Shubert Chokecherry	X

3. Shrubs

	Xeriscape Rating
Alder, Thinleaf	
Birch, Bog	
Birch, Western River	
Buffaloberry, Silver	XXX
Chokecherry, Native	X
Chokecherry, Shubert's	X
Currant, Alpine	XXX
Currant, Golden	XXX
Currant, Red Lake	XXX
Currant, Squaw or Wax	XXX
Dogwood, Red	
Elder, Red-berried	
Gooseberry, Pixwell & Whitestem	XXX
Honeysuckle, Arnold's Red	XX
Honeysuckle, Twinberry	
Juniper	XX
Kinnikinick	XX
Lilac, Canadian & Common	XX
Mahonia, Creeping	
Mountain Lover	

	Xeriscape Rating
Mountain Ninebark	XX
Mugo Pine	X
Peking Cotoneaster	XX
Potentilla	XX
Raspberry, Boulder	
Raspberry, Wild	XX
Rose, Canadian	
Rose, Harrison's Yellow	
Rose, Redleaf	X
Rose, Woods	XX
Sage, Big Leaf	XXX
Serviceberry	X
Siberian Peashrub	XXX
Snowberry, Mountain	
Spirea, Rock	
Thimbleberry	
Waxflower	
Willow, Bluestem	
Willow, Dwarf Arctic	
Willow, Golden or Mountain	

4. Perennials/Groundcover

	Xeriscape		Xeriscape Rating

	Rating
Ajuga	X
Allium	
Alyssum	XX
Anthemis	XX
Aster ✡	XX
Baby's Breath, Creeping	XX
Balsam Arrowroot ✡	
Barren Strawberry	
Basket of Gold	X
Bellflower	X
Bergenia	
Bishop's Weed	XX
Black-Eyed Susan	XX
Bleeding Heart	
Blue Bells (Mertensia)	
Blue Eyed Grass	
Border Jewel	XX
Buttercup, Creeping	
Campion, Moss	
Candytuft	X
Columbine ✡	X
Coral Bells	X
Cornflower	
Cow Parsnip ✡	
Creeping Charlie	
Cushion Spurge	XXX
Daisy, Shasta & Painted	
Daylily	XX
Delphinium	X
Dianthus	XX
Draba	
Edelweiss	X
English Daisy	
Erigeron/Fleabane	XX
Evening Primrose	XXX
Fireweed	X
Flax, Blue	XXX
Forget-me-not	
Foxglove	X
Gaillardia	XXX
Gentian ✡	
Geranium ✡	X
Geum	XX
Goldenrod	XX
Harebell ✡	X
Hens & Chicks	XX
Hop Vine	
Iceplant	XX
Indian Paintbrush ✡	
Iris, Bearded	XX
Iris, Rocky Mountain & Siberian ✡	
Irish & Scotch Moss	

Liatris	X
Lily	
Locoweed, Rocky Mountain	
Lupine ✡	
Mallow	
Maltese Cross	X
Meadow Rue ✡	
Mints	
Monarda	
Moneywort	
Monkeyflower, Red & Yellow	
Monkshood	
Pansy	X
Pasque Flower ✡	XX
Penstemon ✡	XXX
Phlox, Creeping ✡	XX
Pink Plumes ✡	
Poppy, Iceland	
Poppy, Oriental	XX
Potentilla, Creeping	XX
Primula	
Purple Coneflower	X
Pussytoes ✡	XXX
Rockcress	XX
Sage Buttercup ✡	
Salvia	XX
Sandwort	XX
Saxifrage	
Scabiosa	XX
Sea Pink	XX
Sedum	XX
Senecio	
Shooting Star ✡	
Silky Phacelia ✡	
Silver Mound	XX
Silverweed ✡	
Snow in Summer	X
Snow Lover	
Snow on the Mountain	
Soapwort	X
Strawberry, Domestic & Wild	
Statice	XX
Sulphurflower ✡	XXX
Sunrose	XX
Sweet William	
Sweet Woodruff	X
Tansy	
Thyme	XX
Veronica, Spike	
Veronica, Creeping	XX
Veronica, Turkish & Wooly	XX
Viola	

Jacob's Ladder	☼	XX	Yarrow	☼	XX
Lady's Mantle		X			
Lamb's Ears		XX			
Lamium		X			
Larkspur, Native	☼				

Sources:

Colorado State University, Summit County Extension Office; Frisco, Colorado

Neils Lunsford Inc.; Silverthorne, Colorado

Summit County Landscaping Guide; Summit County, Colorado

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 shedding onto windows or doors that swing out or on public or private ways.

180-6.16 Outdoor Lighting

[Amended 04-09-19, Ord. 19-04]

180-6.16.1. PURPOSE

The purpose of this section is to establish regulations to allow for outdoor illumination levels which are appropriate for the visual task, safety, and security while minimizing the undesirable side effects of excessive illumination such as glare, sky glow, and light pollution. Over time, it is the intent that this section will allow for reasonably uniform illumination levels in our community. It is also the purpose of this section to establish recommendations for the design of outdoor lighting fixtures that will enhance the small mountain town atmosphere of Frisco.

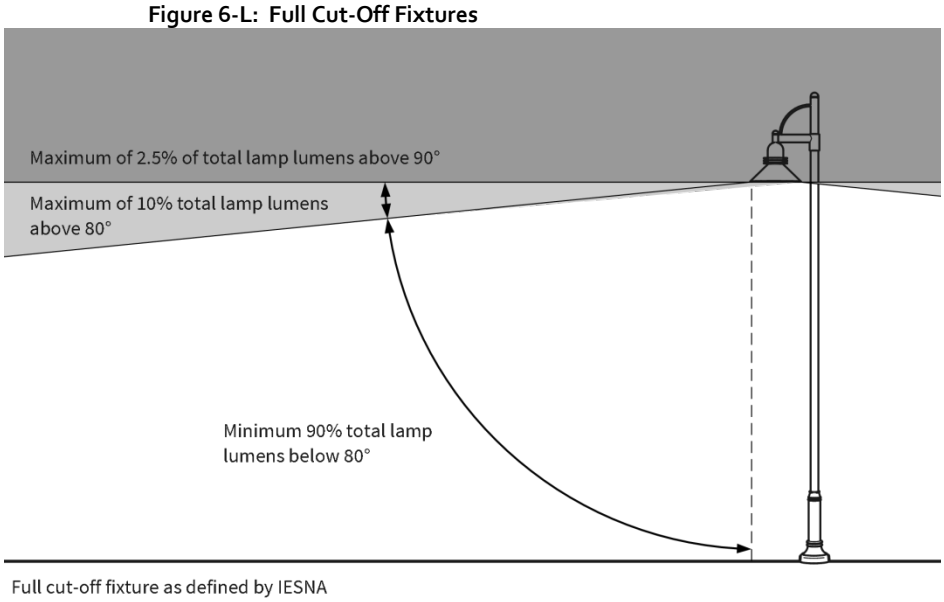
180-6.16.2. APPLICABILITY

Outdoor lighting fixtures installed for new structures, the expansion or remodeling of existing structures, as well as new or replaced lighting fixtures shall meet the requirements of this section.

180-6.16.3. GENERAL REQUIREMENTS

A. Exterior light fixtures shall conform to the Illuminating Engineer Society of North America (IESNA) criteria for full cut-off fixtures. Any structural part of the fixture providing this cutoff angle must be permanently affixed.

Figure 6-L: Full Cut-Off Fixtures



B. Outdoor light fixtures shall be positioned so that there is no direct light emission onto adjacent properties.

C. To minimize the indiscriminate use of illumination, it is recommended that outdoor lighting, except as required for security, be extinguished during non-operating hours.

D. Emergency exterior exit lighting, as required by the Chapter 65, Town of Frisco Building Construction and Housing Standards, is exempt from the full cut-off requirement for fixtures installed as lighting to be used only in emergencies.

E. Wherever practicable, it is encouraged that lighting installations include timers, dimmers, and/or sensors to reduce overall energy consumption and unnecessary lighting.

F. The use of energy efficiency technologies is encouraged.

180-6.16.4. HEIGHT

The mounting height of light fixtures shall be as follows:

A. The height of wall-mounted light fixtures shall not exceed the height of the building wall to which it is mounted.

B. Freestanding light fixtures installed along Highway 9 shall be mounted no more than 40 feet high.

C. Freestanding light fixtures installed within public roadway right-of-ways other than along Highway 9 shall be mounted no more than 30 feet high.

180-6.16.5. PARKING LOT LIGHTING STANDARDS

Parking lot lighting shall not exceed light levels necessary for safety and locating vehicles at night and minimize light spillage onto adjacent properties. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward and/or incorporate design features that eliminate off-sight light pollution. The maximum light spillage onto adjacent properties and rights-of-way shall not exceed 0.9 footcandles. The average level of illumination on the surface of the parking lot shall not exceed 2.0 footcandles, based on the IESNA's recommendation for parking lot lighting.

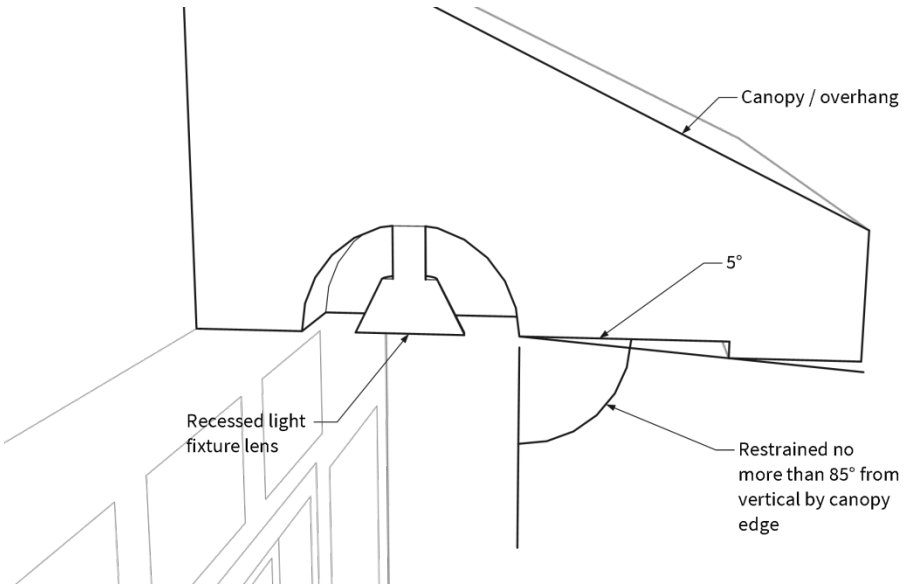
180-6.16.6. CANOPY LIGHTING STANDARDS

Lighting levels for canopies and aprons of commercial facilities shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the businesses. The following standards shall be met:

A. The maximum level of illumination shall not exceed 20.0 footcandles.

B. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical, as shown in Figure 6-M below.

Figure 6-M: Canopy Lighting



C. Lights shall not be mounted on the top or sides (fascias) of the canopy or apron, and the sides (fascias) of the canopy or apron shall not be illuminated.

D. Canopies shall be constructed of opaque materials that do not emit light.

180-6.16.7. DESIGN

A. Outdoor light fixture and light pole designs must be compatible with Frisco's small mountain town character and be aesthetically compatible with the site and structures on which they are mounted. Shoebox style light fixtures are not permitted. Light poles should have decorative bases.

B. Consideration of the overall appearance of the light fixture and pole, the placement of the light, surrounding landscaping for screening, and design features to eliminate off-sight light spillage will be used when determining whether the proposed lighting accomplishes the purpose and intent of this Section 180-6.16.7.

180-6.16.8. LIGHTING PLAN

Applications for large projects (as defined in Chapter 180, Article 9) shall submit for approval by Planning Commission a preliminary lighting plan which includes the following:

A. Site plan with location of all light fixtures and a numerical grid of lighting levels (in footcandles) that the fixtures will produce on the ground (photometric report).

B. Area of illumination.

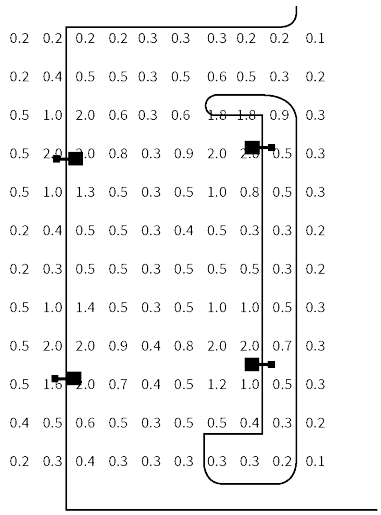
C. Lamp type and wattage.

D. Mounting height of all fixtures.

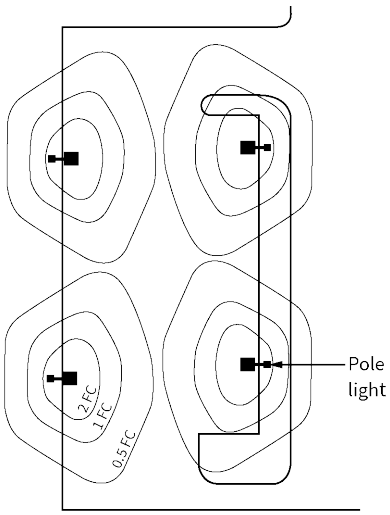
E. Cut sheet showing the design and finishes of all fixtures and designation as IESNA "cut-off" fixtures.

F. Drawings of all relevant building elevations showing the location and aiming points of the fixtures.

Figure 6-N: Light Level Grids and Iso-Luminance Circles



Computer generated light level grid. Readings in tenths of foot-candles.



Iso-luminance circles. Each circle indicates an even light level. Readings in foot-candles.

180-6.16.9. SPECIAL ZONES

In order to preserve the natural amenities and atmosphere of certain areas of Town, the following special lighting zones and standards are established:

A. Dillon Reservoir

For all shorelines and marina properties adjacent to Dillon Reservoir, the following lighting standards shall apply:

1. Within 200 yards of the shoreline, all exterior light sources shall be fully shielded (totally concealed) from shoreline viewing, except as required for safety.

B. Parks

Light fixtures in municipal parks, pocket parks, and recreational fields shall employ full cut-off fixtures or fixtures designed to direct light downward. Where it is established that there is a need for some up light, such as a baseball park, "sharp cut off" fixtures, ones in which there is very good beam control of the light output, shall be used.

C. Open Space

Lighting is discouraged on undeveloped open space lands.

180-6.16.10. PROHIBITED

The following lighting is prohibited as follows:

A. Blinking and flashing lights.

B. Exposed strip lighting used to illuminate building facades or outline buildings.

C. Neon tubing and simulated neon tubing except as otherwise permitted under Section 180-6.19, Signs.

D. Laser lights.

E. Any light that may be confused with or construed as a traffic control device except as authorized by the Federal Government, the State of Colorado, or the Town of Frisco.

F. Beacons and search lights, except as used for rescue operations by the Lake Dillon Fire District or other rescue organizations.

180-6.16.11. EXEMPTIONS

Provided that no dangerous glare is created on adjacent streets or properties, the following lighting is exempt from the regulations of this section:

A. Lighting of national, state, or local municipal flags that is shielded from the sides;

B. Holiday-style lights;

C. Architectural accent lighting that is aimed and shielded, including shielding by architectural elements of a building, to prevent the light from emitting upward to the sky and horizontally toward adjacent properties and right-of-ways; and

D. Street lighting installed by the Town of Frisco or other authorized government entity for the benefit of safety.

180-6.16.12. NONCONFORMING

As of the effective date of this section, all outdoor lighting that does not conform to this Section 180-6.16 shall be legal nonconforming outdoor lighting. A legal nonconforming outdoor light fixture shall not be changed or altered without being brought into compliance with the provisions of this section. A nonconforming structure that is nonconforming in terms of its outdoor light fixtures may be expanded, changed, or altered provided that all outdoor light fixtures on the structure are brought into compliance with the provisions of this section.

180-6.17 Refuse Management

180-6.17.1. GENERAL STANDARDS

All commercial, mixed-use, and multi-family residential development projects shall provide adequate space for the collection and storage of refuse and recyclable materials, and shall meet the following standards:

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

B. Refuse and recycling containers and facilities must be provided 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 co-mingled containers, and newspaper and paper products. Commercial projects must also accommodate containers for the collection of cardboard; and

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

180-6.17.2. SCREENING

A. All refuse and recycling dumpsters and facilities shall be screened on four sides to a height of six feet. 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.

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.

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 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:

   1. Adequate space is provided on site for the collection and storage of recyclables and clearly shown on the plans.

   2. A dumpster enclosure sized for refuse and recycling materials would create an undue hardship for the property owner, and not allow the desired use of the property.

180-6.17.5. RETROFITTING INCENTIVE

Multifamily residential, mixed-use, and commercial 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 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 collection area is centrally located such that is easily accessible to all residents.

C. Adequate space exists for the recycling/refuse 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 service to the development.

180-6.18 Fences and Walls

[Amended 04-09-19, Ord. 19-04]

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.

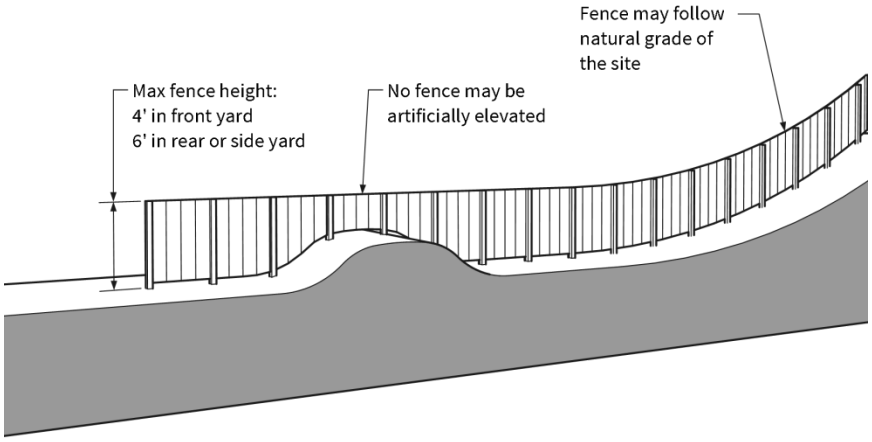
180-6.18.5. MATERIALS

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-O: 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. They 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.

180-6.19 Signs

[Amended 04-09-19, Ord. 19-04]

180-6.19.1. TITLE

The provisions of this section shall be known and may be cited as the "Frisco Sign Code."

180-6.19.2. PURPOSE AND INTENT

The purpose of this section is to regulate signs in a legal and reasonable manner that promotes economic vitality, fosters public safety, advances the desired aesthetic goals of the community, and ensures compliance with constitutionally protected First Amendment rights. Accordingly, it is the purpose and intent of this section to:

A. Promote the creation of an attractive visual environment that promotes a healthy economy by:

1. Recognizing that signs are a necessary means of communication for the public that identify establishments providing goods and services.
2. Promoting an overall visual effect which has a minimum of clutter and avoids the creation of a "tourist trap" atmosphere.
3. Encouraging the construction of signs from materials that are compatible with the historic, cultural, and natural surroundings of Frisco.

B. Protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by:

1. Assuring that the information displayed on a sign is clearly visible and legible.
2. Ensuring that commercial signage does not obscure the architectural and natural features of the Town.

C. Foster public safety by:

1. Assuring that all signs are in safe and appropriate locations along public and private streets within the community.
2. Protecting the public from hazardous conditions which result from structurally unsafe signage.
3. Eliminating distracting lighting and excessive glare by reasonably limiting the illumination of signs.

D. Retain administrative review procedures that are the minimum necessary to:

1. Allow for consistent enforcement of the Sign Code.
2. Minimize the time required to process a sign application.
3. Distinguish between exempt, prohibited, and permitted signage to minimize the administrative burden associated with processing sign permits.

180-6.19.3. APPLICABILITY

This section shall govern and control the design, location, alteration, installation, lighting, and maintenance of all signs permitted within all districts established by this Sign Code and any amendments thereto except where explicitly superseded by an approved official development plan or as identified in this section.

180-6.19.4. SEVERABILITY

If any subsection of this Sign Code is found to be invalid by a court of competent jurisdiction, all remaining provisions shall be deemed valid.

180-6.19.5. MEASUREMENT STANDARDS

A. Determining Sign Area

In determining the square footage of allowable signage for any business, use, or tenant space, the area of each sign face will be added together.

B. Measuring Sign Area

Sign area is the entire surface area of a sign, including nonstructural trim. The supports, uprights, or structures on which any sign is mounted shall not be included in determining sign area.

1. Standard Geometric Shapes

When the surface area of a sign consists of a conventional geometric shape, such as a circle, an oval, a rhombus, a trapezoid, or a triangle, the accepted mathematical formulas for calculating area will be used to determine the surface area of a sign.

2. Cutout Letters

Sign area for cutout letters or display applied directly to the building surface and lacking a defined border or trim shall be determined by including the total area within the periphery of the cutout letters on display, which can be enclosed within a rectangle or the closest geometric shape with a maximum of two enclosing shapes.

3. Irregular Geometric Shapes

If a sign consists of a symbol, or an irregular geometric shape without an accepted mathematical formula for calculating area, the entire surface area of the symbol, which can be enclosed within a rectangle or the closest geometric shape with a maximum of two enclosing shapes, shall be determined as the sign area, as shown in Figure 6-P.

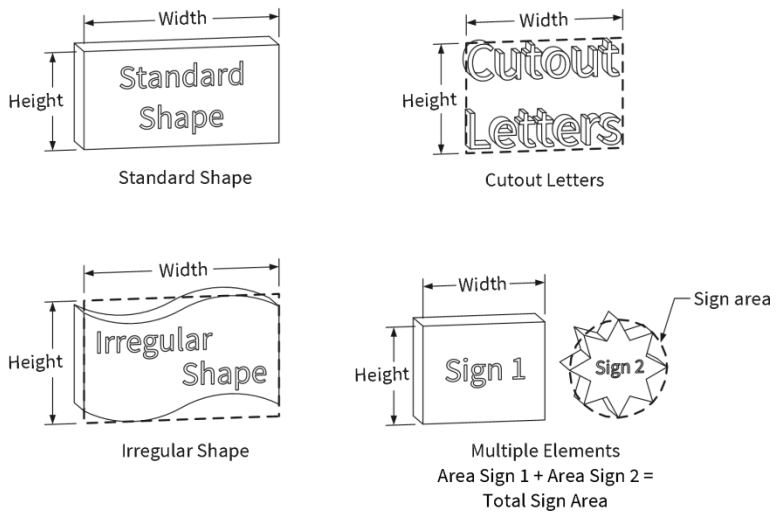
4. Multiple Elements

If a sign consists of a symbol, graphic or text with multiple elements that are an irregular geometric shape without an accepted multiple formula for calculating area, the entire surface area of the symbol, graphic or text, which can be enclosed within a rectangle or the closest geometric shape with a maximum of two enclosing shapes, shall be determined as the sign area.

5. Double-Faced Sign

Only one side of a double-faced freestanding or projecting sign shall count toward the aggregate size measurement provided both sides are identical.

Figure 6-P: Measuring Sign Area

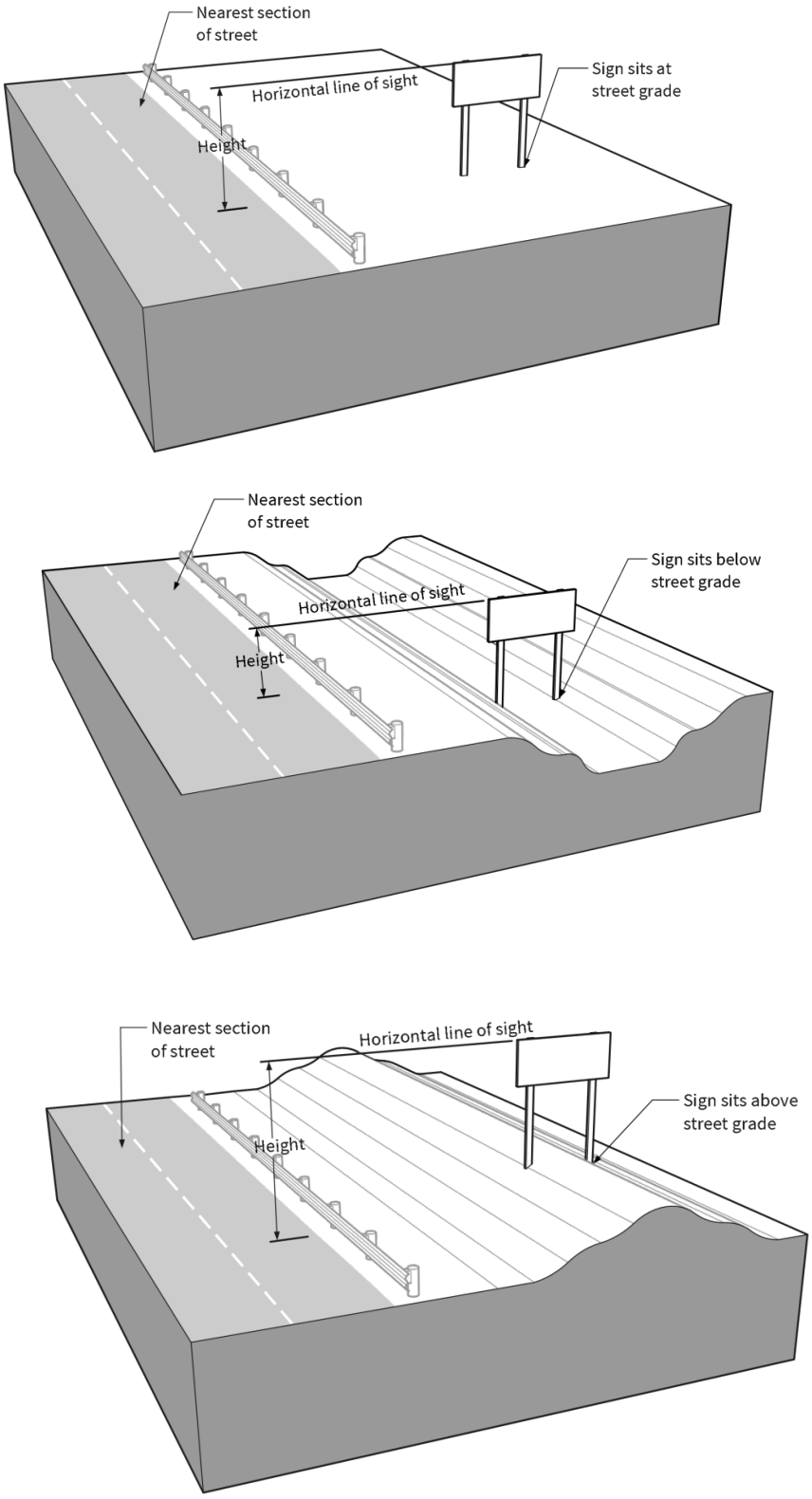


C. Determining Sign Height

1. Freestanding Signs

The height of a sign or sign structure shall be measured from finished grade to the highest point of the sign or sign structure. When a sign is located on a graded earth mound or in an area lower than the adjacent public street, the sign shall be measured from a surveyed point located at the horizontal line of sight from the paved surface of the nearest section of street, as shown in Figure 6-Q.

Figure 6-Q: Determining Sign Height



2. Projecting, Hanging, and Awnings Signs

Clearance for signs shall be measured at the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments, as shown in Figure 6-R.

Figure 6-R: Sign Clearance

3. Wall Signs

Heights shall not exceed the height of the building wall to which the sign is affixed.

Figure 6-S: Wall Sign

180-6.19.6. PLACEMENT

A. On-Premise

All signs shall be located on the premise of the business, use, or tenant space displaying the sign except as specifically permitted elsewhere in this section.

B. Ground Placement

1. Setbacks

Signs are not subject to the setback requirements of the zoning district where they are located.

2. Rights-of-Way

Signs are not permitted to be placed on or project into public rights-of-way without specific written authorization from the Town, except as specifically permitted elsewhere in this section.

3. Water Quality Setbacks

Signs are not permitted to be placed on or project into water quality setbacks without specific written authorization from the Town, except as specifically permitted elsewhere in this section.

4. Traffic Movement, Drainage, and Snow Storage

Signs shall not impair visibility for traffic movement and shall not impede drainage or snow storage.

C. Building Placement

1. Wall Signs

Wall signs shall be contained within any single wall panel or other architectural component upon which they are placed, and shall not exceed the height of the building wall to which the sign is affixed.

2. Projecting, Hanging, and Awning Signs

Signs shall be located to complement architectural elements of the building. No part of a projecting, hanging or awning sign shall be located above the ceiling of the second story of any building. Projecting, hanging, and awning signs shall not exceed the height of the building wall to which the sign is affixed, and shall have a minimum of eight and one-half feet clearance above the ground.

3. Multi-Tenant Buildings

Signs for businesses in multi-tenant buildings shall be located on the tenant space being identified by the sign or as depicted by the Master Sign Plan.

180-6.19.7. DESIGN STANDARDS

The purpose of the sign design standards is to promote a high level of quality and creativity, in keeping with the architectural goals and authentic mountain character of Frisco. The goal of the guidelines is also to encourage sign design that is eclectic, artistic, and original.

A. Construction

All signs and sign structures shall be made by a commercial sign manufacturer or be of similar professional quality. All signs shall be completed and erected in a professional manner.

B. Maintenance

It shall be unlawful to fail to maintain any sign, including signs exempted from these regulations with respect to permits and fees, in good repair and appearance, including but not limited to the keeping in good condition of all painted and printed surfaces, trims, poles, and text integrity.

C. Building and Electrical Permits

All signs for which a sign permit is required shall be subject to the provisions of the most currently adopted version of the building, electrical and mechanical codes. The following signs require a building permit: freestanding signs over ten feet in height, freestanding signs greater than 42 square feet in area, and awnings supported by an exterior wall which project more than 54 inches from the exterior wall.

D. Snow and Wind Load

All freestanding signs over ten feet in height or greater than 42 square feet in area shall be designed to withstand minimum wind and snow loads according to the provisions of Chapter 65, Town of Frisco Building Construction and Housing Standards. The Building Official may require freestanding signs to be designed by a Colorado licensed engineer with professional stamped plans.

E. Design Compatibility

1. Compatibility with the Building

Signs including its supporting structure and components should be integrated with the design of the building or structure on which they are placed. The scale, size, and shape of any sign should be proportionate to the building and the area in which it is located. Signs should not obscure architectural features, and should be designed in a manner that provides an artistic accent or visual point of interest for the building, as shown in Figure 6-T.

2. Compatibility with Other Signs

Signs including its supporting structure and components should be integrated with the design of other signs located on or near the same building to complement or enhance the other signs. The design and alignment of signs on multi-use buildings should be complementary, but not uniform or duplicative.

Figure 6-T: Sign Design Compatibility

YES

Signage is balanced and appropriately scaled

Orderly, complements architectural style

NO

Clutters and creates chaotic facade image

Signage does not complement architectural character

F. Materials

Sign materials should be compatible with the architectural design of the building's façade, and should contribute to the legibility of the sign. Carved or sandblasted wood; formed, etched, cast metal; and high density pre-formed foam or similar materials are encouraged. Raised borders and raised letters are encouraged. Mirrors or other reflective materials are prohibited. The supporting structure of a freestanding sign shall not include a singular, exposed metal pole or column, but it should be entirely surrounded by a decorative pole or column cover that is architecturally compatible with the sign and building, as shown in Figure 6-U.

Figure 6-U: Free Standing Sign Structures

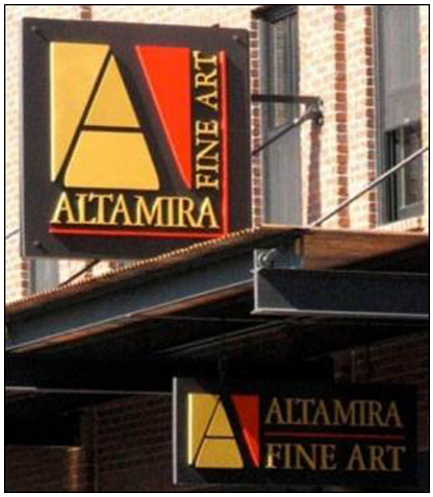
NO: Freestanding sign with a singular monopole

YES: Freestanding sign with a decorative pole cover that is architecturally compatible

G. Color

Sign colors should contribute to legibility and design integrity, and to the overall communicative effect of the sign. All signs, whether lighted or unlighted, should utilize a contrasting background for legibility, as shown in Figure 6-V. Color palettes should be utilized in a creative fashion to reflect the business or use for which the sign is intended, and to provide a memorable point of reference for sign viewers. Color combinations should achieve a harmonious appearance, while maintaining sign creativity and originality. Luminescent colors are prohibited.

Figure 6-V: Sign Color



H. Copy and Lettering Style

Sign fonts should be selected to provide both clarity and artistic integrity. The number of lettering styles should be limited to increase legibility, and letters and words should not be spaced too closely. The graphic symbol which relies on images and reduces the use of words is encouraged, as shown in Figure 6-W.

Figure 6-W: Copy and Lettering Style

I. Medical Marijuana Businesses

All signage associated with a medical marijuana business shall meet the standards established in the Frisco Sign Code and Section 180-5.2.6, Medical Marijuana Dispensaries.

J. Sexually-Oriented Businesses

All signage associated with a sexually-oriented business shall meet the standards established in the Frisco Sign Code and Section 180-5.2.10.O, Signs for Sexually-oriented Businesses.

K. Three-Dimensional Surface

Signs with a three-dimensional, textured surface that provide architectural relief such as carved, routed, or sandblasted designs are encouraged, as shown in Figure 6-X. The depth of three-dimensional elements shall not exceed three (3) feet.

Figure 6-X: Three-Dimensional Surface

L. Illumination

The illumination of signs is intended to minimize the undesirable side effects of excessive illumination such as glare, sky glow, and light pollution. The following standards shall apply to sign illumination:

1. Light Source

All exterior sign lighting shall be fully shielded and down-directed. All upward-directed sign lighting is prohibited. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way. It is recommended that exterior sign lighting be extinguished during non-operating hours. Wherever practicable, it is encouraged that lighting installations include timers, dimmers, and/or sensors to reduce overall energy consumption and unnecessary lighting. Energy efficient light sources are encouraged.

2. Component Painting

All light fixtures, conduit, and shielding must be concealed and shall be painted to match either the building or the supporting structure that serves as the background of the sign.

3. Externally Illuminated Signs

Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall be simple in form and should not clutter the building or structure. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent properties and public right-of-ways.

4. Internally Illuminated Signs

Internally illuminated signs with light colored backgrounds, including but not limited to white, off-white, light gray, cream and yellow are discouraged.

5. Digital or Electronic Signs

Digital or electronic signage must include automatic dimming in direct correlation with ambient light conditions and its brightness cannot exceed 0.3 footcandles above ambient light. The brightness shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. All brightness measurements shall be taken perpendicular to the face of the sign at a distance measured by the following formula:

Measurement Distance = $\sqrt{Area\ of\ Sign\ Sq.Ft.\ x\ 100}$

6. Fixtures

Lighting fixtures shall be simple in form and should not clutter the building. The fixtures must be directed only at the sign. Lighting for front lit signs shall be housed in fixtures and installed in a manner that will serve to substantially shield exposed bulbs and lighting tubes from public view. Gooseneck or other building mounted fixtures are encouraged.

180-6.19.8. SPECIFIC REGULATIONS FOR SIGN TYPES

A. Permanent Signs

The following types of signs are permitted in the sign districts as indicated in Table 6-5 thru Table 6-10.

1. Awnings

Any portion of an awning containing the name of the business, or which is otherwise a sign, shall be treated as a sign, as shown in Figure 6-Y. No awning sign shall be placed in a manner where it would allow snow to shed onto any public walkway. An awning may be made of any material compatible with the design of the building, but for the purposes of this section, no awning shall be backlit or contain backlighting.

Figure 6-Y: Awning Sign

2. Building Identification Signs

The building identification sign area shall not count toward the aggregate sign area for the building.

3. Directional Signs

Directional signs shall not count toward the aggregate sign area for the business, use, or tenant space displaying the directional signs. Further:

a. Directional signs shall not be used for additional advertising, but may include the business name or logo.

b. Directional signs should be clearly linked and utilize common design cues including color, shape, logo, material, or nomenclature.

c. Businesses in the Summit Boulevard Corridor Sign District that have a secondary street access into a project shall be allowed to have a secondary street access freestanding directional sign. Directional signs must be displayed on the secondary street frontage. The directional sign must be used solely to provide direction to the project, provide way finding within the project or to provide direction to an amenity within the project.

d. Directional signs that do not meet the standards listed above shall be considered freestanding, projecting, hanging or wall signs and regulated according to this section.

4. Drive-Through Signs

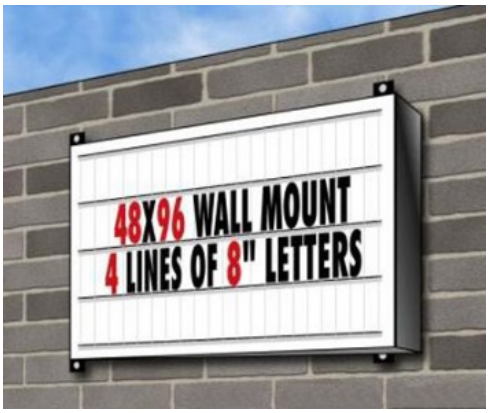
Drive-Through Menu Board and Drive-Through Pre-Sell Menu Board signs may include changeable copy.

Figure 6-Z: Drive-Through Menu Boards

Drive-Through
Menu Board Sign

Drive-Through
Pre-Sell Menu
Board

Figure 6-AA: Changeable Copy Sign



5. Freestanding Signs

a. A landscaped area equal to two square feet for each one square foot of total sign area of a freestanding sign is encouraged, as shown in Figure 6-BB.

b. Singular, metal pole or column sign supports without a decorative cover shall be prohibited.

c. Adjacent lot owners may erect a joint freestanding sign on their common lot line if both property owners have provided written permission.

d. There shall be no more than one freestanding sign per project, and no more than two freestanding signs per premise, provided that one of the two freestanding signs is an off-premise sign for another property or premise as provided herein.

Figure 6-BB: Freestanding Sign

6. Gasoline Price Signs

The sign area of a gasoline price sign shall not count toward the aggregate sign area for the service station if the sign is 12 square feet or less in area. If the sign exceeds 12 square feet in area, the additional sign area shall count against the aggregate sign area for the service station. Further:

a. Gasoline price signs are permitted to use changeable copy and must be incorporated into a freestanding, projecting, or wall sign associated with a service station.

b. Electronic or digital gasoline price signs shall conform to the illumination standards described in this section.

c. Any sign incorporated into a service station canopy shall be considered a roof sign and is prohibited.

7. Home Occupation Signs

An approved home occupation shall be allowed a projecting or wall sign. Home occupation signs may state the name or nature of the home occupation, but shall not advertise specific products or be lit from any angle.

8. Projecting Signs

No projecting sign shall extend more than three feet from a building wall, as shown in Figure 6-CC.

Figure 6-CC: Projecting Sign

9. Miscellaneous Signs

Any sign types not listed in this section shall be classified as miscellaneous signs and may not be erected unless approval is granted by the Community Development Department as to size, height, configuration, illumination, and application for usage. Strict interpretation of the intent and purpose of this section shall

be applied to all requests for approval of miscellaneous signs. Signs listed as prohibited shall not be considered or approved as a miscellaneous sign.

10. Residential Subdivision Entrance Signs

A sign with copy limited to a logo and the subdivision name. Only one sign per subdivision entry is allowed.

11. Time and Temperature Signs

a. Time and temperature signs must be incorporated into a freestanding or wall sign associated with a business, shall not constitute more than 25 percent of the sign area, and can be no larger than 25 square feet in area, as shown in Figure 6-DD.

b. The text display of the time and temperature is permitted to use changeable copy, cannot change more than once per eight seconds, and the transition shall be instantaneous.

c. There shall not be any advertising copy on a time and temperature sign.

Figure 6-DD: Time and Temperature Sign

12. Temporary Signs

The following types of signs are permitted in the sign districts as indicated in Table 6-5 thru Table 6-10.

13. Banners

a. Banner verbiage must match the products or services offered by the business, sale events, or promotions, or announce the opening or closing of the business, as shown in Figure 6-EE.

b. Banners may be permitted for up to 26 weeks per calendar year, for one week intervals.

c. A business may hang no more than one banner at a time. If a tenant space has multiple business licenses for the same tenant space, then the tenant space shall only be allowed to hang one banner at a time.

d. Banners shall be located on the premises only, allowable only on the exterior of the building or any projection of the building such as a deck, fence, or railing.

e. Banners shall be in good condition, without rips, tears, or fading, and all corners must be secured to the building or building projection.

Figure 6-EE: Temporary Banner

14. Construction Signs

Signs may not be erected prior to issuance of a Town building permit and must be removed prior to the issuance of a Town certificate of occupancy or when the building permit expires, whichever occurs first. Only one construction sign is allowed per project.

15. Real Estate Development Signs

A freestanding or wall sign may be permitted on the site of a new project following Town approval of a Development Application. Real estate development signs must be removed ten days after all certificates of occupancy have been issued or when the building permit expires, whichever occurs first. Only one real estate development sign is allowed per project.

180-6.19.9. MASTER SIGN PLAN

The Master Sign Plan shall be designed to establish a common theme or design to create visual harmony between the sign(s), building(s), and other components of the subject property, using similar construction methods, compatible colors, scale, and backgrounds. The sign plan shall indicate the size and location of all signs proposed. It shall also coordinate a minimum of three of the following elements: color(s), shape, mounting, lighting, lettering style, graphics, and materials. The aggregate sign area within the Master Sign Plan is subject to the size limitations of this section. The Master Sign Plan shall not allocate or transfer any sign area from one business to another.

180-6.19.10. SIGN DISTRICTS

A. Main Street Corridor Sign District

1. Purpose

The downtown area of Frisco represents the focal point of the community with a compatible mix of commercial and residential uses and a pedestrian-oriented Main Street. The intent of this district is to enhance the authentic mountain town character of Frisco and promote the Main Street area as the heart of the community.

2. Standards

All signs in the Main Street Corridor Sign District shall comply with the standards in Table 6-5 and Table 6-6. See Map 1. Main Street Corridor Sign District for district boundaries. Further:

a. Text Height

No letter, symbol, or numeral shall exceed two (2) feet in height.

b. Illumination

Only signs that are externally illuminated are permitted. Lighting shall be front lit and down-directed. Signs that are backlighted (halo-lighted), electronic, or internally illuminated are prohibited.

c. Materials

Signs made of natural materials such as wood, metal, or stone or other materials that mimic natural materials, such as high density urethane, which are substantially similar to the natural materials they are simulating are encouraged.

d. Design

The use of symbols, three-dimensional or textured surfaces, carved or routed letters, or other artistic features are encouraged, as shown in Figure 6-FF.

Figure 6-FF: Main Street Corridor Sign Design Guidelines

e. Orientation

Signs should be located and sized to be viewed by pedestrians. Projecting, hanging, or awning signs are permitted to project over the three-foot sidewalk easement on East Main Street if there is a minimum of eight and one-half feet clearance above the ground.

f. Aggregate Sign Area

i. The maximum aggregate sign area for each business or entity is 32 square feet.

ii. No one sign may exceed 32 square feet of sign area.

iii. Businesses with Main Street business frontage that are located on a corner lot or that have more than one street frontage (not including alleys, driveways, or parking lots) shall be allowed to have a maximum of 42 square feet of aggregate sign area.

iv. If a tenant space has multiple business licenses for the same tenant space, then the tenant space shall be allowed to have a maximum of 42 square feet of aggregate sign area.

g. Freestanding Signs

i. Minimum Separation. All freestanding signs, except directional signs, shall be separated by a distance of no less than 50 feet unless the freestanding signs are separated by a street right-of-way.

ii. Off-Premise Freestanding Signs. Freestanding signs located off-premise must comply with the following regulations:

a) Off-premise signs may only reference businesses that do not have business frontage along Main Street. See Map 1, Main Street Corridor Sign District for the commercial properties that are allowed to have off-premise signs.

b) An off-premise sign is only permitted on a property where the property owner has provided written permission.

c) Only one off-premise sign is allowed per project.

d) The off-premise sign must be located on Main Street at the nearest street intersection en route to the project.

e) Refer to Table 6-5 and Table 6-6 for additional standards related to freestanding signs.

iii. Sign Area. The sign area of any freestanding sign is deducted from the total aggregate sign area allowed for the business displaying said sign.

TABLE 6-5
SIGNS IN THE MAIN STREET CORRIDOR SIGN DISTRICT THAT COUNT TOWARD AGGREGATE SIGN AREA PER BUSINESS AND REQUIRE A SIGN PERMIT
MASTER SIGN PLAN = MSP

SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM AREA [1]	MAXIMUM NUMBER
Freestanding	12 ft.	32 sf	1 per project & a maximum of 2 per premise, provided that 1 of the 2 is an off-premise sign related to another project or premise (Refer to Map 1 for eligible properties that can have an off-premise sign)
Awning, Projecting, or Hanging	Not to exceed above ceiling of the 2nd story of building & 8.5 ft. clearance from bottom of sign to ground	32 sf	Refer to MSP if applicable
Wall	Not to exceed height of building wall	32 sf	Refer to MSP if applicable
Notes: [1] Refer to "Aggregate Sign Area" listed above for additional sign area allowances.			

TABLE 6-6
SIGNS IN THE MAIN STREET CORRIDOR SIGN DISTRICT THAT ARE EXCLUDED FROM AGGREGATE SIGN AREA PER BUSINESS AND REQUIRE A SIGN PERMIT
MASTER SIGN PLAN = MSP

SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM AREA	MAXIMUM NUMBER
Banner	Not to exceed height of building wall	20 sf	1 per tenant space
Building Identification	Not to exceed height of building wall	8 sf	1 per building
Construction	Freestanding: 12 ft. Wall: Not to exceed height of building wall	32 sf	1 per project
Directional, Pedestrian	Freestanding: 3 ft. Wall: Not to exceed height of building wall	3 sf	Allowed at each pedestrian access point
Directional, Vehicular	Freestanding: 3 ft. Wall: Not to exceed height of building wall	3 sf	Allowed at each vehicular access point

TABLE 6-6
SIGNS IN THE MAIN STREET CORRIDOR SIGN DISTRICT THAT ARE EXCLUDED FROM AGGREGATE SIGN AREA PER BUSINESS AND REQUIRE A SIGN PERMIT
MASTER SIGN PLAN = MSP

SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM AREA	MAXIMUM NUMBER
Drive-Through Menu Board Sign	7 ft.	15 sf	1 per drive-through business
Drive-Through Pre-Sell Menu Board Sign	7 ft.	5 sf	1 per drive-through business
Gasoline Price [1]	Freestanding: 12 ft. Wall: Not to exceed height of building wall	Any portion greater than 12 sf counts toward aggregate sign area	1 per service station
Home Occupation	Not to exceed height of building wall	2 sf	1 per home occupation
Real Estate Development	Freestanding: 12 ft. Wall: Not to exceed height of building wall	32 sf	1 per project

Notes:
[1] Gasoline price signs listed in Table 6-6 cannot exceed the maximum sign area when combined with signs types listed in Table 6-5.

B. Summit Boulevard Corridor Sign District

1. Purpose

The Summit Boulevard Corridor, including Summit Boulevard, Interstate 70, the Dam Road and Ten Mile Drive, serves as a primary gateway to Frisco and provides a broad range of commercial services conveniently accessible by automobile. The intent of this district is to encourage signs of a high quality design that are eclectic and compatible with the authentic mountain town character of Frisco.

2. Standards

All signs in the Summit Boulevard Corridor Sign District shall comply with the standards in Table 6-7 and Table 6-8. See Map 2, Summit Boulevard Corridor Sign District for district boundaries. Further:

a. Text Height

No letter, symbol, or numeral shall exceed four (4) feet in height.

b. Lighting

Signs that are backlighted (halo-lighted) are encouraged.

c. Design

Routed faces, three-dimensional or textured faces, push-through letters or graphics, and pin/stud mounted architectural letters are encouraged, as shown in Figure 6-GG.

Figure 6-GG: Summit Boulevard Corridor Sign Design Guidelines

d. Orientation

Signs should be located and sized to be viewed by motorists.

e. Aggregate Sign Area

Aggregate sign area allowed for a business, use or tenant space shall be calculated using its business frontage, as shown in Figure 6-HH and Figure 6-II. Further:

i. The maximum aggregate sign area for a business, use, or tenant space shall be a square footage equal to 66 percent of the linear length of the business frontage with a maximum of two frontages displaying signs. The minimum aggregate sign area for each business frontage is 32 square feet and the maximum allowed is 150 square feet. For example, a business with a 75-foot long business frontage may be allowed up to 49.5 square feet of aggregate sign area on that frontage (75 x 0.66 = 49.5).

ii. Businesses, uses, or tenant spaces that are on the interior of a building without business frontage shall be allowed a maximum of 32 square feet of aggregate sign area.

iii. No part of the sign area of on premise signs allowed for one business frontage shall be transferred to another business frontage, whether that other business frontage is that of the same or any other business.

Figure 6-HH: Single-Tenant Building Signage

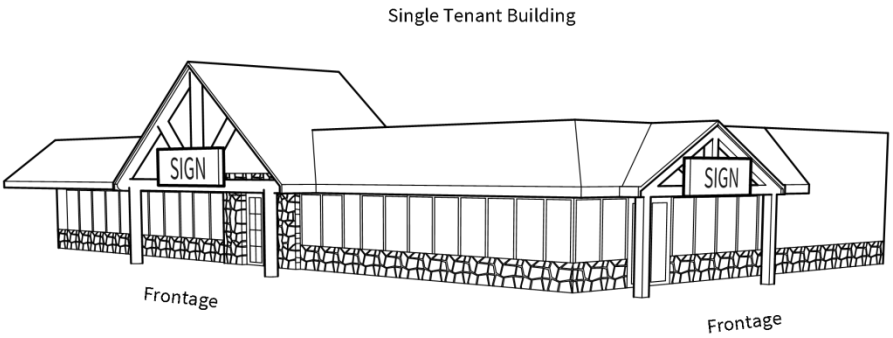
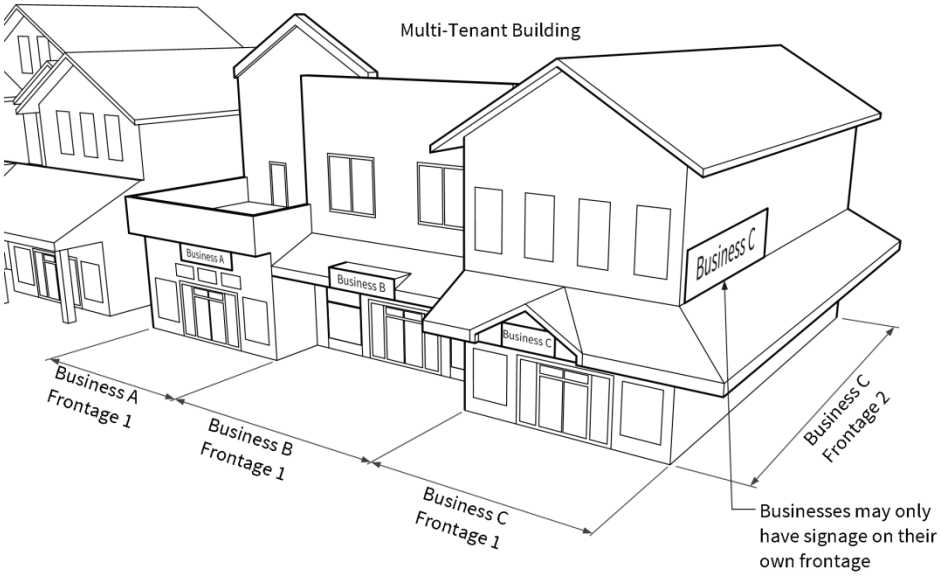


Figure 6-II: Multi-Tenant Building Signage



f. Freestanding Signs

i. Minimum Separation. All freestanding signs, except directional signs, shall be separated by a distance of no less than 100 feet unless the freestanding signs are separated by a street right-of-way.

ii. Off-Premise Signs. Freestanding signs located off-premise must comply with the following regulations:

a) Off-premise signs may only reference businesses that do not have business frontage along Summit Boulevard. See Map 2. Summit Boulevard Corridor Sign District for the commercial properties that are allowed to have off-premise signs.

b) An off-premise sign is only permitted on a property where the property owner has provided written permission.

c) Only one off-premise sign is allowed per premise.

d) The off-premise sign must be located on Summit Boulevard at the nearest street intersection en route to the project.

e) The sign area of an off-premise sign is deducted from the closest business frontage displaying the sign.

f) Refer to Table 6-7, Table 6-8, and Table 6-9 for additional standards related to freestanding signs.

iii. Sign Area. The sign area of any freestanding sign is deducted from the total aggregate sign area allowed for the business displaying said sign.

C. Lusher Court Overlay

Notwithstanding the provisions of Subsection 180-6.19.10.B.2.e.i above, businesses, uses, or tenants located in the Lusher Court Overlay shall be allowed an aggregate sign area square footage that is equal to 70 percent of the linear length of the business frontage that faces the interstate as indicated in Map 2. Summit Boulevard Corridor Sign District. For projects with multiple buildings, only those businesses with business frontage located along the northern property boundary that face the interstate shall be allowed the 70 percent aggregate sign area. All other business frontages shall be allowed an aggregate sign area of 66 percent for the frontage.

D. Dillon Dam Road Overlay

Notwithstanding the provisions of Subsection 180-6.19.10.B.2.e.i above, businesses, uses or tenants located in the Dillon Dam Road Overlay shall be allowed an aggregate sign area square footage that is equal to seventy (70) percent of the linear length of the business frontage that faces the interstate as indicated in Map 2. Summit Boulevard Corridor Sign District. All other business frontages shall be allowed an aggregate sign area of sixty-six (66) percent for the frontage. Refer to Table 6-9 for additional standards. Further:

1. Freestanding signs that are located on the business frontage facing the interstate shall be allowed a maximum of 100 square feet in sign area. If a freestanding sign is located on any other business frontage, the sign area shall conform to the standards listed in Table 6-7 and Table 6-8.
2. Freestanding sign height shall be measured from a surveyed point located at the horizontal line of sight from the paved surface of the nearest section of street or interstate highway.

TABLE 6-7
SIGNS IN THE SUMMIT BOULEVARD CORRIDOR SIGN DISTRICT THAT COUNT TOWARD AGGREGATE SIGN AREA PER BUSINESS OR PROJECT AND REQUIRE A SIGN PERMIT
MASTER SIGN PLAN = MSP

SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM AREA	MAXIMUM NUMBER
Freestanding	20 ft.	50 sf	1 per project and a maximum of 2 per premise, provided that 1 of the 2 is an off-premise sign related to another project or premise (Refer to Map 2 for eligible properties that can have off-premise signs)
Awning, Projecting or Hanging	Not to exceed above ceiling of the 2nd story of building & 8.5 ft. clearance from bottom of sign to ground	50 sf	Refer to MSP is applicable
Wall	Not to exceed height of building wall	66% of business frontage with a max. of 2 frontages allowed to display signs. Minimum of 32 sf & max. of 150 sf allowed per frontage	Refer to MSP if applicable

TABLE 6-8
SIGNS IN THE SUMMIT BOULEVARD CORRIDOR SIGN DISTRICT THAT ARE EXCLUDED FROM AGGREGATE SIGN AREA PER BUSINESS OR PROJECT AND REQUIRE A SIGN PERMIT
MASTER SIGN PLAN = MSP

SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM AREA	MAXIMUM NUMBER
Banner	Not to exceed height of building wall	32 sf	1 per tenant space
Building Identification	Not to exceed height of building wall	8 sf	1 per building
Construction	Freestanding: 12 ft. Wall: Not to exceed height of building wall	32 sf	1 per project
Directional, pedestrian	Freestanding: 3 ft. Wall: Not to exceed height of building wall	3 sf	Allowed at each pedestrian access point
Directional, vehicular	Freestanding: 3 ft. Wall: Not to exceed height of building wall	3 sf	Allowed at each vehicular access point

TABLE 6-8
SIGNS IN THE SUMMIT BOULEVARD CORRIDOR SIGN DISTRICT THAT ARE EXCLUDED FROM AGGREGATE SIGN AREA PER BUSINESS OR PROJECT AND REQUIRE A SIGN PERMIT
MASTER SIGN PLAN = MSP

Drive-Through Menu Board Sign	7 ft.	45 sf	1 per drive-through business
Drive-Through Pre-Sell Menu Board Sign	7 ft.	20 sf	1 per drive-through business
Gasoline Price [1]	Freestanding: 20 ft. Wall: Not to exceed height of building wall	Any portion greater than 12 sf counts toward aggregate sign area	1 per service station
Home Occupation	Not to exceed height of building wall	2 sf	1 per home occupation
Real Estate Development	Freestanding: 12 ft. Wall: Not to exceed height of building wall	32 sf	1 per project
Secondary Street Access Freestanding	10 ft.	21 sf	1 per secondary street access
Time & Temperature [1]	Freestanding: 20 ft. Wall: Not to exceed height of building wall	Any portion greater than 12 sf counts toward aggregate sign area. Maximum of 25 sf.	1 per project

Notes:
[1] Gasoline and time and temperature signs listed in Table 6-8 cannot exceed the maximum sign area when combined with sign types listed in Table 6-7.

TABLE 6-9
ADDITIONAL SIGN AREA FOR BUSINESSES IN THE DILLON DAM ROAD OVERLAY THAT COUNT TOWARD AGGREGATE SIGN AREA PER BUSINESS OR PROJECT AND REQUIRE A SIGN PERMIT [1]
MASTER SIGN PLAN = MSP

SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM AREA	MAXIMUM NUMBER
Freestanding	20 ft.	100 sf	1 per project
Wall	Not to exceed height of building wall	70% of business frontage that faces the interstate & 66% for a 2nd business frontage with a minimum of 32 sf & maximum of 165 sf allowed per frontage	Refer to MSP if applicable

[1] Refer to Table 6-7 and Table 6-8, Summit Boulevard Sign District, for all other sign types and sizes.

E. Residential Sign District

All signs in the Residential Sign District shall comply with the standards in Table 6-10. Any property not identified in the sign district maps shall be considered to be located in the Residential Sign District. Non-conforming commercial uses in residential zoned areas shall comply with the Main Street Corridor Sign District and are not eligible to display off-premise signs. Sign illumination in residential districts shall be restricted to front lit lighting only.

TABLE 6-10 SIGNS PERMITTED IN THE RESIDENTIAL SIGN DISTRICT AND REQUIRE A SIGN PERMIT			
SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIZE	MAXIMUM NUMBER
Building Identification	Not to exceed height of building wall	8 sf	1 per multi-family building
Construction	Freestanding: 10 ft. Wall: Not to exceed height of building wall	32 sf	1 per project
Home Occupation	Not to exceed height of building wall	2 sf	1 per home occupation
Real Estate Development	Freestanding: 10 ft. Wall: Not to exceed height of building wall	32 sf	1 per project
Subdivision Entrance	Freestanding: 6 ft. Wall: Not to exceed height of building wall	16 sf	1 per subdivision entry

F. Parks and Open Space Sign District

Any sign placed in an area designated as Parks and Recreation District or Open Space District by the Unified Development Code must obtain approval from the Community Development Department prior to erecting the sign. Sign designs shall conform to the Town of Frisco's Parks and Opens Space Sign Design Criteria. See Map 3. Parks and Open Space Sign District and Public Facilities Sign District for the district boundaries.

G. Public Facilities Sign District

Any sign placed in an area designated as Public Facilities District by the Unified Development Code and other government or public entities must obtain approval from the Community Development Department prior to erecting the sign. Sign designs shall conform to the Town of Frisco's Public Facilities Sign Design Criteria. See Map 3. Parks and Open Space Sign District and Public Facilities Sign District for the district boundaries.

180-6.19.11. ADMINISTRATION

A. Approvals

Applicants intending to erect a new permanent or temporary sign or those seeking to modify existing signs must obtain a sign permit from the Community Development Department prior to installation or modification of the sign. Painting, repainting, repair or cleaning of a sign shall not require a sign permit; however, this exemption shall not apply if the color scheme or design of an existing sign is altered or if such painting or repainting results in a different business, product, or service being advertised by the sign. A business which only operates on a seasonal basis or sells seasonal items or services may use interchangeable signs provided a permit is obtained for each sign displayed at that business. If an application is filed under the sign regulations and each sign in the application meets the requirements of these regulations, the sign shall be approved and permits issued by the department staff. If an application requires approval by the Planning Commission, or raises questions of interpretation which the staff believes should be decided by the Commission, the application shall be forwarded to the Planning Commission for review and action. No sign shall be erected, or displayed without prior approval of a sign permit.

B. Master Sign Plan Application Requirements

A Master Sign Plan (MSP) is required for any development having more than one tenant, business, or use. The MSP must be approved by the Community Development Department before an individual sign permit can be issued. Prior to the submittal of a Master Sign Plan application, a pre-application conference with the Planning Division is required to acquaint the applicant with Sign Code procedures, design standards, and to review the MSP proposal. In order to apply for a MSP, the applicant must provide the following information in writing:

1. A completed and signed Town of Frisco Master Sign Plan application and non-refundable fee.

2. Site plan [no less than one inch equals ten feet] depicting the locations of all existing and proposed signage, public rights-of-way, property lines, easements, grades, buildings, utilities, and landscaping.
3. Scale drawings, elevations, or photographs of the proposed signage depicting the dimensions and size, location, design, mounting methods, colors, materials, source of illumination and building façade or other location where the proposed signage will be located.
4. Any other maps, drawings, or other materials needed to adequately describe the master sign plan proposal as required herein.
5. Upon submission of a complete application, the Community Development Department shall have ten business days to review the application.

C. Individual Sign Permit Application Requirements

In order to apply for a sign permit, the applicant must provide the following information in writing:

1. A completed and signed Town of Frisco sign permit application and non-refundable fee.
2. A copy of the approved Master Sign Plan for the project, if applicable.
3. Site plan [no less than one inch equals ten feet] depicting the locations of all existing and proposed signage, public rights-of-way, property lines, easements, grades, buildings, utilities, and landscaping.
4. Scale drawings, elevations, or photographs of the proposed signage depicting the dimensions, design, mounting methods, colors, materials, source of illumination and building façade or other location where the proposed signage will be located.
5. The proposed signage shall use a consistent design theme to create visual harmony between the sign(s), building(s), and other components of the subject property.
6. Written evidence of a current business license.
7. Any other material or information to show compliance with the Frisco Sign Code as required herein.
8. Upon submission of a complete application, the Community Development Department shall have ten business days to review the application.

D. Inspections

The Community Development Department shall have the authority to make periodic inspections of all existing signs for compliance with this section. Final approval of any sign as erected is contingent upon inspection of said sign for compliance with the approved sign application within 14 days of erecting the sign. The applicant is responsible for requesting a final sign inspection from the Community Development Department once the sign has been erected.

E. Appeals

Upon denial of an application for a sign permit, the applicant has ten calendar days from the date of the decision to file an appeal with the Community Development Department in accordance with Section 180-2.7.1.

180-6.19.12. SIGNS EXEMPT FROM SIGN PERMIT PROCESS

The following signs are exempt from the requirement that a sign permit be obtained because they either do not create safety hazards or aesthetic disruption, they promote public safety or the dissemination of public information, or are accessory to the exercise of an individual's First Amendment rights.

A. Art

Works of art, including but not limited to murals, sculptures, and paintings, when not used as a sign or an attention getting device.

B. Community Events

Banners, flags, signs, and other similar devices erected on Town-controlled property to promote a temporary or seasonal community event, or to identify a point of interest or landmark.

C. Flags

The flag, pennant or insignia of any nation, organization or nations, state, province, county, town, any religious, civic or fraternal organization, or educational institution; and providing further that such are subject to the following limitations:

1. Flags and pennants shall not exceed the proportions which have been established by presidential declaration: three feet by five feet (3' x 5') when hung from a building, or five feet by seven feet (5' x 7') when hung from a large flagpole. Flags or pennants larger than the specified sizes require a sign permit.
2. Flags shall have a minimum clearance of eight and one half feet when they project over public sidewalks and 15 feet when projecting over streets or roads.
3. Except in residential areas, there shall be a minimum of 20 feet from the top of a flagpole to average grade.
4. Flags and flagpoles shall not exceed the tallest building height limit of the applicable zoning district.
5. Flags, pennants, and insignia shall be maintained in a clean and undamaged condition at all times.
6. The display of national flags, pennants, and insignia shall be governed by the standard rules of international protocol.

D. Historic Plaques, Landmark and Memorial Signs

1. Historic Plaques.
2. Landmark signs not to exceed six square feet.
3. Memorial Signs not exceeding four square feet and gravestones of any size.

E. Information Signs

Information signs are permitted on the exterior of the building or building projection, or can be incorporated into a freestanding, projecting, hanging, wall, or window sign.

1. One "office" sign per motel/hotel business or multi-family project, not to exceed two square feet in area.
2. For any business, one "open/closed" sign per street frontage, up to two square feet in area per sign.
3. A maximum of two "vacancy" signs per motel/hotel business, provided that each sign does not exceed two square feet in area.
4. One "hours-of-operation" sign per entryway, not exceeding two square feet in area.
5. One square foot per entry is allowed for accepted methods of payment such as credit cards, membership stickers, and similar signs.
6. Private warning or instructional signs, such as "no soliciting", "no trespassing", "no parking", or "beware of dog," not exceeding two square feet in area.

F. Merchandise

Merchandise or models of products or services which are incorporated as an integral part of an indoor window display.

G. Political Signs

Such signs, posters, or banners shall not be erected or placed prior to 45 days before an election, and shall be removed within five days following the election. No such signs, posters, or banners shall be placed upon or shall extend into any public property or right-of-way. Political or ideological signs not to exceed six square

feet in area per sign when located on private property and not otherwise in a public right-of-way, or on public property or structures.

H. Real Estate Signs

1. Temporary Real Estate Open House Signs

One on-site open house sign, non-illuminated, not exceeding six square feet in area may be permitted on the premise that is for sale or lease. One or more off-site open house signs may also be permitted as necessary to indicate changes of direction from Summit Boulevard or Main Street to the subject property location. Such signs shall be displayed only when the unit is actually open, for a time period not to exceed ten hours, and in all cases shall be removed at night. Such signs shall be limited to private property for which written permission has been obtained and to public rights-of-way that meet the following criteria:

a. May not be placed on any sidewalk.

b. May not be placed within any street travel lane or parking lane.

c. May not be placed any closer than ten feet from the edge of pavement of an intersection.

d. May not be placed any closer than four feet from any edge of pavement or curb.

e. All open house signs shall be limited to a maximum of three feet above the surface grade at the base of the sign measured from the ground or snow pack, whichever is higher. For new construction, open house signs shall not be permitted until the Building Official has issued a certificate of occupancy.

2. Temporary Real Estate Sale or Lease Signs

One real estate sign, non-illuminated, not exceeding six square feet in area may be permitted on the premise that is for sale or lease. Such signs shall be removed within seven days after closing or expiration of the listing, whichever occurs first. When more than one contiguous lot or parcel under one ownership is offered for sale or lease, only one real estate sign is permitted, provided that if such property is separated by a public street or alley, a sign may be permitted on each portion so divided. On property exceeding two acres in size fronting on streets with a speed limit of 35 miles per hour or greater, one or two real estate signs containing up to a total of 20 square feet in area are permitted. In buildings where several units are for sale or lease by different real estate firms, only one real estate sign is permitted for each firm involved.

I. Residential Signs

1. Garage sale signs which announce the sale of used items from a residence. Signs shall be removed on the last day of the sale and shall not create a nuisance as defined in Chapter 124, Nuisances, of the Town Code.

2. Signs which identify the name of the occupant of a dwelling unit, provided that the letters do not exceed six inches in height and the sign does not exceed two square feet in area.

J. Restaurant Signs (Menu Signs)

One menu sign per restaurant or food establishment not to exceed two square feet in area.

K. Portable and Sandwich Board Signs

Portable and sandwich board signs shall be permitted all sign districts except the Residential Sign District and must meet the following requirements:

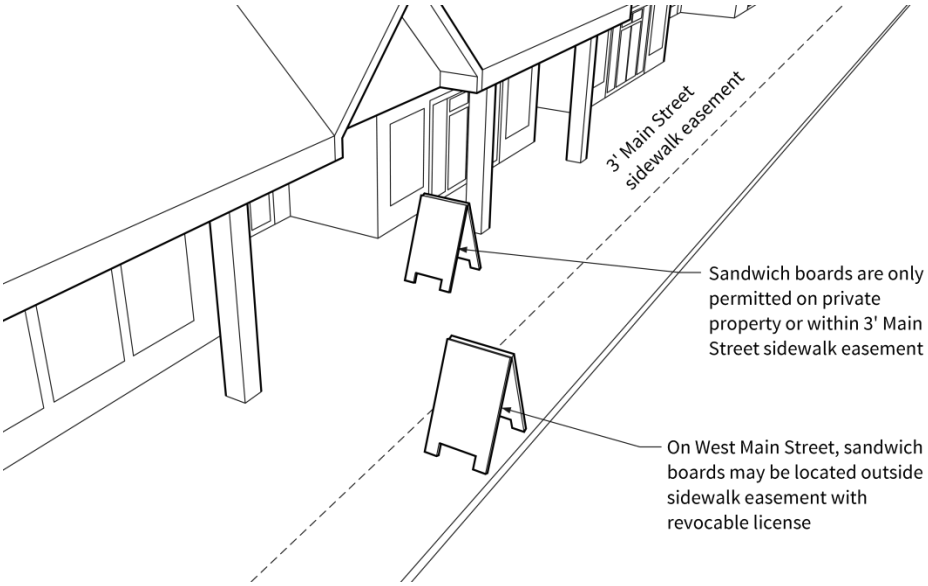
1. Portable and sandwich board signs shall not exceed 30 inches in width and 36 inches in height.

2. Businesses are limited to one sandwich board or portable sign per business may display such signs only when the business is open for business, and shall remove sandwich board signs during non-business hours.

3. Portable and sandwich board signs must have a well-maintained appearance.

4. Chalkboard insets and dry-erase boards are permitted.
5. Sandwich board and portable signs are subject to the following location requirements:
   a. Sandwich board and portable signs are not permitted on public rights-of-way or pedestrian sidewalks and must be located on the business property except when located along the three-foot sidewalk easement on Main Street.
   b. Businesses located along West Main Street shall be allowed to place sandwich boards or portable signs in the public right-of-way between the building and the nearest edge of public sidewalk upon issuance of a revocable license by the Town.

Figure 6-JJ: Sandwich Board and Portable Signs



6. Such signs shall not be electrical in any form and shall not display lights or contain moving parts.

Figure 6-KK: Sandwich Board "A-Frame" Sign

L. Safety Signs

Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state, or local law, regulation, or resolution.

M. Scoreboards

Scoreboards on athletic fields.

N. Seasonal Decorations

Temporary, noncommercial decorations or displays, signs or other materials displayed on traditionally accepted civic, patriotic, and/or religious holidays, provided that such decorations are maintained in a safe and attractive condition.

O. Signs on Vehicles

1. Bumper Stickers
2. Vehicle Signs which are being operated or stored in the normal course of business such as signs indicating the name of the owner or business which are located on delivery trucks, trailers, and the like; provided, however, that the primary purpose of such vehicles is not for the display of signs, and provided that such vehicles are parked or stored in areas appropriate to their use as vehicles. Signs painted on trailers used on construction sites also are exempt provided that a building permit has been issued for that site and the trailer is not stored in such a way as to act as a sign.

P. Window Signs

Window signs shall not exceed a total coverage of more than one-third of the total surface area of the window. Window signage should not be an exact replica of a business's permanent signage. Window signage is not allowed in windows above the ground floor of the building. Illumination directed at window signs shall not be allowed.

180-6.19.13. PROHIBITED SIGNS

This subsection identifies signage and devices that are determined to be a nuisance by the Town and are prohibited in all districts. The Town shall require the removal of any sign which is determined to be prohibited and not in accordance with the provisions of these regulations.

A. Any sign not in accordance with the provisions of these regulations.

B. Attention getting devices including but not limited to feathers, snipe signs, sign spinners, and pennants, as shown in Figure 6-LL.

Figure 6-LL: Attention-Getting Device

C. Bus bench or bus shelter signs.

D. Changeable copy signs except as specifically permitted elsewhere in this section.

E. Electronic signs except as specifically permitted elsewhere in this section.

F. Home office signs.

G. Mirrors or other reflective materials and luminescent colors.

H. Neon, other gas-filled and LED light tubes except when used as a window sign, as shown in Figure 6-MM.

Figure 6-MM: Neon Lights

I. Off-premise signs and signage, except as specifically permitted elsewhere in this section.

J. Photographic images except when used as an interior window display or merchandise display.

K. Roof signs.

L. Signs painted on, or attached to, a licensed or unlicensed motor vehicle or trailer and parked adjacent to a public right-of-way and not driven off-site during any two day period.

M. Signs, including but not limited to window signs that have intermittent, flashing, rotating, scintillating, blinking or strobe illumination or any change in color or intensity.

N. Signs including banners which do not advertise an operative business. Signs must be removed within 30 days after the closing of a business. New businesses shall be allowed to hang approved signs no earlier than 30 days prior to the business opening.

O. Unsafe signs. Signs that are structurally unsafe, not kept in good repair, or that constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, damage, abandonment or inability to meet lateral and/or vertical loads as determined by the Town of Frisco Building Official.

P. Window signs, except as specifically permitted elsewhere in this section.

180-6.19.14. NONCONFORMING SIGNS

Signs legally erected prior to the effective date of the ordinance codified in this section shall be deemed to be legal nonconforming signs and shall be governed by the provisions of Chapter 180, Article 8, Nonconformities.

180-6.19.15. SIGN DEFINITIONS

The following words and phrases, when used in this section, shall have the meanings ascribed to them below.

Aggregate Sign Area

The total available sign area of all sides or portions of a sign.

Art

Things that have form and beauty, including paintings, sculptures, or drawings, and for which the principal purpose or effect is not the advertising of goods or services or the location of a business.

Attention Getting Device

Any flag, streamer, spinner, pennant, feathers, costumed character, light, balloon, continuous string of pennants, flags or fringe, audible components or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

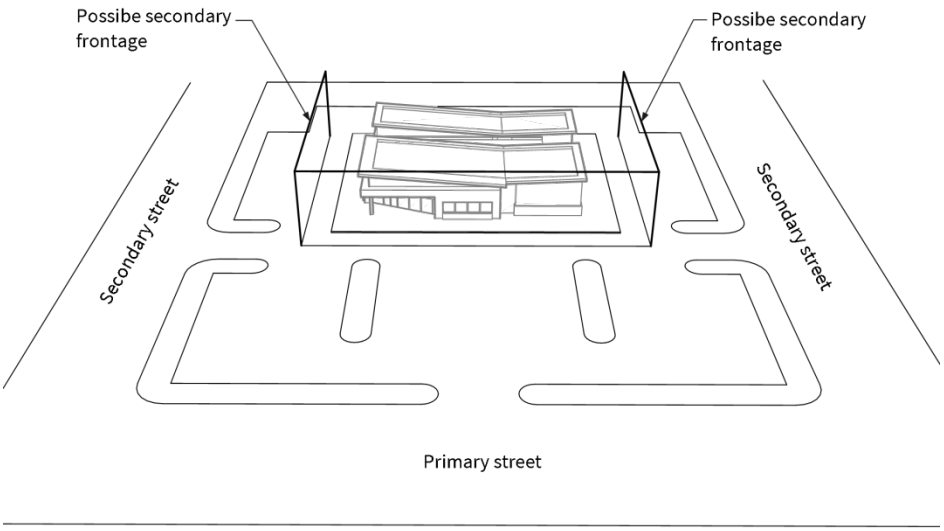
Banner

A temporary sign composed of lightweight material, including cloth or canvas or a like material of sturdy construction which is not easily torn and which is intended for the purpose of advertising a business, special event, sale, opening, new product line or service, special hours of operation or other similar temporary message.

Building Frontage

The width of a building facing a street, alley, parking lot, interstate or public right-of-way, as shown in Figure 6-NN.

Figure 6-NN: Building Frontage



Business Frontage

That portion of a building frontage occupied by a single tenant space or lease area in a single or multi-tenant building facing a street, alley, parking area, interstate, or other public right-of-way. For businesses located on the interior of a building without business frontage, the building elevation providing customer access shall be considered the business frontage for the purposes of determining signage.

Copy

Any graphic, letter, numeral, symbol, insignia, sample, model, device or combination thereof which is primarily intended to advertise, identify or notify.

Corner Lot

A lot bounded on two sides by streets (not including alleys, driveways, interstates, or parking lots) which intersect with each other.

Footcandle

A unit of illuminance equivalent to one lumen per square foot.

Fully Shielded Light Fixture

A light fixture that directs light downward, and covers the bulb to prevent light being emitted by the fixture from causing glare.

Historic Plaque

A plaque erected by the Town or historic agencies designating any areas of historical significance.

Light Source

Any fixture or mechanism used to shine light onto a sign or to make a sign luminous.

Main Street Corridor Sign District

The sign district outlined on Map 1 primarily located along Main Street and in the Central Core and Mixed-Use zoning districts.

Master Sign Plan (MSP)

A sign plan which identifies the number, description, size, and location of all signs for businesses on the same property or within the same project which constitute a visual entity as a whole.

Merchandise

Merchandise or models of products or services which are incorporated as an integral part of an indoor window display. Merchandise includes photographic window displays of real estate available for sale, lease, or rental from a licensed real estate broker. Logos, signs, emblems and trademarks are not considered merchandise and shall be treated as signs.

Parks and Open Space Sign District

The sign district outlined on Map 3, designated as Parks and Recreation District or Open Space District by the Unified Development Code.

Pennant

Pieces of fabric or flexible material, often multicolored, hung either alone or in a series in order to attract attention to a particular business or event.

Pole Cover

A cover that encloses or decorates a pole, column, or other structural sign support.

Project

Development of attached or detached structures, for which development approval is sought under a single or phased development application.

Public Facilities Sign District

The sign district outlined on Map 3, designated as Public Facilities District by the Unified Development Code and other government or public entities.

Residential Sign District

Any property not identified in the sign district maps shall be considered to be located in the Residential Sign District.

Summit Boulevard Corridor Sign District

The sign district outlined in Map 2 primarily located along Summit Boulevard.

Three-Dimensional Surface

A sign element which has a depth or relief on its sign face greater than six inches exclusive of the supporting sign structure.

Sign

Any device, structure, fixture, painting or visual image with or without words, graphics, symbols, numbers, or letters that is designed and used for the purpose of communicating a message or attracting attention. A sign shall not include any architectural or landscape features that may also attract attention.

Sign, Awning

A sign painted on, printed on or attached to or supported by an awning.

Sign, Backlighted

A sign with elements which are illuminated by a concealed light source located behind the surface of the sign to highlight specific elements of the sign producing a halo- lighting or silhouette lighting effect.

Sign, Building Identification

A sign containing the name or address of a building or building complex.

Sign, Cabinet

A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.

Sign, Changeable Copy (Readerboard)

A sign on which the copy is changed either manually with changeable letters, or automatically by means of scrolling or alternating electric or electronic messages.

Sign, Construction

A temporary sign identifying the architect, financier, contractor, subcontractor, and/or material supplier participating in construction of a development on the property on which the sign is located.

Sign, Directional

Signs directing vehicular traffic or pedestrian movement into premises or within premises and which may contain the name or logo of a business but no other advertising copy.

Sign, Directory

A sign that serves as a common or collective identification of multiple businesses on the same property.

Sign, Drive-Through Menu Board

A sign with a menu and/or a speaker system used by drive-through businesses, as shown in Figure U.

Sign, Drive-Through Pre-Sell Menu Board

A sign used by drive-through businesses to promote daily specials, limited time offers, and other menu advertisements.

Sign, Electronic

Any sign that uses solid, electronic technology such as incandescent lamps, LEDs, LCDs, or some other electronic means of changing copy to produce bright displays that typically involve moving copy, animation, or other graphics.

Sign, Freestanding

A permanent sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground where no part of the sign is attached to any part of building, structure or other sign; the term includes a "pole sign" and a "monument sign."

Sign, Front Lit

A sign which is illuminated from fixtures mounted exterior to the sign face.

Sign, Gasoline Price

A sign that identifies the type and price of gasoline for sale on the premises of a legally established gasoline service station.

Sign, Hanging

A sign which hangs down from, and is supported by, or attached to the underside of a canopy, awning, or extension of a building.

Sign, Home Occupation

A sign associated with a home occupation as defined by Chapter 180, Article 9, Definitions.

Sign, Home Office

A prohibited sign associated with a home office as defined by Chapter 180, Article 9, Definitions.

Sign, Ideological

A sign whose purpose is to convey an idea or message that reflects the social needs, beliefs, and/or aspirations of an individual, group, class, or culture. Ideological signs are not intended to propose a commercial transaction.

Sign, Information

A sign used to indicate or provide information and direction with respect to permitted uses on the property, including but not limited to signs indicating the hours of operation, and such signs as "no smoking", "vacancy", "office", "private warning", "open", "closed", "restrooms", "no solicitation", or "no parking".

Sign, Internally Illuminated

A sign face which is lit or outlined by a light source located within the sign.

Sign, Landmark

A sign which identifies a site or building determined by the Community Development Director to have substantial historic, artistic, or architectural significance to the community.

Sign Maintenance

The replacing, repairing, or repainting of a portion of a sign structure or renewing of copy that has been made unusable by ordinary wear and tear, weather, or accident.

Sign, Memorial

A memorial or commemorative plaque or tablet.

Sign, Menu

A sign used by restaurants or food establishments to display or reproduce the bill, fare, or menu offered by the establishment.

Sign, Monument

A freestanding sign erected on the ground with an architecturally designed base constructed of stone, brick, timbers, or other similar natural material.

Sign, Nonconforming

A sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions.

Sign, On-Premise

A sign used for promoting a business, individual, product, or service available on the premises where the sign is located.

Sign, Off-Premise

A sign designed, intended, or used to advertise, inform, or attract the attention of the public as to:

1. Goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located;
2. Facilities not located on the premises on which the sign is located; or
3. Activities not conducted on the premises on which the sign is located.

Sign, Permanent

A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Sign, Political

A non-commercial sign concerning candidates for public office or ballot issues in a primary, general, municipal, or special election.

Sign, Pole

A freestanding sign that is mounted on a pole(s) or other support(s) that is placed on and anchored in the ground or on a base and that is independent from any building or other structure.

Sign, Portable (See Sandwich Board Sign)

A sign designed to be moved easily and not permanently affixed to the ground, to a structure or building.

Sign, Prohibited

Any sign placed without proper approval or permits as required by this section at the time of sign placement. Prohibited sign shall also mean any sign placed contrary to the terms or time limits of any permit.

Sign, Projecting

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from the building. Awnings and canopies are not considered projecting signs.

Sign, Real Estate Development

A temporary sign used to identify a development and/or the owners, architects, contractors, real estate agents and lenders involved in a project for which a valid development permit has been issued. Sales and lease information may also be included on the sign.

Sign, Real Estate Open House

A temporary sign erected to indicate the location of an open house.

Sign, Real Estate

A temporary sign advertising the sale, lease, or buyer's representative of the premises on which the sign is located.

Sign, Residential Subdivision Entrance

A freestanding or wall sign located at the subdivision entrance identifying a recognized subdivision, condominium complex, apartment complex, or residential development.

Sign, Roof

A building-mounted sign erected upon, against, or over the roof of a building or structure and which projects above the parapet of a flat roof, the ridgeline of a gambrel, gable, or hip roof, or the deck line of a mansard roof.

Sign, Sandwich Board (See Portable Sign)

A sign that is constructed with two pieces of material, connected at the top, which pieces form a triangular shape and are self-supporting; also known as an "A-frame sign".

Sign Structure

Any supports, uprights, braces or framework of a sign.

Sign, Snipe

A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Sign, Temporary

A sign intended to remain in use for a short period of time which is not permanently installed.

Sign, Vehicle

Signs displayed on motor vehicles or trailers.

Sign, Wall

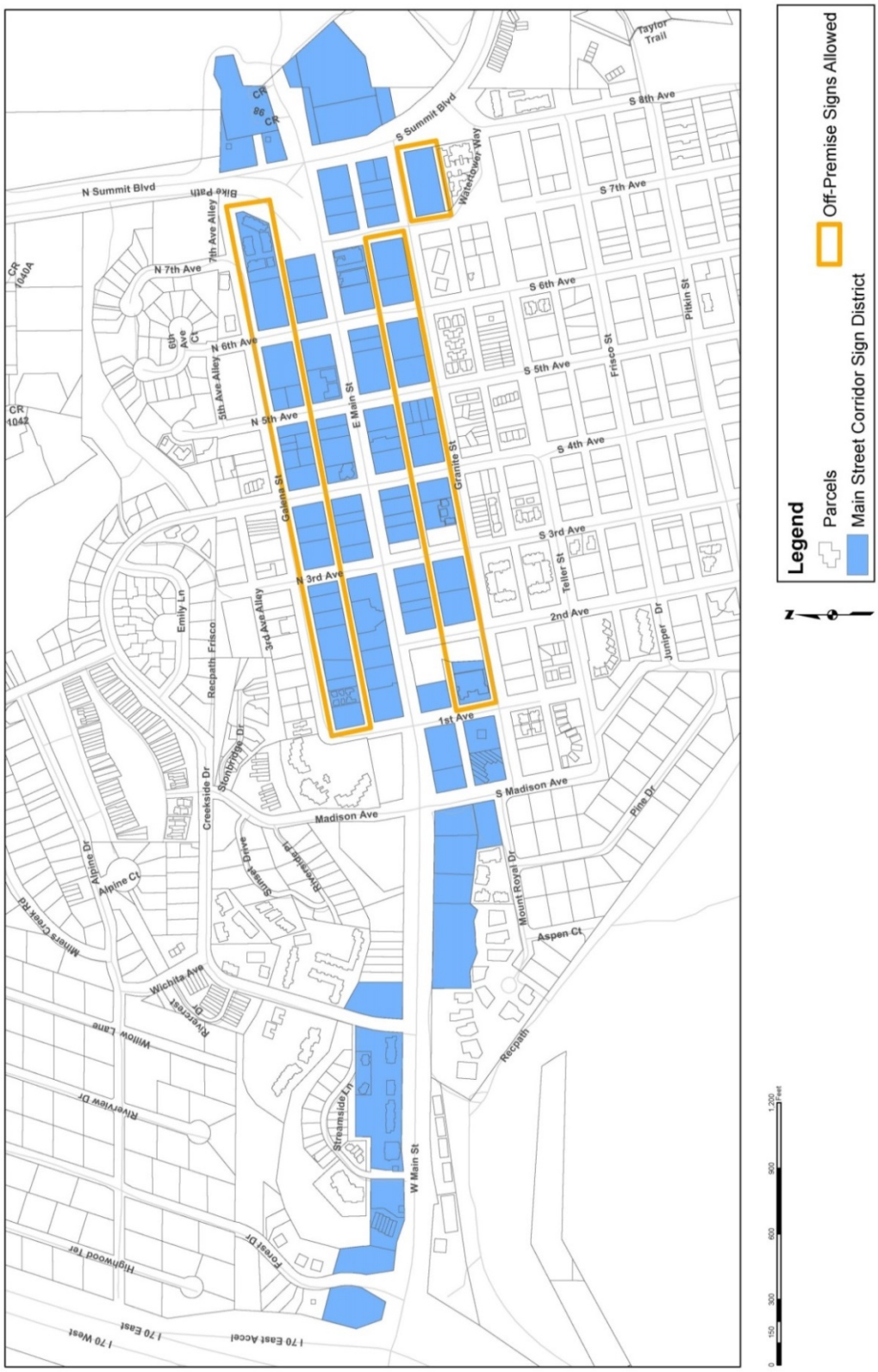
A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 12 inches from the wall.

Sign, Window

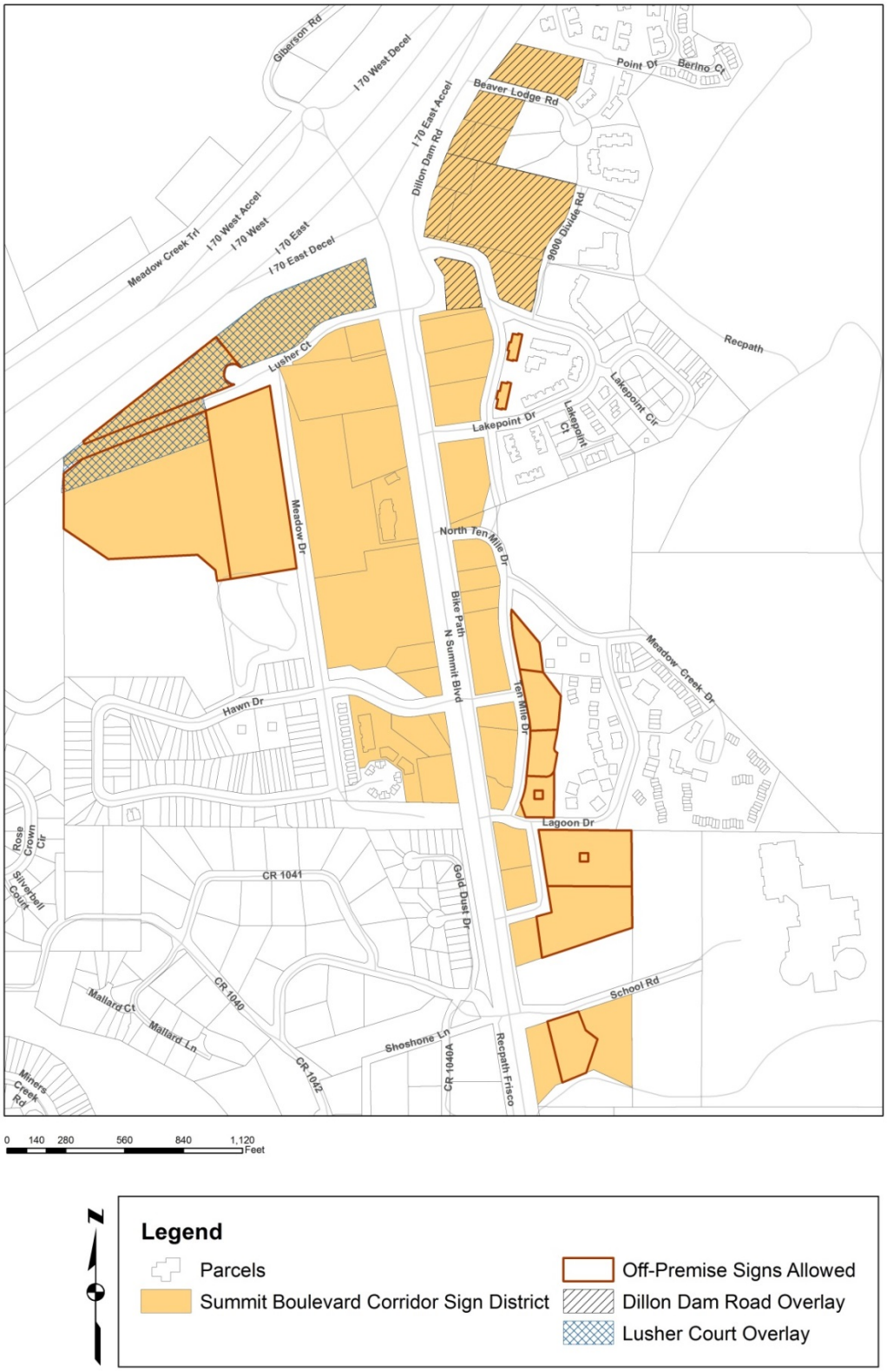
A sign that is applied or attached to the exterior or interior glazing of a window or door located within one foot of the interior of a window or door, visible primarily from the outside of the building but excludes merchandise in a window display.

180-6.19.16. SIGN DISTRICT MAPS

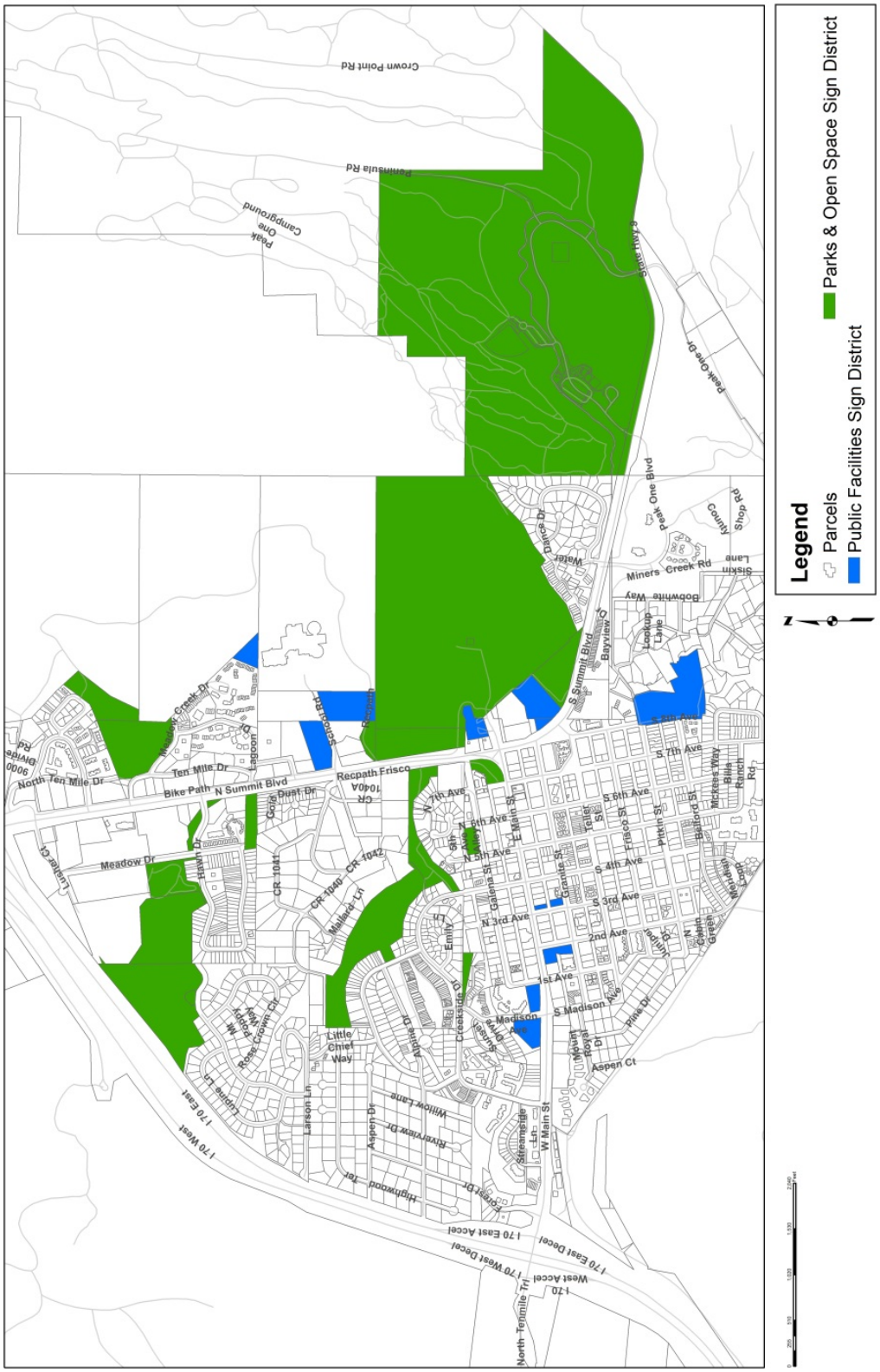
A. Map 1. Main Street Corridor Sign District



B. Map 2. Summit Boulevard Corridor Sign District



C. Map 3. Parks and Open Space Sign District and Public Facilities Sign District



180-6.20 Nuisances (Performance Standards)

[Amended 10-09-18 by Ord. 18-09]

180-6.20.1. No building or premises shall be erected, altered, or used in any district for any purpose injurious, noxious, or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, noise or other cause.

180-6.20.2. Evidence shall be provided that any use of flammable or explosive materials will be in conformance with standards set by the Frisco Fire Protection District and Chapter 94 of the Town of Frisco Code; discharges into the air will be in conformance with applicable regulations of the State Air Pollution Control Act; any electromagnetic radiation will be in conformance with the regulations of the Federal Communications Commission. Discharges into the water will not violate standards or regulations established under the State Water Quality Control Act, Article 8, Title 25, of the Colorado Revised Statutes.

180-6.21 Non-Residential Development Standards

180-6.21.1. PURPOSE

The purpose of the non-residential development standards is to ensure high-quality site and building design in Frisco; to establish minimum standards related to the scale, mass, architecture, materials, and overall design character of development; and to protect and enhance existing neighborhood character.

180-6.21.2. APPLICABILITY

A. This section shall apply to the development of any non-residential use that requires site plan review. Findings shall be made that a non-residential development is in compliance with the standards of this section prior to approval of a site plan review. Failure to meet the mandatory standards shall constitute grounds for the decision-making body to request amendments to the proposed design or to deny a final plan or site plan.

B. Mixed-use development shall comply with these 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-OO.

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;

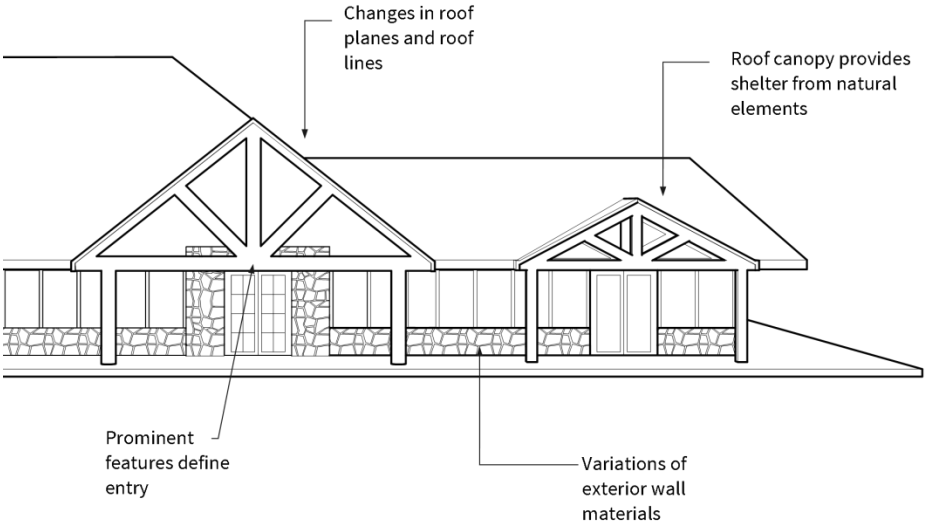
iv. A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the building;

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.

Figure 6-OO: Building Element Variation Examples



3. Building Articulation

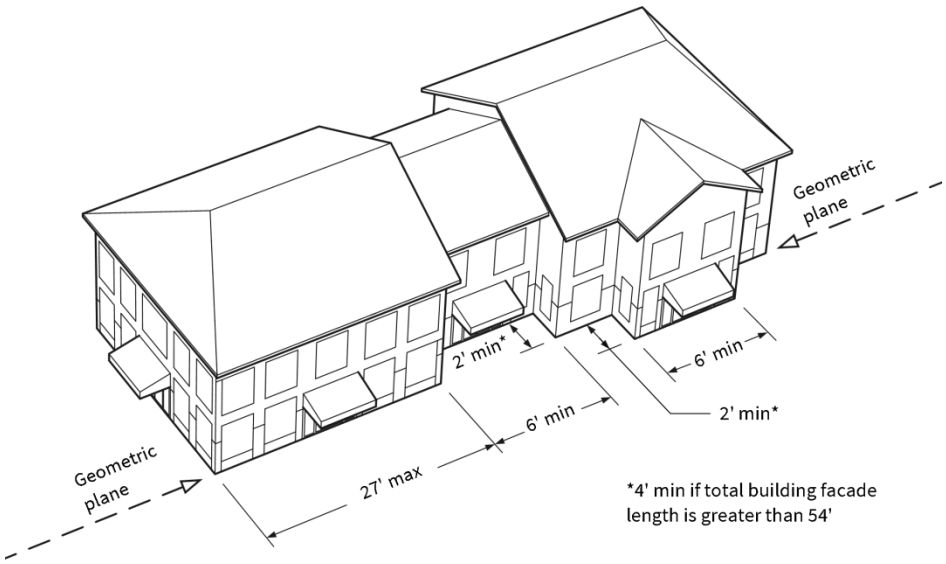
a. Building walls and corresponding eaves shall not exceed 27 feet in the same geometric plane.

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.

Figure 6-PP: Building Articulation Requirements



4. Entrances

a. For development with over 25,000 square feet of gross floor area, at least two separate and distinct public entrances into the building shall be provided.

C. Bulk Plane Standards

1. Buildings shall be designed in a manner that provides elements that relieve the feeling of mass and provides for the graduation of mass as one moves back from the front of a lot, with the smaller elements located near the street, and the larger elements located further away from the street.

2. See Section 180-6.23 for bulk plane requirements.

D. Roof Standards

1. Intent

To ensure that roof elements are compatible with or complementary to existing historic or contributing buildings in the area and to encourage visibly pitched roofs or roof elements.

2. Roof Pitch

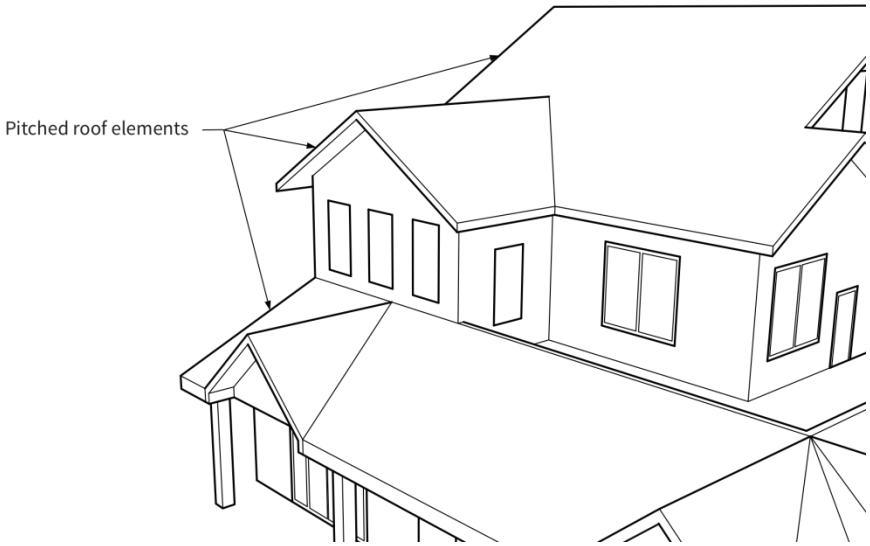
a. Steep pitched roofs are encouraged.

b. Flat roof construction shall be augmented with pitched roof elements, including but not limited to, peaked or sloped facade elements or parapets facing all street sides.

c. Pitched roof elements shall vary by a minimum of two feet in elevation.

d. Mansard roofs are not appropriate and are not allowed.

Figure 6-QQ: Pitched Roof Elements



3. Roof Design

a. Where pitched roofs are utilized:

   i. A minimum pitch of 4/12 is required.

   ii. Dormers shall be incorporated to break up the roof, to enhance the usability of attic spaces, and to add architectural interest.

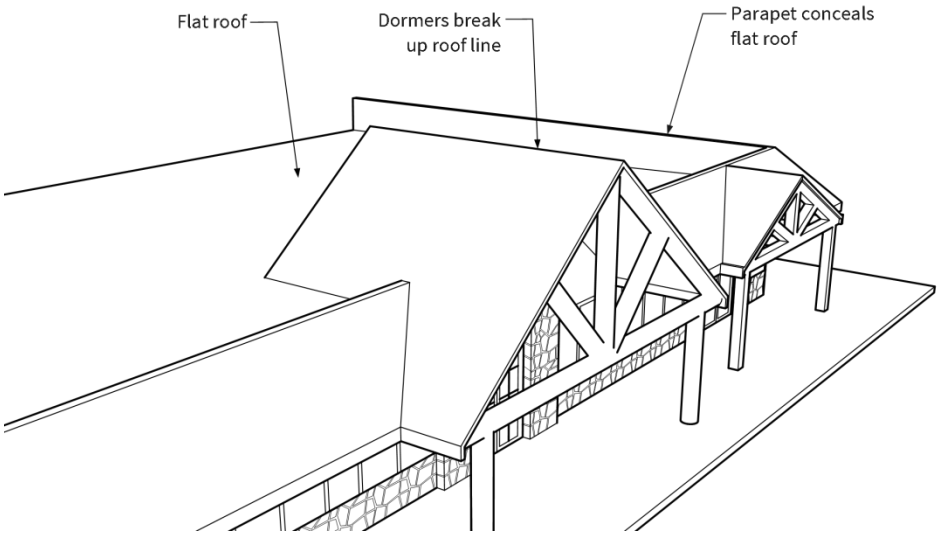
   iii. Ridgelines shall change elevation by no less than two feet for each 27 feet of building length. Architectural elements which intersect with the ridgeline may qualify as ridgeline changes upon a finding that the design furthers the purpose of this section.

b. Shed roofs with a minimum pitch of 3/12 may be utilized only if the shed roof element is below the primary roof level and terminates into the roof or wall of the structure.

c. No more than 66 percent of a ridgeline or roof line shall be on the same elevation.

d. Roof lines shall be designed in a manner where they do not substantially deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies, or entryways.

Figure 6-RR: Roof Line Variation



4. Roof Materials

a. If metal roofs are used they shall be surfaced with a low-gloss finish or be capable of weathering to a dull finish in order to not be reflective.

b. Metal roofs shall have a standing seam or shall be of a design that provides relief to the roof surface.

c. Asphalt and fiberglass shingles are permitted provided that they are a heavy material that provides substantial relief and shadow, and the design and color are compatible with the building.

d. Spanish or Mission style roofs and other similar roof materials are prohibited.

e. Historic buildings, as noted in the Town's Historic Resource Inventory, may use rolled asphalt roofing materials.

f. Bright colored roofs that exceed a chroma of four on the Munsell Color chart shall not be allowed.

g. All rooftop mechanical, electrical, and electronic equipment shall be screened in a manner that is compatible with and substantially similar to the colors and materials of the building or the roof.

E. Building Material Standards

1. Intent

To ensure that building materials are compatible and complementary to existing historic or contributing buildings in the area, using a combination of mainly natural materials.

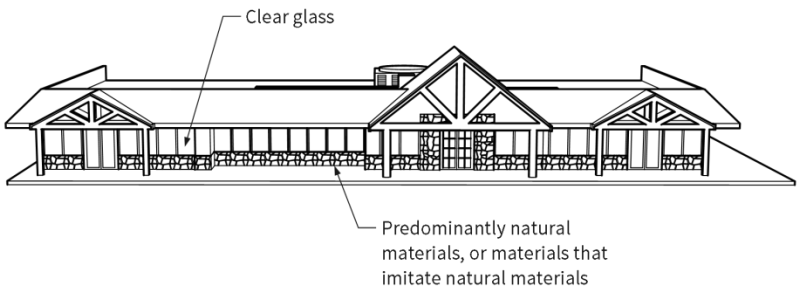
2. Primary Materials

a. Building materials shall be predominantly natural, including but not limited to, wood siding, wood shakes, logs, stone, brick, or other similar materials.

b. Other materials that imitate natural materials are also acceptable, provided their texture, shape, and size are similar to the natural materials they are imitating, and are not obviously artificial materials.

c. Stucco, steel, or concrete block shall not be primary exterior materials for the majority of a building.

Figure 6-SS: Use of Building Materials



3. Specific Material Standards

a. Concrete Block

Concrete block used as an accent material shall be a split, textured, or scored block.

b. Concrete Panel

Concrete or concrete panels shall be textured or scored and used in combination with other materials, or shall be faced with another material such as stone, stucco, or other similar materials.

c. Glass

Clear glass shall be used for windows. Tinted, colored, or opaque glass may be approved when demonstrated by the applicant to be compatible with the purpose of this section.

d. Metal

Metal shall have a matte finish or a finish proven to fade and not be reflective.

e. Steel

Steel may only be used as an accent material or used in combination with other materials.

f. Stucco

Stucco may only be used as an accent material or used in combination with other materials.

4. Prohibited Materials

The following materials are prohibited:

a. Aluminum, steel, or plastic exterior siding that does not imitate natural materials;

b. Mirrored or reflective glass; and

c. Untreated or unpainted galvanized sheet metal.

5. Accessory Structures

The same or similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative design can be provided that will complement the project and meet the purpose of this section.

F. Building Colors

1. Intent

To promote building colors compatible with the site and surrounding buildings.

2. Maximum Color Chroma

No color may be used as the primary color of the building that exceeds a chroma of four on the Munsell Color chart.

3. Exception for Building Accents

Colors that exceed a chroma of four, but do not exceed a chroma of eight on the Munsell Color chart may be used only sparingly as accents, such as on trim or railings. Luminescent, fluorescent, or reflective colors shall not be utilized on any exterior portion of the building.

4. Accessory Structures

The same or similar colors shall be used on main structures and on any accessory structures on the site, unless an alternative scheme can be provided that will complement the project and meet the purpose of this section.

G. Design Variety

1. Intent

To promote design variety that is also compatible with the character of Frisco.

2. Duplicate Building Design Prohibited

a. Building designs that duplicate, or are substantially similar in terms of roof pitch, building articulation, materials, colors, and building elements to existing or proposed structures within a 300 foot radius of the property are not allowed, with the exception of accessory structures, which may be designed similarly to the primary structure.

b. Where a proposed building contains multiple identical units, the building design shall provide architectural differentiation from the duplication of units by providing a variety in windows, decks, balconies, or exterior facade compositions.

H. Additions

Additions that are substantially smaller than the square footage of the existing building may be designed to complement the existing structure, even if the existing building does not currently meet the façade, roof, material, or color standards of this section.

I. Parking and Loading

1. Intent

To mitigate the visual impact of parking and loading facilities.

2. Parking

a. No more than 60 percent of required parking spaces may be located in front of a building along the principal street façade. If another building or other structure blocks the view of parking from the street, the blocked parking spaces may be excluded from this percentage.

3. Landscaping of Parking Lots

a. Except in the Central Core District, parking lots abutting a property line shall incorporate a landscaped buffer between the property line and the paved surface of the parking lot. Non-raised planters in parking lots are encouraged so that, where possible, stormwater may be accommodated through such landscaped areas and maintenance is reduced.

i. Required landscaped buffers shall meet the following standards:

a) Buffers shall be a minimum of ten feet wide and contain twice the required number of trees required by Section 180-6.14.

b) The location and type of all plantings shall meet sight distance requirements.

ii. The following incentive is available:

a) If a landscaped buffer incorporates double the plant quantities and area required above, or double the requirement in Section 180-6.14.3.F, Parking Area Landscaping, whichever is greater, then the applicant may locate up to 75 percent of the required parking in the front of the building along the principal street façade, with approval by the Planning Commission.

b. Except in the Central Core District, where a building abuts parking or paved areas, a landscaped area shall be provided that varies from five to ten feet in width.

i. Required landscaped areas shall meet the following standards:

a) At least half of the landscaped areas shall be 10 feet in width.

b) This landscaped area shall be at least 50 percent of the length of the building.

c) Landscaping shall also comply with Section 180-6.14.

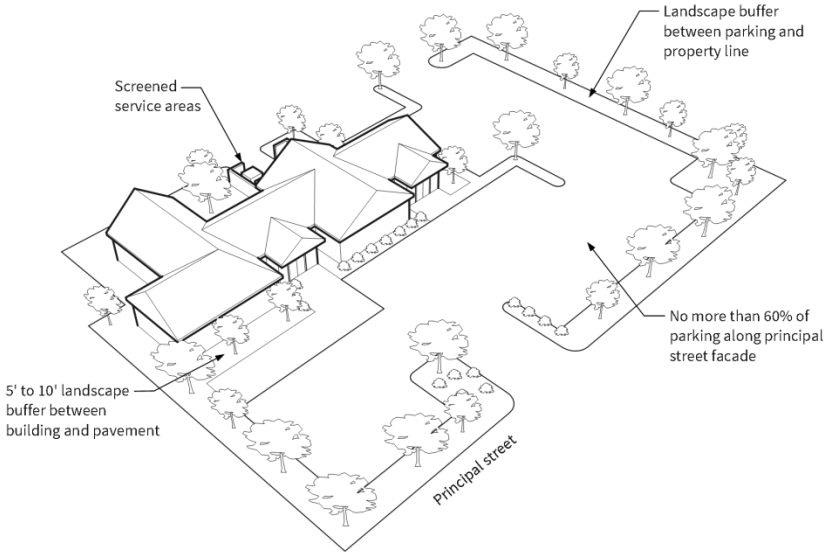
ii. The following incentive is available:

a) If less than 50 percent of the required parking spaces are located in front of the building along the principal street façade, the landscaped buffer may be reduced to a minimum of 35 percent of the length of the building, with approval by the Planning Commission.

4. Loading

a. Service, loading, and trash areas shall be screened from all public rights-of-way and parking areas.

Figure 6-TT: Parking and Loading



J. Amenities

1. Intent

To enhance development with amenities that promote alternative modes of transportation and provide community gathering spaces.

2. Bicycle Parking

Bicycle parking spaces shall be provided in an amount equal to at least 20 percent of the required vehicular parking spaces for the development. A lesser number may be approved by the Town if reasonably justified by the applicant.

3. Community Spaces

a. Development with over 10,000 square feet of gross floor area shall provide community spaces, including but not limited to, public benches, water features, public kiosk/gazebo, public patio/seating areas, public plazas, or public art.

   i. A minimum of one community space shall be provided for any development with between 10,000 and 25,000 square feet of gross floor area.

   ii. A minimum of three community spaces shall be provided for any development with over 25,000 square feet of gross floor area.

180-6.22 Residential Development Standards

[Amended 04-09-19, Ord. 19-04]

180-6.22.1. PURPOSE

The purpose of the residential development standards is to promote high quality development while still providing for creative and unique building designs; to establish minimum standards related to scale, mass, architecture, materials, and overall design character of development and provide incentives to help achieve desired attributes; and to preserve established neighborhood scale and character, ensuring that residential areas contribute to the streetscape and are conducive to walking.

180-6.22.2. APPLICABILITY

A. This section shall apply to the development of any residential use that requires site plan review. Findings shall be made that the residential development is in compliance with the standards of this section prior to approval of a site plan review. Failure to meet the mandatory standards shall constitute grounds for the decision-making body to request amendments to the proposed design or to deny a final plan or site plan.

B. These regulations shall only be applicable to the building or portion of the building being constructed, altered, or added in the development application submitted by an applicant.

180-6.22.3. STANDARDS

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

A. Facade Standards

1. Intent

To ensure that the façade design of development is compatible with Frisco's small mountain town character and provides a human scale to enhance the walking experience in the neighborhood.

2. Building Elements

All building elevations shall employ varied articulation of wall surfaces, as shown in Figure 6-UU. Each façade shall be articulated through the use of at least four of the following techniques:

a. Deep eaves or overhangs, at least 24 inches in depth;

b. Balconies, porches, or patios;

c. Building elements that provide shelter from natural elements;

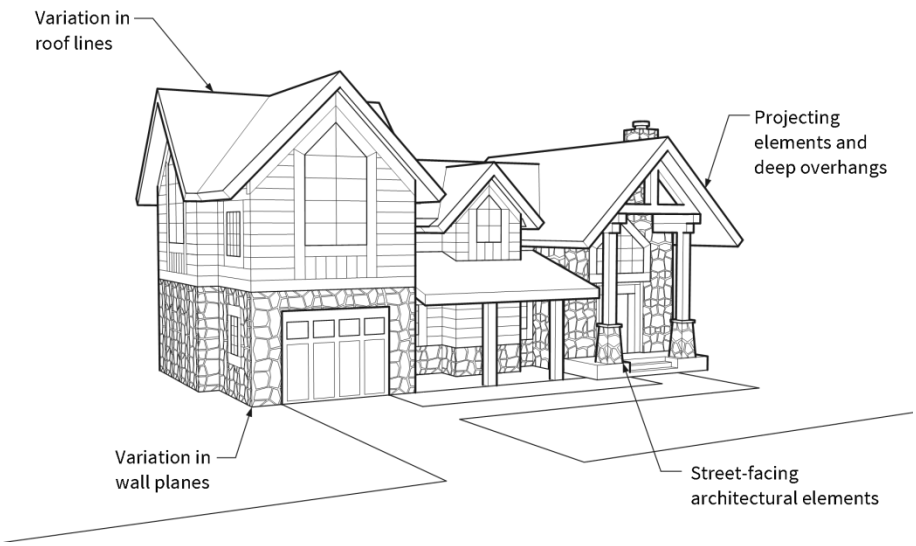
d. Offsets, insets, bays, or other similar architectural features to add a variety of depths to the wall plane;

e. A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the building;

f. Variation in roof planes or roof forms, including dormers or gables; or

g. Variation in window sizes and shapes.

Figure 6-UU: Residential Building Design



3. Duplicate Building Design Prohibited

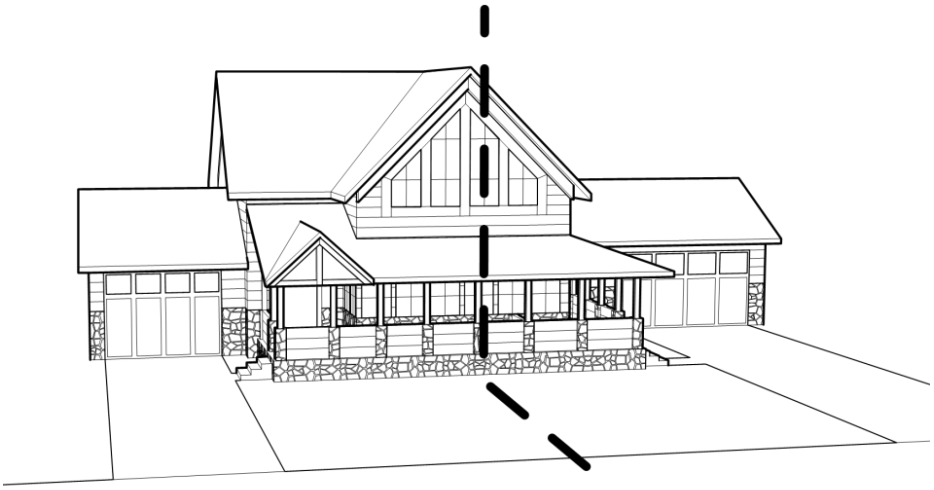
a. Building designs that duplicate, or are substantially similar in terms of roof pitch, building articulation, materials, colors, and building elements to existing or proposed structures within a 300 foot radius of the property shall not be allowed, with the exception that accessory structures on the same lot or parcel as the primary structure may be similar in design as the primary structure.

b. Where a project contains two or more buildings or units, not identical units, the building design shall provide architectural relief from the duplication of buildings and units by utilizing a variety of windows, decks, balconies, or exterior facade composition.

4. Duplex Design

Duplex structures shall be designed to look like a single-household structure to the extent architecturally feasible. The design shall not result in each half of the structure appearing substantially similar or a mirror image in design.

Figure 6-VV: Duplex Design



B. Bulk Plane Standards

See Section 180-6.23 for bulk plane requirements.

C. Roof Standards

1. Intent

To ensure that roof elements are compatible with or complementary to existing historic or contributing buildings in the area and to encourage visibly pitched roofs or roof elements and the use of dormers and breaks in ridgelines.

Figure 6-WW: Appropriate Roof Pitch

2. Roof Pitch

a. Pitched roofs, or flat roofs augmented with pitched roof elements, are required.

b. A minimum roof pitch of 6/12 is encouraged.

c. Mansard roofs are prohibited.

3. Roof Design

Roof lines shall be designed in a manner where they do not substantially deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways.

4. Roof Materials

a. If metal roofs are used they shall be surfaced with a low-gloss finish, matte finish, or other finish proven to fade and not be reflective.

b. Metal roofs, asphalt and fiberglass shingles are permitted provided that they heavy material that provides substantial relief and shadow, and the design and color are compatible with the building.

c. Historic buildings, as noted in the Town's Historic Resource Inventory, may use rolled asphalt roofing materials.

d. Bright colored roofs that exceed a chroma of four on the Munsell Color chart are prohibited.

D. Building Material Standards

1. Intent

To ensure that building materials are compatible and complementary to existing historic and contributing buildings in the area, using a combination of mainly natural materials.

2. Primary Materials

a. Building materials shall be predominantly natural, including but not limited to, wood siding, wood shakes, logs, stone, brick, or other similar materials.

b. Other materials that imitate natural materials are also acceptable provided their texture, shape, and size are substantially similar to the natural materials they are imitating, and are not obviously artificial materials.

c. Stucco or steel are acceptable materials when used in combination with other acceptable materials.

3. Specific Material Standards

a. Concrete Block

Concrete block shall not be allowed as the primary or extensive exterior finish. When used as an accent, concrete block shall be a split block, or other similarly shaped, textured, and colored materials that are found to be compatible with the building and the purpose of this section.

b. Metal

Metal shall have a matte finish or a finish proven to fade and not be reflective.

c. Glass

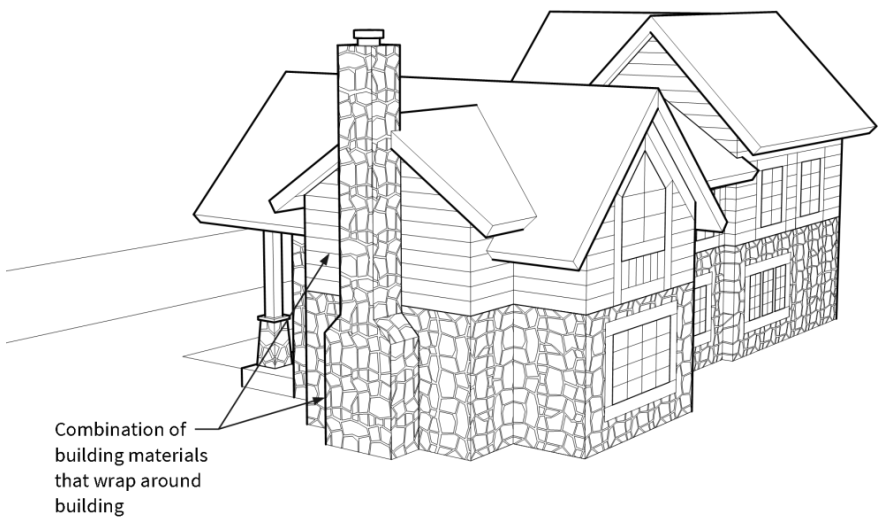
The use of mirrored or reflective glass is prohibited unless required for compliance with the voluntary green building program as administered by the Town's Building Official.

4. Variety of Materials on All Building Elevations

a. There shall be a variety of quality and type of exterior materials, and their application shall be generally in balance and proportional on all elevations of the building.

b. Materials that wrap around the building, such as a durable material at the base of the structure, shall continue around projecting outside exterior corners and end at recessed inside exterior corners.

Figure 6-XX: Exterior Materials Wrap Around Building



5. Accessory Structures

The same or similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative material can be provided that will complement the project and which meets the other standards of this section.

6. Building Additions

Additions that are 50 percent or less of the existing building floor area, or exterior remodels or renovations, may be allowed to complement the existing structure, even if the building does not currently meet the material standards of this section.

E. Building Colors

1. Intent

To promote building colors compatible with the site and surrounding buildings.

2. Maximum Color Chroma

No color may be used as the primary color of the building that exceeds a chroma of four on the Munsell Color chart. Pure white or black may not be utilized as the primary building color.

3. Exception for Building Accents

Colors that exceed a chroma of four, but that do not exceed a chroma of eight on the Munsell Color chart may be used only sparingly as accents, such as on trim or railings. Luminescent, fluorescent, or reflective colors shall not be utilized on any exterior portion of the building.

F. Garage Standards

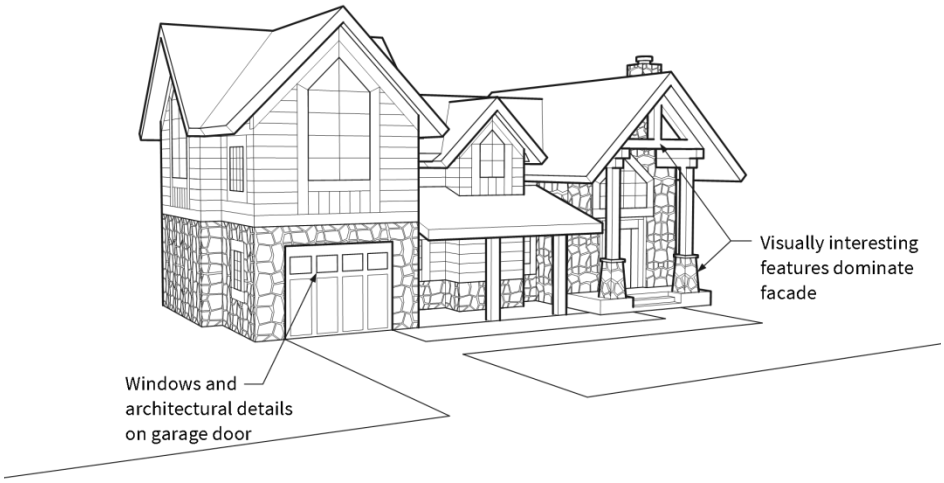
1. Intent

To promote an active and visually interesting streetscape that is not dominated by garage doors.

2. Garage Door Location

Garages are encouraged to be located and oriented away from the street where they will not act as the primary design element of the building. Street-facing garage doors shall be recessed behind the front façade of the dwelling and shall not comprise the majority of the street-facing building frontage, unless of a custom style broken up with windows or other features.

Figure 6-YY: Residential Visually Interesting Features



180-6.23 Bulk Standards

[Amended 03-13-18, Ord. 18-03]

180-6.23.1. PURPOSE

To establish bulk plane requirements to ensure that massing relief is provided and building bulk is concentrated further from the street facades.

180-6.23.2. BULK PLANE ENVELOPE

Within certain areas of the Town and for certain development types, as shown in Table 6-K, the bulk of a building shall be restricted through the use of a bulk plane envelope. The measurement of a required bulk plane envelope shall be determined along each property line, using the corresponding dimension noted in Table 6-K and illustrated in Figure 6-ZZ:

A. The bulk plane begins (A) feet inside the property line at a height of (B) feet above existing grade;

B. The bulk plane then slopes inward towards the center of the lot at a (C) degree angle; and

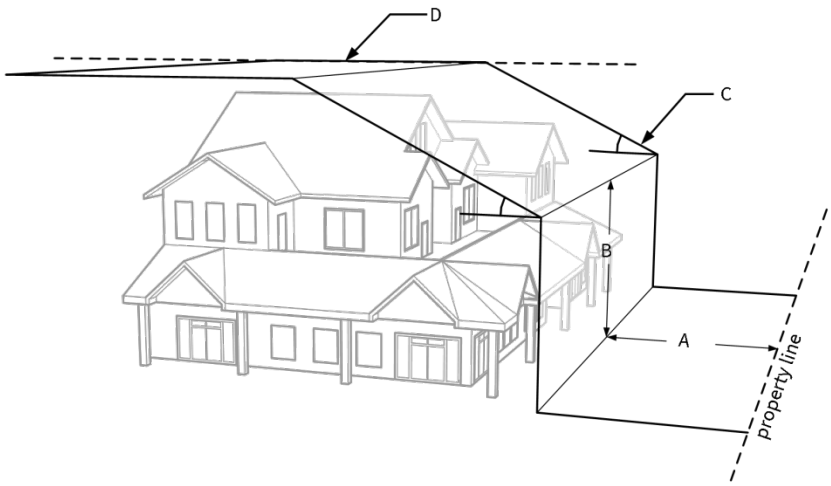
C. The bulk plane extends to the point where it intersects with the maximum allowed height (D).

TABLE 6-K
BULK PLANE STANDARDS

DIMENSION ON FIGURE 1-1	*Applicability (District or Development Type)*	Central Core District		Residential Districts			Residential Development in MU District		Other Locations		
		Height ≤ 28′ [1]	Height > 28′ [1]	RS/RL	RM/RH, Height ≤ 28′	RM/RH, Height > 28′	Height ≤ 38′	Height > 38′	Summit Boulevard [2]	Marina [3]	West End of Main Street [4]
	STREET / FRONT PROPERTY LINE										
A	Feet inside property line	0 ft.		20 ft.					10 ft.	25 ft.	5 ft.
B	Starting height above grade	24 ft.	20 ft.						24 ft.		
C	Extend at angle	45°							22.5°		
	SIDE PROPERTY LINE										
A	Feet inside property line	0 ft.		15 ft.	10 ft.		10 ft.		--	25 ft.	5 ft.
B	Starting height above grade	24 ft.	20 ft.	25 ft.		20 ft.	25 ft.	20 ft.	--	24 ft.	
C	Extend at angle	45°							--	22.5°	
	REAR PROPERTY LINE										
A	Feet inside property line	--		10 ft.						--	10 ft.
B	Starting height above grade	--		25 ft.					24 ft.	--	24 ft.
C	Extend at angle	--		45°					45°	--	45°
	MAXIMUM HEIGHT										
D	Maximum height	28 ft.	35 ft. flat 40 ft. pitched	30 ft.	28 ft.	35 ft.	38 ft.	45 ft.	Underlying District Maximum	Underlying District Maximum	Underlying District Maximum

[1] Side Property Line Bulk Plane does not apply to properties located between Main Street and the Granite Street Alley and properties located between Main Street and the Galena Street Alley.
[2] Applies to Mixed Use District properties fronting on Summit Boulevard.
[3] Applies to properties within 100 feet of Main Street right-of-way, east of Summit Boulevard.
[4] Applies to properties fronting on Main Street, west of Madison Avenue.

Figure 6-ZZ: Bulk Plane Measurement



180-6.23.3. EXCEPTIONS

A. Where a conflict exists between the allowed height along a rear yard, and a street side yard, the more restrictive measurement shall govern.

B. Where a conflict exists between the required setback of the underlying zoning district and a town-approved less restrictive property setback, the less restrictive shall govern and shall be used as the distance from the property line for purposes of determining the bulk plane measurements.

C. Building forms may deviate from this standard and project beyond the bulk plane if they do not exceed maximum building height and provide substantial architectural relief, with Planning Commission approval. Staff may approve the deviation if the projection beyond the bulk plane does not exceed 350 cubic feet.

Chapter 180, Article 7: Subdivision

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180-7.1 Title

This Article shall be known as the "Subdivision Regulations of the Town of Frisco, Colorado."

180-7.2 Statutory Authority

This Article is adopted pursuant to the Town's Home Rule Authority and Charter.

180-7.3 Applicability

The territory within which these regulations apply shall include all land located within the legal boundaries of the Town of Frisco (hereinafter referred to as the "Town"); in addition, for the purposes of street planning, all land located within three miles of the corporate limits of the Town not located in any other municipality. Exception: These regulations shall not apply to the conveyance of property to the Town for public purposes.

180-7.4 Purpose

The purpose of this Article is to:

180-7.4.1. Assist orderly, efficient, and integrated development.

180-7.4.2. Promote the health, safety, and general welfare of the present and future residents of the Town.

180-7.4.3. Ensure conformance of land subdivision plans with the public improvement plans of the Town, Summit County and the State of Colorado and other public agencies.

180-7.4.4. Ensure coordination of all plans and programs of the Town.

180-7.4.5. Encourage the proper arrangement of streets in relation to existing or planned streets and to policies in the Master Plan.

180-7.4.6. Provide for adequate right-of-way for traffic and utilities.

180-7.4.7. Encourage well-planned subdivisions by establishing adequate standards for design improvements.

180-7.4.8. Secure equitable handling of all subdivision plans, providing due process and uniform procedures and standards.

180-7.4.9. Protect natural vegetation, wetlands, and scenic areas.

180-7.4.10. Prevent and control erosion, sedimentation and other pollution of surface and subsurface water.

180-7.4.11. Prevent flood damage to persons and properties and minimize expenditures for flood control.

180-7.4.12. Restrict building on floodlands, shorelands, steep slopes, areas covered by poor soils or in areas otherwise poorly suited for building or construction.

180-7.4.13. Prevent loss or injury from landslides, expansive soils and other geological hazards.

180-7.4.14. Provide adequate and convenient open spaces, recreation sites, and educational facilities.

180-7.4.15. Improve land survey monuments and records by establishing standards for surveys and plats.

180-7.4.16. Safeguard the interest of the public and protect against fraud and dishonest practices.

180-7.4.17. Implement the Charter for the Town of Frisco, Master Plan, Three Mile Plan, and the Frisco Unified Development Code.

180-7.4.18. Regulate such other matters as the Town Council (hereinafter known as "Council") or the Planning Commission (hereinafter known as "Commission") may deem necessary in order to protect the best interests of the public.

180-7.4.19. Conform to and comply with state statutes authorizing the municipal regulation of subdivisions.

180-7.5 Conveyance of Property

180-7.5.1. GENERAL PROHIBITIONS

It shall be unlawful for any person, firm or corporation to violate any of the provisions of this Article or to transfer, sell, lease or agree to sell or lease any lot, tract, parcel, site, separate interest, any condominium interest, time-sharing estate or any other multiple-dwelling unit within the Town of Frisco until such subdivision has been approved, in writing, by the Planning Commission and the Town Council and a plat is filed in the office of the Summit County Clerk and Recorder; provided, however, that a written agreement to sell or lease, which is expressly conditional upon full compliance by the seller with the subdivision regulations of the Town of Frisco within a specified period of time and which expressly recites that the seller's failure to satisfy such condition within said period of time shall terminate the agreement and entitle the buyer to prompt return of all

consideration under said agreement, shall not constitute a violation of the subsection. For the purposes of Chapter 180, Article 6, the term "lease" shall not include a lease of an existing apartment unit for residential purposes.

180-7.5.2. NONCONFORMING USE

No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired, either in whole or in part, so as to create a new nonconforming use or to avoid, circumvent or subvert any provisions of this Chapter.

180-7.5.3. DEVELOPER RESPONSIBILITY

The owner, developer, buyer, or seller shall be fully responsible for all acts of their agents or employees that are committed in violation of the terms of this Chapter.

180-7.5.4. CONFORMANCE WITH EXISTING REGULATIONS AND STATUTES

Land shall be subdivided in conformance with the Unified Development Code and other regulations in effect unless exempted by state law.

180-7.6 Design Standards

[Amended 04-09-19, Ord. 19-04]

180-7.6.1. PLANNING CONSIDERATIONS

A. In designing and planning subdivisions, consideration shall be given to the Master Plan, the Frisco Town Code, and any other relevant regulations. The Planning Commission shall study and review all subdivisions in relation to the general character of the area, the general requirements of the community, and the particular requirements of the neighborhood.

B. Particular consideration will be given to geologic hazards and topography in relation to the suitability of the land for development, flooding, storm drainage, and preservation of natural areas for open space.

180-7.6.2. SITE CONSTRUCTION

A. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees.

B. Land subject to hazardous conditions such as landslides, mudflow, rockfalls, snowdrifts, possible mine subsidence, shallow water table, floods and polluted or nonpotable water supply shall be identified and shall not be subdivided until hazards have been or will be eliminated by the subdivider in accordance with the plans developed by a Colorado licensed engineer specializing in such matters, and as approved by the Council.

C. Provisions shall be made to preserve groves of trees, streams and other desirable natural landscape features.

D. A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open space.

E. A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and/or expansion of community facilities are necessary, the subdivider shall make provisions to incur costs of such extension or expansion of public utilities.

180-7.6.3. LOTS

A. Lot size, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the

placement of buildings with sufficient access, outdoor space, privacy and view consistent with the development standards as set forth in the Frisco Town Code.

B. No single lot shall be divided by a district (i.e., zoning, sanitation, fire, etc.), municipal or county boundary line.

C. Side lot lines shall be substantially at right angles or radial to street lines.

D. Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or from incompatible land uses.

E. In the case of wedge-shaped lots, no lot shall be less than 30 feet in width at the front property lines.

F. Each lot shall be provided with satisfactory access to an existing public street, except as where provided in Section 180-2.5.4.

G. Except in the case of a condominium building or a property line between duplex or townhouse units, no subdivision shall be approved that creates a property line that runs through a building.

180-7.6.4. BLOCKS

The lengths, widths, and shapes of blocks shall be determined with due regard to the following:

A. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.

B. Requirements of the Unified Development Code as to lot sizes and dimensions.

C. Needs for convenient access control, safety of vehicular and pedestrian traffic circulation and emergency vehicles.

D. Limitations and opportunities of topography.

180-7.6.5. STREETS

All streets shall conform to the Town's Minimum Street Design and Access Criteria, adopted October 1981, and revised April 2011.

A. Acceptance of Streets and Roads

1. Preliminary Acceptance

a. Upon completion of street or road construction, the subdivider shall notify the Town, in writing, and request inspection. The Director of Public Works shall inspect all street improvements and shall notify the subdivider by mail of nonacceptance or preliminary acceptance. If street improvements are not acceptable, the reasons for nonacceptance shall be stated, and corrective measures shall be outlined in the letter of notification.

b. Until such time that the developer has written acceptance for full maintenance of the streets by the Town, the developer shall be responsible for all maintenance and repairs of street improvements.

c. The Town shall not accept street improvements for maintenance from November through March since deficiencies noted on inspections cannot usually be determined or corrected during this period.

2. Final Acceptance

a. One year following the issuance of certificate of completion, the Director of Public Works shall inspect all street improvements for final acceptance.

b. The Town shall notify the subdivider by mail of nonacceptance or final acceptance. If the street improvements are not acceptable, the reasons for nonacceptance shall be stated and corrective measures shall be outlined in the letter of notification. If the street improvements are found to be acceptable following a resolution of acceptance by the Town Council, the Town shall release the

guaranty for improvements and assume full maintenance responsibility of the streets as provided in Section 180-7.7.4, Letter of Completion.

180-7.6.6. PARKS; PUBLIC SITES; OPEN SPACE

A. Dedication of land, free of all liens and encumbrances, for park and recreation, school sites, public building sites and for other public uses shall be required in each new subdivision in the Town. The subdivider shall allocate and convey no less than ten percent of the gross land area, exclusive of streets, alleys, bicycle paths and easements, of the proposed subdivision for public purposes, except in cases where satisfactory dedication arrangements were made and approved by the Town Council at the time of annexation or subdivision.

B. Specific sites to be dedicated for parks and other public uses shall be subject to approval by the Planning Commission and Town Council.

C. At the time of presentation of a final plat approval application to the Community Development Department, a warranty deed shall be presented for all land to be conveyed to the Town, school district or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances.

D. At the option of the Town, the subdivider shall, in lieu of dedication of land, pay to the Town a cash amount equal to the fair market value of the area of land to be dedicated under Subsection A above or invest the same cash amount toward a specifically approved Town project.

180-7.6.7. EASEMENTS

A. All subdivision plans shall provide dedication of easements sufficient, as determined by the applicable service provider(s) to allow the efficient installation and placement of all utilities as needed by the development now and in the foreseeable future.

B. Public utility installations shall be located as to permit multiple installations within the easements to avoid cross-connections, to minimize trenching and to adequately separate incompatible systems.

C. Easements shall follow front, rear and side lot lines whenever practical.

D. The location and width of all utility easements shall be subject to the approval of the Public Works Department and of the utilities using the easement. The subdivider shall be responsible for complying with the requirements, including any construction or installation charges, of the serving utilities for the installation of such facilities.

E. Drainageway easements. Where a subdivision is traversed by a watercourse, stream or drainageway, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction of both shall be adequate for drainage purposes.

180-7.6.8. UTILITIES

Underground placement of utilities shall be required in all subdivisions.

180-7.6.9. SANITARY SEWERS

All residential, commercial, and industrial uses which have human occupancy shall have sanitary sewers. The design and installation of all sewer mains, laterals, and house connections must be in conformance with Chapter 65, Town of Frisco Building Construction and Housing Standards, and the rules and regulations of the Frisco Sanitation District and the Frisco Public Works Department. All sewer mains and laterals shall be installed in easements and/or dedicated rights-of-way.

180-7.6.10. WATER

All residential, commercial, and industrial uses which have human occupancy shall have a water supply. The water distribution system of the subdivision shall contain mains of sufficient size and have a sufficient number of outlets to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection. Design of water distribution systems shall be done by a licensed engineer and shall be in conformance with the Town Code. The design and construction of the water system and its appurtenances are subject to approval by the Town's Public Works Director.

180-7.7 Improvements

180-7.7.1. IMPROVEMENTS AGREEMENT

No final plat shall be approved by the Town Manager or his designee until the subdivider has submitted and the Town Manager or his designee has approved a subdivision improvements agreement and Improvements Agreements Guaranty for all required improvements not completed at the time of final plat submittal. Through such agreement, the subdivider, his successors, heirs, and assigns shall guarantee to make the required improvements in accordance with design and time specifications. The Town shall issue a certificate of completion or certificate of occupancy for any improvements within the subdivision only if the conditions of Section 180-2.6.4 have been met.

A. The following improvements shall be constructed or, if incomplete at the proposed time of final plat filing, specified in the subdivision improvements agreement (if applicable):

1. Road grading and surfacing.
2. Curbs, gutters, and driveways.
3. Sanitary sewer mains as applicable and sanitary sewer laterals and house connections. This includes payment to the sewer district for the appropriate portion of any sewer line built through the property by the Town as determined by the sewer district.
4. Separate bicycle paths.
5. A water distribution system and fire-fighting equipment, including fire hydrants, where applicable, water meters and house connections. This includes payment to the Town for the appropriate portion of any waterlines built through the property by the Town, as determined by the staff.
6. Storm sewers or storm drainage system, as required.
7. Street signs and traffic control signage at all street intersections and other places, as required, and address numbers for all buildings; such signs and address numbers shall be acceptable to the Planning Commission.
8. A landscaping and irrigation distribution system.
9. Permanent reference monuments and monument boxes.
10. Street, facility, and parking lot lighting.
11. Underground electric and communication utility lines and services, and all street lighting circuits.
12. Traffic control devices.
13. Adequate paved and striped parking facilities.
14. Dumpster enclosures.
15. Other facilities as may be specified or required in these regulations by the Planning Commission or Council.

B. No improvements shall be made until all required plans, profiles and specifications for such improvements have been submitted and approved by the Building Official, Director of Public Works and/or Town Engineer.

180-7.7.2. IMPROVEMENTS AGREEMENTS GUARANTY

Collateral which is suitable and sufficient in the judgment of the Finance Director or Treasurer, in an amount stipulated in the subdivision improvements agreement, shall accompany the final plat submission to ensure the completion of improvements according to design and time specifications. Such collateral may include but is not limited to performance bonds or property bonds, escrow agreements, letters of credit, and deposits of certified funds. The collateral shall be accompanied by an engineer's estimate or other bid costs to provide the required improvements in accordance with the design and time specifications. If the improvements are not constructed in accordance with all of the specifications, the Community Development Department shall notify the subdivider of the noncompliance and propose schedules for correcting the noncompliance. If the Community Development Department determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Community Development Department shall have the power to withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

180-7.7.3. RELEASE OF GUARANTY

With the exception of streets and roads, as the required improvements in a subdivision are completed, the subdivider may apply in writing to the Community Development Department for a partial or full release of the bond, escrow agreements letter of credit, certified check or other collateral. Upon receipt of such application in writing, the Town staff or its agent shall inspect the portion of the improvement which has been completed. If the staff determines from such inspection that the improvements thus far completed have been made in accordance with time and design specifications, a portion of the bond, letter of credit, certified check or other collateral sufficient to cover the cost of improvements thus far completed shall be released.

180-7.7.4. LETTER OF COMPLETION

Except as may be provided in any subdivision agreement, the Town shall not accept responsibility for the operation or maintenance of improvements until completion of the improvement(s) and final acceptance thereof by the Town. Upon written application by the subdivider for a letter of completion and provided that all payments and other performance herein agreed to be made and performed by the subdivider have been made and completed, the Town shall issue a letter of completion. All improvements specified in the letter shall be deemed approved and accepted by the Town, whereupon the specified improvements may be owned, operated, and maintained by the Town. Except for defects appearing within one year after the date of certificate, the Town will release the subdivider from all further liability as to the completed improvement(s) or a one-year extension may be granted with updated security for the improvements agreement.

Chapter 180, Article 8: Nonconformities

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180-8.1 Purpose

It is the intent of this section to permit nonconforming lots, uses, and structures to continue to exist until they are removed, but not to encourage their continuation. Over time, any changes, extensions, or alterations to nonconforming properties shall bring the property substantially closer into conformance with the Town Code.

180-8.2 Conformance to Chapter Required

All uses of land and buildings, other than those in conformity with this Chapter shall be regulated as set forth in this section.

180-8.3 Existing Nonconforming Lots of Record

Subject to approval of a variance by the Planning Commission, an existing nonconforming lot or lots of record may be developed with reduced yard setbacks, provided that the existing lot(s) cannot be merged with adjacent properties to form a property in conformance with the lot area and/or lot frontage requirements of the zoning district.

180-8.4 Nonconforming Uses

180-8.4.1. CONTINUANCE OF LAWFUL USE

A nonconforming use may be continued, although such use does not conform with the provisions of this Chapter or amendment thereto, unless otherwise specifically stated in the Chapter.

180-8.4.2. CHANGES TO NONCONFORMING USES

A nonconforming use may be changed to a conforming use, or to any use that is less intensive in nature. For purposes of this section, the intensity of a use is determined by the Community Development Director after consideration of factors reasonably related to the intensity of a land use including, but not limited to, the amount of commercial activity, the number of visitors and/or customers, the amount of parking required, the number of trips generated, and the level of noise generated by the use. A nonconforming use may not be expanded or enlarged under any circumstance.

180-8.5 Nonconforming Buildings or Structures

[Amended 04-09-19, Ord. 19-04]

180-8.5.1. CHANGE, EXTENSION OR ALTERATION

A. Administrative Site Plan Review and Minor Site Plan Review may be approved by the Community Development Department staff if the criteria below are met.

B. All other applications for changes, extensions, and alterations to nonconforming structures may be approved by the Planning Commission if the criteria below are met.

180-8.5.2. CRITERIA

A nonconforming structure may be changed, altered, or extended provided that the following criteria are met:

A. Does not increase the nonconformity of said structure and,

B. Serves to alleviate hardship on the owner or occupant, and promotes property values in the neighborhood.

180-8.5.3. APPROVAL PROCESS

Refer to Chapter 180, Article 2 for information on the application process. All changes, extensions, alterations, and additions to nonconforming structures must meet the requirements of this Chapter including but not limited to, the respective setback, height, density, lot coverage, parking, landscaping, and overlay district requirements. Any proposal which increases the nonconformity of the structure or use will require a variance. Once brought into conformance, no structure or use shall be permitted to revert to nonconforming status.

180-8.6 Restoration

A nonconforming structure, excluding signs, may be reconstructed or restored to its original condition, if damaged by fire or other accidental or natural cause, and if the structure has not suffered substantial destruction. Reconstruction or restoration of such structure shall begin within one year of the event that caused the damage and shall be completed within two years after the date of such event. The Planning Commission may grant one or more 30-day extensions of the project commencement or completion deadline upon a showing by a party requesting such an extension of extraordinary or exceptional circumstances that do not generally exist for developers. In all other cases, the reconstruction or restoration of a nonconforming structure shall comply with the all the provisions of this Chapter.

180-8.7 Abandonment

A nonconforming structure or use, including signs, which has been abandoned or discontinued for a period of one year, shall not be reestablished. Any future use of the premises shall comply with the provisions of this Chapter.

180-8.8 Historic Structures

Where a legal, nonconforming structure meets the criteria for historic designation, as specified in Section 180-4.2.3.B of the Historic Overlay District and the structure is damaged or destroyed, the structure may be

reconstructed regardless of the amount of damage if the purpose of the reconstruction is to create an authentic reproduction of the historic structure.

180-8.9 Unlawful Uses

Any use of a structure or land that was unlawful under applicable zoning regulations at the time that the use was established shall not be considered a nonconforming use, but shall remain an unlawful use and is therefore a violation of the provisions of this Chapter and shall be punishable as provided in Section 180-1.6, Administration. Each day that a violation exists shall constitute a separate offense.

180-8.10 Nonconforming Signs

Signs legally erected prior to the effective date of the ordinance codified in Section 180-6.19 shall be deemed to be legal nonconforming signs. A nonconforming sign shall not be changed, extended, or altered in terms of its size, location, shape, height, colors, and materials without being brought into compliance with the provisions of this Chapter. Changes of copy are allowed, provided that there is no change to the business name.

180-8.11 Nonconforming Development Standards

180-8.11.1. NONCONFORMING PARKING

A nonconforming use or structure that is nonconforming due to inadequacies in its provision of onsite parking may be expanded, changed, or altered in accordance with the provisions of this section, provided that parking is provided for the expansion in accordance with the current parking standards specified in Section 180-6.13 of this Chapter.

180-8.11.2. NONCONFORMING LANDSCAPING

A nonconforming use or structure that is nonconforming due to inadequacies in its provision of landscaping may be expanded, changed, or altered in accordance with the provisions of this section, provided that landscaping is provided for the expansion in accordance with the landscaping standards specified in Section 180-6.14 of this Chapter.

180-8.11.3. NONCONFORMING OUTDOOR LIGHTING

A legal nonconforming outdoor light fixture shall not be changed or altered without being brought into compliance with the provisions of Section 180-6.16, Outdoor Lighting. A nonconforming structure that is nonconforming in terms of its outdoor light fixtures may be expanded, changed, or altered provided that all outdoor light fixtures on the structure, new and old, are brought into compliance with the provisions of Section 180-6.16.

180-8.11.4. NONCONFORMING STREET ACCESS AND DRIVEWAYS

The intent of the driveway requirements set forth in Chapter 155, Minimum Street Design and Access Criteria, of this Code is to create safe and visually appealing driveways that minimize the use of pavement and provide the space needed for snow storage in the Town Right-of-Way. Where an existing site is nonconforming in regard to the driveway standards provided in Chapter 155, any changes to the driveway shall bring the driveway as close to conformity as the physical circumstances make possible by utilizing the following methods:

A. Multiple driveway cuts on Single-household Residences shall be eliminated.

B. A nonconforming driveway shall not be modified in any manner that increases the width of the driveway where the property meets the Town Right-of-Way.

C. Any change to the type of surface of the nonconforming driveway (e.g. gravel to asphalt or concrete) shall bring the driveway fully into compliance with the maximum width requirements for driveways stated in Chapter 155.

D. Any change to the location of a nonconforming street access shall bring the access point fully into compliance with the minimum distance from an intersection requirement, and the maximum width requirements as stated in Chapter 155.

Chapter 180, Article 9: Definitions and Interpretations

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180-9.1 Word Usage and Mathematical Calculations

When used in this Chapter, certain words shall be interpreted as follows:

180-9.1.1. The masculine includes the feminine and neuter genders;

180-9.1.2. Words in the present tense include future tense;

180-9.1.3. Words in a singular number include the plural number;

180-9.1.4. The word "shall" is mandatory, and the word "may" is permissive.

180-9.1.5. Except as may be otherwise expressly provided in this Chapter, whenever it is necessary to perform a mathematical calculation to determine any standard or requirement set forth in this Chapter as such standard or requirement may apply to a particular property or situation, the following rule of construction shall apply: When the mathematical calculation results in a number that is not a whole number, the result shall be rounded up to the next greater whole number when the result is a whole number plus .50 or greater, and shall be rounded down to the next lesser whole number when the result is a whole number plus less than .50; provided, however, that when the mathematical calculation results in number that is less than one, the result shall be rounded up to the number one.

180-9.1.6. For purposes of this Chapter, Community Development Director shall include the Director or his/her designee.

180-9.2 Definitions of General Use Categories

[Amended 04-09-19, Ord. 19-04]

This section defines the general use categories listed in Table 5-1, Table of Allowed Uses. Definitions for specific use types are in alphabetical order in Section 180-9.3.

180-9.2.1. RESIDENTIAL USES

A. Household Living

Uses characterized by residential occupancy of a dwelling unit as a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "lodging facilities" category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles.

B. Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

180-9.2.2. PUBLIC, INSTITUTIONAL, AND CIVIC USES

A. Community and Cultural Facilities

Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public.

B. Child Care Facilities

Establishments that provide care for children on a regular basis away from their primary residence. Accessory uses include offices, recreation areas, and parking. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises.

C. Educational Facilities

Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

D. Institutional Uses

Facilities where services are provided to the public, provided that facilities are operated primarily to provide a service to the public, and not primarily for the purpose of commercial enterprise. Accessory uses may include parking, offices, storage areas, gift shops, and (in the case of medical facilities) laboratories, outpatient, or training facilities.

E. Parks and Open Space

Uses with a focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

F. Public Utilities and Facilities

All lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

180-9.2.3. COMMERCIAL USES

A. Agriculture Uses

Agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, apiculture, horticulture, floriculture, and viticulture.

B. Food and Beverage

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

C. Lodging Facilities

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period.

D. Offices

Uses that provide executive, management, administrative, or professional services, but do not involve the sale of merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

E. Personal Services

Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

F. Recreation and Entertainment

Uses that provide recreation or entertainment activities. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

G. Retail

Uses involving the sale of a product directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Examples include but are not limited to bookstores, antique stores, bakeries, grocery stores, household product stores, and similar uses.

H. Vehicles and Equipment

Uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

I. Veterinary Services

Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

180-9.2.4. INDUSTRIAL USES

A. Industrial Service and Research

Uses include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

B. Manufacturing and Production

Uses including all transformative processes, regardless of whether or not the new product is finished or semi-finished. Production is typically for commercial wholesaling rather than for direct sales.

C. Warehouse and Freight

Uses that are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

180-9.2.5. ACCESSORY USES

A. Accessory Uses

Uses incidental and subordinate to the principal use of the lot, building, or another structure on the same lot.

180-9.3 General Definitions

[Amended 04-09-19, Ord. 19-04]

In this Chapter, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

A

Access

A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building

See Building, Accessory.

Accessory Dwelling Unit

A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside.

Accessory Use

See Use, Accessory.

Acre, Developable

43,560 square feet of horizontal land area neither occupied by a public way nor under a water body nor in a wetland as designated pursuant to procedures under Section 404 of the Clean Water Act, nor in a floodway, as defined on the Flood Insurance Rate Map, nor designated as public open space.

Active Recreation

Activities, usually of a formal nature, often performed with others, usually requiring equipment and taking place at prescribed places, sites, or fields. Activities include, but are not limited to, swimming, snowmobiling, Frisbee golf, bicycling, tennis and other court games, baseball and other field sports, track, soccer, skating, skiing, and playground activities. Active recreation areas include, but are not limited to, campgrounds, parks, the Frisco Peninsula Recreation Area.

Activities for Conservation of Natural Resources and the Environment

Activities such as flood control, erosion control, or wetland mitigation, or other similar measures to conserve soil, water, vegetation, and wildlife.

Affordable Housing

A dwelling unit that is restricted in perpetuity to occupancy by individuals meeting the income limitations and occupancy standards as established from time to time by the Town or the Summit Combined Housing Authority. Occupancy standards include requirements for primary residency and local employment.

Alley

A minor public thoroughfare upon which the rear of building lots generally abut, used for service purposes and not intended for general travel.

Alteration

A physical change in, or modification to, a structure including an expansion or change in use.

Animal Boarding or Training

An establishment where domesticated animals other than household pets are housed, groomed, bred, boarded, trained, or sold. This term shall not include the operation of a kennel.

Appeal

The request by an applicant, by an interested agency or by an owner or lessee of property within the Town limits of Frisco for review of an ordinance, resolution, motion, or action taken pursuant to the provisions of this Chapter, including modifications and waivers.

Applicant

A person or persons, corporation, company, association, society, firm, or partnership submitting an application, or having the intention to submit an application such that review is commenced by the Town.

Approved Plan

A plan that has been granted final approval by the Town, including all standard and special conditions.

Architectural Feature

A part, portion, or projection of a building or structure that contributes to its character or style, exclusive of signs, that is not necessary for the structural integrity of the building or to make a building habitable.

Architectural Projection

Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including arcades, roof overhangs, unenclosed exterior balconies, canopies, but not including signs.

Area Median Income (AMI)

The median annual income for Summit County, Colorado (or such next larger statistical area calculated by the U.S. Department of Housing and Urban Development (HUD) that includes Frisco, Colorado, if HUD does not calculate the area median income for Summit County, Colorado, on a distinct basis from other areas), as adjusted for household size, that is calculated and published annually by HUD (or any successor index acceptable to the Town).

Arts and Entertainment Center

A structure or facility for the presentation of performing arts. Arts and entertainment centers do not include any business defined as sexually-oriented business by this title.

Arts and Entertainment Center, Indoor

A structure or facility for the presentation of exclusively indoor performing arts, including indoor motion picture theaters, theaters for indoor live performances, and studios for arts education, such as dance or painting. Arts and entertainment centers do not include any business defined as sexually-oriented business by this title.

Articulation

Variation in the depth of the building plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow.

Artisan Studio or Gallery

The workshop and/or public display rooms of an artisan, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits. The sales of art produced on the premises shall be permitted as an accessory use.

Automobile Fuel Sales

An establishment operated at a fixed location at which gasoline or any other motor vehicle engine fuel is offered for sale to the public.

Automobile, Boat, and Recreational Sales or Leasing

The use of any building or land for a business involving the sale or leasing of new or used motor vehicles, boats, and recreational vehicles. Such establishments may include office space, parking lots for the display and storage of vehicles available for sale, parking areas for customers and employees, vehicle repair facilities, facilities for body work, painting, or restoration and sale of parts.

Automobile Service and Wash

The use of the site for the repair, washing, polishing, or detailing of motor vehicles and recreational vehicles. This includes the sale and on-site installation of parts, wheel and brake shops, body and fender shops and similar repair and service but excludes salvage and servicing semi-tractor trailers.

Average Existing Grade

See Existing Grade, Average.

Awning

A roof-like cover extending over or in front of an opening, such as a window or door, intended to provide shelter from the elements.

B

Basement

A space within a building having one-half or more of its floor-to ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6-1/2) feet.

Bedroom

A habitable space or room in a dwelling unit designed for or with potential for use as a sleeping room. Factors determining this use, in addition to Chapter 65, Town of Frisco Building Construction and Housing Standards, shall include a space or room with any of the following factors:

A. Having walls and doors to separate it from other habitable spaces or rooms, or

B. Having a closet or similar provision for clothes storage, or

C. Having a full or partial bathroom directly connected or in close proximity to the space or room.

Rooms or floor areas in dwelling units determined by these criteria to be bedrooms, regardless of any names, labels, or intended uses proposed by the applicant, shall be used to designate the total number of bedrooms for purposes of determining required parking spaces and other regulations.

Block

A grouping of lots usually bound by streets or by a combination of streets and public land, railroad rights-of-way, water bodies, or any other physical barriers to the continuity of development, and not traversed by a through street.

Boarding, Rooming, or Lodging Facility

A building with a managing resident on the premises in which accommodations, with or without meals, are let on a short-term basis for compensation for no more than ten bedrooms. Does not include condominium hotels.

Building

Any structure used or intended for supporting or sheltering any use or occupancy. See also Structure.

Building, Accessory

A detached, subordinate building, located on the same lot with the principal building(s) the use of which is customarily incidental to the principal building such as a garage or shed. Accessory buildings may have a footprint no greater than 30 percent of the footprint of the principal building and may not exceed the ridge height of the principal building.

Building Envelope

A delineated area that identifies where all buildings and structures and other certain improvements shall be located on a property.

Building Façade

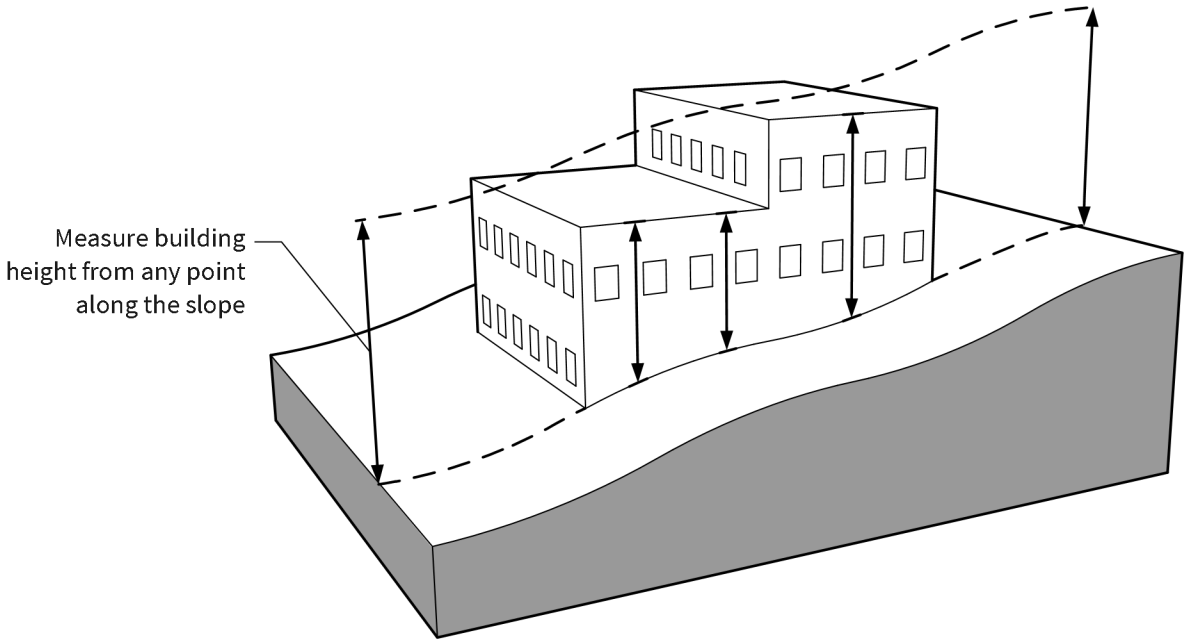
The outer surface of a building front, side, or rear wall, including windows, doors, and other architectural features.

Building Height

The vertical distance measured from any point on a proposed or existing roof to the natural grade or the finished grade, whichever is lowest, located directly below said roof point, excluding chimneys, steeples, cupolas, turrets, clock towers, similar rooftop decorative elements, mechanical equipment and screening, and solar panels of reasonable, balanced proportions. The building height is thus measured parallel to the existing grade in any direction as depicted in Figure 9-A. Where a building utilizes multiple roof styles or pitches, the highest point of each type of roof or parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district.

This methodology for measuring height maximums can best be visualized as an irregular surface located above the building site at the height limit mandated by the zoning district, having the same shape as the natural grade of the building site. This methodology can be calculated by overlaying a roof plan onto a site plan or land survey that contains topographic information. Where there are minor irregularities (as determined by the Community Development Department) of the natural grade, such minor irregular areas shall not be used in determining compliance with the height limitation set forth herein and the surrounding typical grade shall be used.

Figure 9-A: Building Height



Exception: If fill must be placed on the site for drainage purposes, or to meet some other similar requirement such as the placement of utility services, building height may be measured from the finished grade within three feet of the location of the foundation. However, for the purposes of calculating the building height, the finished grade elevation cannot exceed any adjacent, paved street or alley elevation. If additional fill is needed above any adjacent right-of-way elevation, then the average right-of-way elevation as measured at the edge of the adjacent asphalt shall be used as the finished grade to determine building height. In the case where a building is proposed

adjacent to two or more rights-of-way, then the building height will be calculated using the average grade of each right-of-way as measured at the edge of adjacent asphalt. For the purposes of calculating building height, any placement of fill on a lot must be determined as necessary, showing there are no other viable alternatives. Said determination and showing must be verified by a professional engineer licensed in the State of Colorado and approved by the Frisco Town Engineer.

Building, Principal

A building containing the main or principal use of the lot.

Bulk Plane Envelope

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by building height regulations, property setbacks, and other restrictions.

Business

A building in which commercial activities are conducted and where the business is structurally separated from other businesses and has its own entrance, either exterior or interior.

Business Day

A complete day that the Town of Frisco Community Development Office is open for business, during Monday through Friday, excluding regular holidays where the Town is closed for business. For example, a deadline of two (2) business days means that there are two (2) complete business days to complete an activity beginning the business day that such deadline began.

C

Cabin Housing

A grouping of small, single family detached dwelling units, clustered around a common area or courtyard and developed through a unified site plan.

Caliper

The diameter of a tree trunk.

Campground

An outdoor area providing space for vacationers to temporarily occupy in tents or recreational vehicles. A campground may also include an area with rental cabins, but its primary function is to accommodate visitors providing their own shelter.

Canopy

A roof-like cover that either projects from a building over a door, entrance or window, or a freestanding or projecting roof-like cover above an outdoor service area, such as at a gasoline service station.

Camper

A vehicle, eligible to be registered and insured for highway use, designed to be used as a temporary shelter for travel, recreational and vacation purposes, but not for a permanent residence. Includes but is not limited to equipment commonly called "fifth wheels," "independent travel trailers," "dependent travel trailers," "tent trailers," "pickup campers," "motor homes," and "converted buses," but does not include mobile homes.

Canyon Effect

The creation of a visual effect, which simulates a canyon, characterized by a narrow separation between tall building facades or walls. The canyon effect is created when the distance between the closest wall planes between two opposing buildings is less than 60 percent of the height of the taller building.

Caretaker Unit

A dwelling unit for use by a person or persons hired to look after or take charge of goods, property, or a person.

Carport

An accessory structure space used for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

Certificate of Occupancy (CO)

A certificate issued by the Town of Frisco after completion, inspection, and approval of a new structure or change in use of an existing structure. The certificate states the described building has been inspected for compliance with the requirements of Chapter 65, Town of Frisco Building Construction and Housing Standards for the described group and division of occupancy and the use for which the proposed occupancy is classified. Certificates presuming to give authority to violate or cancel the provisions of Chapter 65, Town of Frisco Building Construction and Housing Standards or other ordinances of the Town of Frisco shall not be valid.

Certified Solid-Fuel-Burning Device

A solid-fuel-burning device which is certified by the Air Pollution Control Division of the Colorado Department of Health or the Summit County Environmental Health Division to meet the emission standards set forth in Section IV of Regulation No. 4 of Volume 1 of the Colorado Air Quality Control Commission.

Church or Place of Worship and Assembly

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Co-Mingled Containers

Source separated receptacles composed of recyclable materials that may be mixed or combined with other source separated containers in a single collection facility to increase the efficiency of recycling. Co-mingled containers include, but are not limited to, aluminum bottles and cans, glass bottles and jars, and plastic bottles and jars.

Commission

The Planning Commission of the Town.

Commercial Firewood Cutting and Storage

The cutting and removal of trees for sale or for processing into wood products.

Commercial Pad

A previously approved commercial or mixed-use building footprint that is intended for individual ownership and which includes in such ownership an undivided interest in the common elements of a project, including land and infrastructure. Commercial Pad ownership includes the building, from foundation to roof in an unbroken vertical plane, and the land on which the foundation is constructed. A commercial pad may be defined by the building foundation line delineated on an approved site plan/preliminary plat, and may be subdivided per a site plan/preliminary plat prior to the actual pouring of the foundation at the risk of the subdivider. The commercial pad must be defined, by resubdivision, once the foundation has been poured. This does not prohibit the ownership of common areas by an owners association holding title to such areas for and on behalf of the individual owners of a commercial pad.

Commercial Project

Development of attached or detached commercial structures, for which development approval is sought under a single or phased development application.

Commercial Unit

A building or portion of a building in excess of 1,000 square feet, intended for non-residential use, excluding boarding, lodging, or rooming facilities and motel, hotel, and inns.

Commercial Unit, Principal

A commercial unit excluding accessory buildings and accessory uses.

Common Areas

Undeveloped land within a subdivision that has been designated, dedicated, reserved or restricted from further development and is set aside for the use and enjoyment by residents of the development. It shall be substantially free of structures, but may contain historic structures and archeological sites, and/or recreational facilities for residents, including but not limited to benches, picnic tables, and interpretive signage as indicated on an approved development plan. Stormwater control facilities for the benefit of the subdivision may also be located within common areas.

Common Building

A building in a cabin housing development that includes guest housing, joint cooking facilities, recreation, or similar uses.

Common Elements

Land or buildings or parts thereof within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the owners, residents or occupants of the development. It may include complementary structures and improvements. This does not prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the individual owners of property within the project.

Community Center

A building or portion of a building used for nonprofit, cultural, educational, recreational, religious or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. Examples of community centers are learning centers, senior centers, and similar uses.

Community Garden

A shared land use which is planned, designed, built, and maintained by community members, governmental entities, or other non-profit entities for individual or community use and enjoyment. Community gardens may be solely used to raise food for gardeners and/or the surrounding community, or may be a decorative formal garden, an educational facility, or a rehabilitative facility. Community gardens may consist of one community plot, multiple plots, or individual plots.

Compatibility or Compatible

The characteristics of different uses, activities, or designs that allow them to be located near or adjacent to each other without adverse effect. Some elements affecting compatibility include height, scale, mass, bulk, building materials, and architecture of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts, landscaping, lighting, noise, and odor. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character and context of existing development.

Complete Application

An application in the form required by this Chapter, including all information necessary to decide whether the application will comply with the requirements of this Chapter, including all items or exhibits specified during a pre-application conference and accompanied by the applicable fee.

Conditional Use

See Use, Conditional.

Condominium

A building or buildings consisting of separately owned air space units of a multi-unit property. Generally, the units or portions of the units are stacked one above another. In addition to the interest acquired in a particular unit, each unit owner has an undivided interest in the land or buildings as parts thereof used in common by all the unit owners (common elements). This does not prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the owner of a condominium unit.

Condominium Hotel

A multi-unit structure, consisting of dwelling units, hotel or motel units, or some combination thereof, in which units may be individually owned and which provides a centralized management structure.

Condominiumization

The development or use of the land and existing structures as a condominium project, regardless of the present or prior use of such lands and structures and regardless of whether substantial improvements have been made to structures.

Coniferous

Plants that bears seed or modified cone like structures; usually evergreens.

Council or Town Council

The Town Council of the Town of Frisco, Colorado (formerly the "Board" or the "Board of Trustees").

Cul-De-Sac

A street closed on one end which has a throat and a bulbous end.

D

Day Care Center, Child

Any facility providing less than 24-hour care for over six unrelated children during the daylight hours for compensation.

Day Care, Family

The use of a residence for the care of six or fewer children other than the occupant's own children for periods of less than 24 hours per day. Home child care is considered a home occupation.

Deciduous

Plant that drops all leaves once per year.

Deck

A roofless outdoor space built as an above ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.

Dedication

The appropriation of land, or moneys in lieu of land, or a cash amount to be set aside and used for a specifically approved Town project. Acceptance of dedication does not necessarily constitute acceptance of maintenance by the Town, unless specifically agreed to in writing.

Density

The number of dwelling units allowed per developable acre.

Density Bonus

A density bonus is an increase in the allowable number of dwelling units over the base density.

Developable Acre

See Acre, Developable

Development

Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

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.

Drainage Easement

A granting to the Town of the right to control development of a drainage right-of-way or an area subject to periodic flooding. Development on such easement shall be restricted to uses, which would not interfere with the flow of the water or act as a barrier for debris.

Drive-Through Business

A business that offers drive-through service where customers remain seated in a vehicle occupying a drive-through service lane to the point of a window or other service area.

Driveway

An access way for vehicles providing a connection from a roadway to individual single-household or duplex dwellings or a parking lot serving multi-family dwellings, commercial development, industrial development, and other non-residential development. Driveways serve no more than four single-household dwellings, or two duplex dwellings. If an access way serves more than four residences, it shall be classified as a roadway rather than a driveway and must meet the Town's standards and requirements for road construction.

Dumpster Enclosure

A structure which is designed and used to house and screen a refuse dumpster and/or refuse containers, recycling bins, grease traps, or trash compactors, and to keep the materials which are deposited in the enclosure from being scattered.

Duplex

A single building containing two dwelling units, each of which shares a common unpierced wall that extends from ground to roof and that totally separates the enclosed living areas within the dwelling units or the enclosed area within attached accessory garages.

Dwelling, Multi-Unit

A structure containing three or more dwelling units.

Dwelling, Single-Household Detached

A structure containing one dwelling unit.

Dwelling Unit

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Dwellings may exist in many configurations, including but not limited to single-household detached, duplex, townhomes, multi-unit dwellings, and group homes. Dwellings do not include boarding, rooming, or lodging facilities, hotels, motels, extended stay lodgings, or lock-off units.

Dwelling Unit, Accessory

See Accessory Dwelling Unit.

Dwelling Unit, Principal

A dwelling unit excluding accessory buildings and accessory uses such as a garage.

E

Easement

A right granted by the property owner, generally created by a real estate deed, a recorded plat or by a written agreement, to permit the use of land by the public, a public agency, a utility, a corporation or a particular person for a specified purpose or use.

Electric Vehicle Charging Station

A public or private parking space served by electric vehicle supply equipment in which a vehicle is recharged.

Eave

The projecting lower edges of a roof overhanging the wall of a building.

Figure 9-B: Eave

Employee

A person who receives payment for services rendered to a business. In a home occupation or home office business, an immediate family member of the business owner and/or a resident of the business premises is not considered an employee.

Evergreen

Plant that retains leaves/needles year-round.

Exemption

A release from specified procedural requirements of this Chapter.

Existing Grade, Average

See Natural Grade, Average.

Exterior Finish

A minor change to the appearance of the outside of a building, including but not limited to, window and door replacements, roofing or siding, or painting or repainting. Does not include changes to building footprint, floor area, height, or any substantial change to the appearance of the building.

F

Farmers' Market

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

Fast Food Restaurant

See Restaurant, Fast Food.

Fence

An artificially constructed barrier of any material or combination of materials that encloses, screens, or separates areas, exclusive of earthen mounds or berms.

Financial Service

An establishment such as a bank, savings and loan, credit agency, investment companies, brokers and dealers of securities and commodities, security and commodity exchange, and other similar uses.

Final Plat

The final plat of a subdivision prepared for filing and recording in conformance with these regulations.

Floor Area, Gross (GFA)

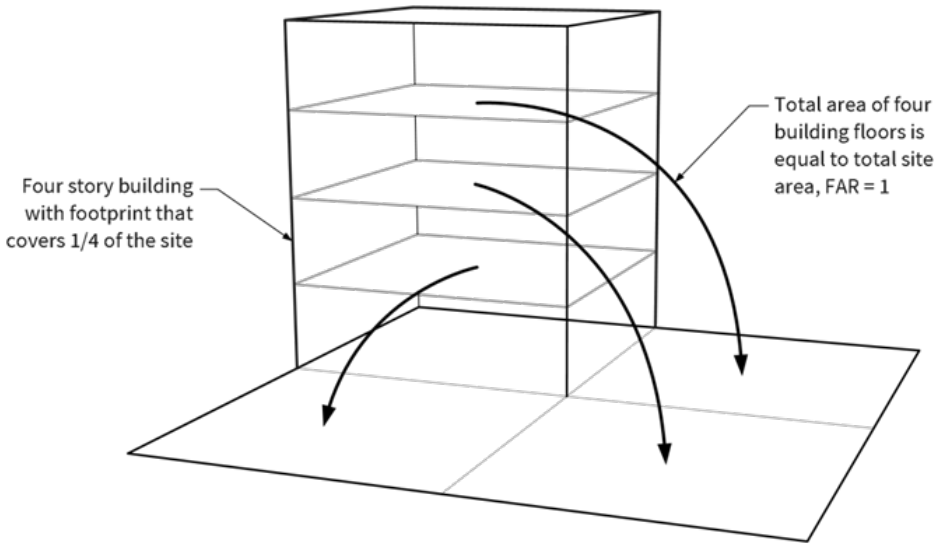
The area included within the exterior walls of a building or portion thereof including basements, lofts, usable spaces, and other areas with floors but excluding parking in garages.

Floor Area Ratio (FAR)

The ratio of the total floor area of buildings on a lot to the size of the land of that lot, or the limit imposed on such a ratio. It is the total building square footage (building area) divided by the site size square footage (site area).

This means that if the lot area is 1,000 square feet, then 1,000 square feet of gross floor area has been built on the lot. Figure 9-C below shows a four-story building covering one-fourth of the site, giving a FAR of 1.0. Four floors of 250 square feet each are built on a site of 1,000 square feet.

Figure 9-C: Floor Area Ratio (FAR)



Footcandle

A unit of illuminance equivalent to one lumen per square foot.

Fractional Ownership

Allows up to 13 weeks per calendar year of single ownership in a dwelling unit, or private residence club, by many different individual owners. Fractional ownership developments shall include 100 percent of all units in a project and shall include a management plan.

Front Yard

See Yard, Front.

Full Cut-Off Light Fixture

A light fixture with a light distribution pattern that results in no light being projected at or above a 90-degree horizontal plane located at the bottom of the fixture.

G

Garage

An accessory building or portion of a principal building that is intended or used primarily for the storage of motor vehicles, and which is enclosed in such a manner that the stored or parked motor vehicle is contained entirely within the building.

Grade, Finished

The final elevation and contours of the ground level after development.

Grade, Natural

The elevation and contours of the ground level in its natural state, before construction, filling, or excavation. See also Natural Grade, Average.

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.

Greenhouse

A building with a roof and sides constructed of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

Gross Floor Area (GFA)

See Floor Area, Gross.

Group Care Facility

A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.

H

Health, Recreation, and Exercise Establishment

An establishment or facility designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including but not limited to tennis, racquetball, handball and squash courts, weight and aerobic exercise rooms, running facilities, swimming pools, yoga, bowling, martial arts, dance, and whirlpool and sauna facilities. Permitted accessory uses may include child care, sun tanning booths, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

Height, Structure

The height of any structure measured in the same manner as building height. See Building Height.

Home Occupation

A business or profession engaged within a dwelling by a resident thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home Office

An office of convenience engaged within a dwelling by a resident thereof where no more than four customers a day may visit, and where business is conducted primarily by phone, telecommunications, or by mail and no persons are employed by the resident so that the average neighbor will be unaware of its existence. There shall be no exterior indication of non-residential activity and deliveries shall not exceed volumes that would normally be expected in a residential neighborhood. There shall be no audible noise, detectable vibration or odor and no electrical interference beyond the confines of the subject dwelling unit. Advertising of the business may not include the physical address of the office. The home office shall not occupy more than 30 percent of the gross floor area of the dwelling unit in question.

Homeowners Association Recreational Facility

A place, building, or structure designed and equipped for the conduct of sports and leisure-time activities, which is operated by a homeowners association and open only to bona fide members and guests of such a homeowners association.

Hospital

An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities, and staff offices.

Hostel

A building other than a boardinghouse that contains more than five rooms where, for compensation, lodging is offered and provided to members of the general public, and where 75 percent or more of the rooms are accessed through a supervised inside office or lobby.

Hotel or Motel

A building or group of buildings in which lodging is provided and offered to transient guests for compensation. This does not include boarding, lodging, or rooming facilities or tourist homes.

I

Impervious Surface

A surface that has been compacted or covered with a layer of materials that is highly resistant to infiltration by water. Impervious materials include, but are not limited to, surfaces such as compacted sand, lime rock, or clay; asphalt, concrete, driveways, retaining walls, stairwells, stairways, walkways, decks and patios at grade level, and other similar structures.

Improvement

Street grading and surfacing, with or without curbs, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, landscaping, drainage features, recreational trails, or other such improvements as may be designated by the Planning Commission or the Town Council as being required for the development of the land to be subdivided.

Improvements Agreement Guaranty

Any security which may be accepted by the Town, at the Town's sole discretion, in lieu of a requirement that certain improvements be made by the subdivider before the final plat is executed, including performance bonds, escrow agreements, irrevocable letters of credit, or other similar collateral or surety agreements as may be approved by the Town.

Institutional Use

A non-profit, governmental, public, or private use, building, structure, or land used by the public. Includes, but is not limited to a post office, cemetery, school, hospital, and library.

Intermittent Stream

A natural drainage way which does not flow continually but does drain 20 or more acres.

J

Junk

Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles or automobile parts or appliances or appliance parts.

K

Kennel

Any establishment where dogs and/or cats are bred or raised for sale, or boarded, trained, cared for and/or groomed commercially.

Kitchen

Any room or portion of a room within a building used, intended to be used, or designed to be used either wholly or partly for cooking and/or the preparation of food.

Kitchenette

An area used for the storage, preparation and serving of food or drink to guests that is limited to a sink, a refrigerator of no more than six (6) cubic feet in size, a cabinet area not exceeding (6) six cubic feet, and a counter area not exceeding six (6) square feet.

L

Landscaping

Any combination of living plants such as trees, shrubs, plants, vegetative ground cover and turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains, or other similar features. May include retention and detention ponds.

Large Project

Any commercial or mixed-use project, occurring on a lot of 10,500 square feet or greater or occurring on a group of lots combined for a unified development project which contain a total lot area of 10,500 square feet or greater; or any residential development occurring on a lot of 21,000 square feet or greater or any development of 5 or more dwelling units.

Laundromat, Commercial/Industrial

An establishment that cleans fabrics and textiles (apparel, uniforms, towels, bedding, table linens, draperies, rugs, upholstery, etc.) for other businesses, with no more than 30% of the gross floor area occupied by an accessory self-service laundromat use. The establishment may include drop-off facilities and collection/delivery services.

Laundromat, Self-Service

An establishment providing washing and drying machines on the premises for rental use to the general public. This definition includes vended laundromats, also referred to as coin-operated laundromats. This definition does not include multi-housing laundries or on-premise laundries.

Laundromat, On-Premise

On-site laundry facilities that are an accessory use to a principal commercial, industrial, or institutional use, and are a part of normal business operations in industries such as healthcare, veterinary services, emergency services, sports and athletics, hospitality, spas and salons, farming and agriculture, manufacturing, etc.

Light Fixture

The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector (mirror), and a refractor (lens).

Light Goods Repair

Any building or portion of a building that contains establishments for the repair, restoration, refurbishing, and/or mending of light portable items such as clothing, shoes, furniture, bicycles, skis, and small appliances.

Limited Common Element

Land or buildings (in part or in whole) within or related to a development, that is not individually owned or dedicated for public use, and is designed and intended for use by designated residents or occupants or owners of the development. The designation of use is generally identified on a plat or in a declaration of covenants. It may include complementary structures and improvements.

Lock-Off

A portion of a dwelling unit suitable for short-term habitation, with a separate entrance, containing at least one bathroom but no cooking facilities, and capable of being securely separated from the dwelling unit.

Long-Term Rental

See Rental, Long-Term.

Lot

See also Parcel. A measured portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Lot Area

The horizontal area of the lot.

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; 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.

Lot Frontage

That portion of a lot fronting upon and providing rights of access to a dedicated street. Lot frontage is measured continuously along only one street.

Lot Line

The legal boundaries of a parcel of land established by a recorded subdivision plat. Lot lines are classified as either front, side, or rear.

Lot Line, Front

The property line separating a lot from the street except, where a lot is bordered by more than one (1) street, the property owner shall determine which side of the lot having street frontage is to be considered the front for setback purposes. Each lot proposed for development shall have at least one (1) property line designated as the front lot line.

Lot Line, Rear

The property line opposite to and furthest away from the front property line except, where a lot is irregular in shape, the Community Development Department shall determine which property line is to be designated as the rear property line for setback purposes. Each lot proposed for development shall have at least one (1) property line designated as the rear lot line.

Lot Line, Side

Any property line bounding a lot that is not designated as either a front or rear property line.

Lumen

A unit of light measurement. The light emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.

M

Manufacturing

The creation of products either with machinery or by hand according to an organized plan and with the division of labor.

Manufacturing, Light

Fabrication of and/or assembly of goods from previously prepared materials, which does not generate significant odor, noise and/or light pollution, or negative impacts to air and water quality, and traffic.

Marina

A facility that offers service to the public or members of the marina for docking, loading, or other servicing or recreational watercraft. Accessory uses include boat storage and eating and retail facilities for owners, crews, and guests.

Master Plan

The currently adopted Frisco Community Plan for guiding policies and regulations and controlling future growth, protection, and development of the Town to achieve the community's vision of present and future needs.

Medical Office

See Office, Medical.

Microbrewery, Distillery, and/or Tasting Room

A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

Minor Subdivision

A minor subdivision shall include a resubdivision of a structure of two or fewer units, a minor relocation of a property line, a correction of a survey or engineering error, and the conversion of an existing structure into townhomes or condominiums.

Mixed-Use Project

A project of attached or detached structures intended for more than one of the following uses, residential, office, retail, commercial, industrial, institutional, and public.

Mobile Home

A transportable dwelling unit attached or at one time attached to a chassis, containing complete electrical, plumbing, and sanitary facilities and designed for year-round living without necessity of a permanent foundation, but does not include camper or modularity constructed dwelling units.

Modification

A departure from the requirements set forth in this Chapter.

Motor Vehicle

A vehicle which is used to transport passengers and goods which is less than 33 feet in length and 15,000 gross vehicle weight, and is not designed for use as living quarters on either a temporary, seasonal or permanent basis, including but not limited to automobiles, pickup trucks and vans. Excludes recreational vehicles and park homes.

Mounting Height

The vertical distance between the finished grade elevation and the top of the lighting fixture.

Multi-Family or Multi-Unit Residential Project

Development of three or more attached or detached dwelling units, for which development approval is sought under a single or phased development application.

N

Natural Grade, Average

The average of the existing or natural topography of a site as measured within three feet of the proposed foundation wall location prior to excavation and/or construction.

Nonconformity

The state, usually ascribable to uses and buildings, of lawfully conflicting with the provisions of this Chapter due to the existence of the use, building or portion thereof prior to the adoption or subsequent amendment of this Chapter.

Nonconforming Lot

A lot that does not meet the minimum lot size or street frontage requirements of the zoning district in which it is located, but that was lawfully created prior to the effective date of the ordinance establishing the zoning district or subsequent amendments that created the nonconformity.

Nonconforming Sign

A sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions.

Nonconforming Structure

A building or structure that does not comply with the setback, height, lot coverage and other development requirements of the zoning district or overlay district in which it is located, but that was lawfully constructed prior to the effective date of the ordinance that established the zoning district or subsequent amendments thereto that created the nonconformity, and that has been continuously maintained. This term does not apply to any substandard condition that was legally granted a variance.

Nonconforming Use

Any activity, development or condition that is not a permitted use in the zoning district in which it is located, or is not a conditional use in that zoning district that has received conditional use approval under applicable law or other special permitting process, but that was lawfully established prior to the effective date of the ordinance establishing the zoning district or subsequent amendments thereto that created the nonconformity, and that has been continuously maintained. A nonconforming use may or may not involve buildings or structures and may involve part of or all of a building or property.

O

Occupancy

The purpose for which a building or structure is used or intended to be used; and, in the case of residential uses, such term can also refer to the number of persons who reside within a building, dwelling unit or other structure.

Office

A building or portions of a building in which commercial activities take place but where goods are not produced, sold or repaired. These include but are not limited to general and professional services, governmental offices, insurance offices, real estate offices, travel agency, utility offices; radio broadcasting and similar uses.

Office, Medical

A building or portion of buildings that contains establishments dispensing health services, and/or that provides support to the medical profession and patients. Examples include but are not limited to medical and dental laboratories, blood banks, oxygen providers, integrative medicine and holistic or homeopathic therapies, and other miscellaneous types of medical services.

Open Space

An area including buffers between neighborhoods and communities, buffers between trail systems and development, natural areas, scenic areas and vistas, historical and cultural lands, undeveloped shorelines or riparian areas, wildlife habitats and/or migration corridors, recreational access points, lands of unique ecological value, lands of significance to threatened or endangered species or species of special concern, pocket parks, trails and trail connections, and lands of aesthetic or passive recreational value.

Open Space, Usable

Any outdoor space usable for outdoor recreation activities, which may include areas maintained in a natural or undisturbed state, as well as plazas, pathways, sidewalks, landscaping, gardens, water features, fountains, or other similar areas which provide visual relief from the mass of buildings. Usable open space shall not include space used for driveways, parking areas, dumpster enclosures, or decks, patios, balconies above grade, or other similar features.

Outdoor Storage

The storage of materials, refuse, junk and/or other similar items outside of a building.

Overlay Zone

A zoning district that imposes requirements in addition to those required by the underlying zone.

Owner

Any person with a legal or equitable interest in property, with or without accompanying actual possession of the property; a person who is under contract to purchase property by land installment contract or by a purchase contract; or a person who is acquiring property, or a legal or equitable interest in it, through foreclosure.

P

Parapet

The extension of a false front or a building wall above the roofline.

Parcel

See also Lot. A contiguous area of land except for intervening easements and rights-of-way with a continuous boundary.

Parcel Resubdivision

Any subdivision of a lot, tract, or other parcel of land, which previously has been subdivided.

Park

An area or facility to be used for recreation, exercise, sports, education, rehabilitation, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty.

Parking and/or Loading Space

A defined area designed for a parked single vehicle which has adequate access to a street or alley.

Parking Facility

Any parking lot or parking structure which is used primarily or habitually for the parking of vehicles (excluding street or alley right-of-ways).

Passive Recreation and Open Space

Leisure-time activities, usually of an informal nature that generally involve less intensive activities, including but not limited to, walking, jogging, hiking, snowshoeing, Nordic skiing, sitting, picnicking, and other similar less intensive recreational uses.

Patio

A level hard-surfaced area at finished grade.

Permanent Monument

Any structure of masonry and/or metal (pins and caps) permanently placed on or in the ground, including those expressly placed for surveying reference.

Personal Services, General

Establishments primarily engaged in providing services involving the care of a person or his/her personal goods, including but not limited to, dry cleaning pickup, cosmetics, beauty and barbershops, spas, nail salons, shoe repair shops, tailor shops, funeral services, and domestic services.

Planning Commission

See Commission.

Plant Establishment Period

The time needed for a plant to recover from being transplanted, either from a container or root ball condition or previous naturally occurring locations to its new location.

Plant Nursery

Any land or structure used primarily to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

Plat

A map of certain described land prepared by a land surveyor, licensed in the State of Colorado, as an instrument for recording real estate interest with the County Clerk and Recorder.

Plat Correction

A minor change made to a previously recorded plat for the purpose of correcting unintentional errors made by the owner or owners of the parcel or parcels to be changed. Such changes shall not violate the applicable zoning or subdivision requirements for the said plat to be corrected.

Preliminary Plat

The preliminary plat of a subdivision prepared in accordance with the requirements of this Chapter.

Premise

A parcel of land, or contiguous parcels of land not separated by a public right-of-way, and developed under one site plan.

Property Lines

The boundaries of a tract of land established either by a recorded subdivision plat or by written, recorded conveyance. Includes lot and parcel lines.

Principal Dwelling Unit

See Dwelling Unit, Principal

Principal Use

See Use, Principal.

Produce Stand

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts.

Professional Trade

Industrial, contractor, or technology-related trade services. Such uses also include supply businesses in the fields of construction materials, interior design, landscaping, automotive, janitorial, medical, and office.

Public Hearing

A meeting announced and advertised in advance in accordance with applicable notice requirements and which is open to the public, with the public given an opportunity to address the decision making body.

Public Improvement

Any improvement, facility, or service, together with its associated site and any right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities, that is usually owned and operated by a government entity or agency.

Public Meeting

A meeting announced and advertised in advance in accordance with applicable notice requirements and which is open to the public, at which the public may or may not be given an opportunity to address the decision making body.

Public Notice

Notice to the public of a hearing or meeting by the Council, the Planning Commission or other board.

Public Utility Facilities

Major buildings, structures, and facilities including but not limited to generating and switching stations, electrical substations, water or sewer pumping stations, and telephone exchanges, related to the furnishing (storage and transportation) of utility services, including but not limited to electric, gas, telephone, cable, water, sewer, and public transit, to the public. Major public utility facilities located in right-of-ways or easements are not uses required to be zoned.

Q

[Reserved]

R

Rear Yard

See Yard, Rear

Recreational Vehicle

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recyclable Materials

Waste materials that are collected, separated or processed, and used as raw materials or products including, but not limited to, newspaper, cardboard, paperboard, brown paper bags, office paper, mixed paper, magazines, glass bottles, jars, aluminum and steel cans, and plastic bottles and jars.

Redevelopment

Any development of previously-developed land.

Refuse Container

A container, primarily used by the occupants of a single residential unit to temporarily store refuse or recycling materials, which includes all forms of solid waste, garbage, rubbish, trash, recycling items and other similar materials.

Rental, Long-Term

The rental of a room, apartment, or house for a time period of 30 days or more.

Rental, Nightly (Short-Term)

The rental of a room, apartment, or house for a time period of less than 30 days.

Repair and Light Fabrication Workshop

A facility where goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom care or motorcycle restoring and other similar uses.

Research and Development

An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

Resident Employee

An employee who lives on the property on which the employment is located.

Restaurant

An establishment where food and drink are prepared, table service is provided, and consumption takes place primarily within the principal structure.

Restaurant, Fast Food

An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, and/or ordering and pick-up of food may take place from an automobile.

Resubdivision

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder. Resubdivision includes the condominiumization into private ownership units of property previously occupied on a rental basis. Resubdivision includes lots, parcels, units, and real property converted to time-share units or time-share estates.

Retail

The rental or sale of tangible personal property for any purpose other than for wholesale resale.

Retail, Light

The sale of tangible personal property for any purpose other than for resale where the total area utilized by a single tenant, exclusive of parking occupies less than 35,000 square feet.

Retail, Professional Trade

The rental or sale of tangible personal property related to professional trade supply businesses.

Retail, Regional

The sale of tangible personal property for any purpose other than for resale where the total area utilized by a single tenant, exclusive of parking occupies 35,000 square feet or more.

Ridgeline

The horizontal line formed by the juncture of two surfaces on a roof.

Road

All property located within a highway or dedicated right-of-way or easement that functions as a right-of-way for a public or private road, street, alley, highway, or freeway.

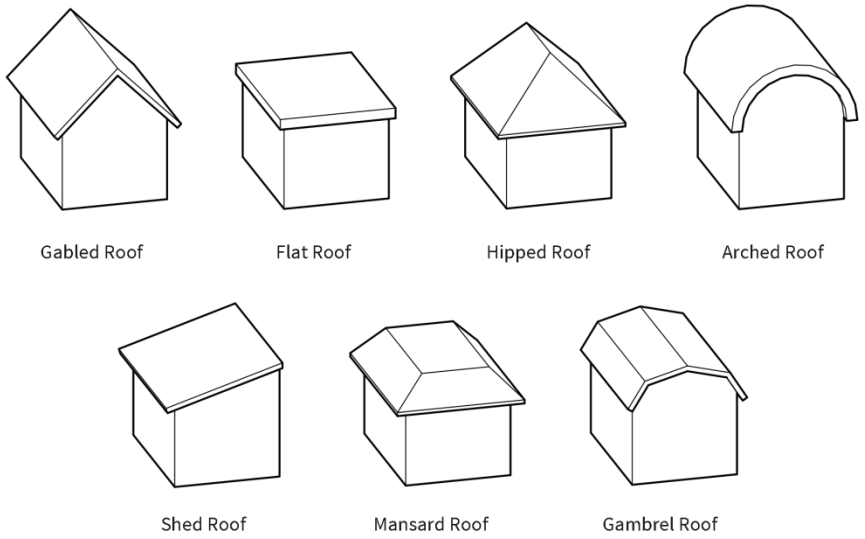
Roadway

The portion of the highway or road, including shoulders, for vehicle use.

Roof

The outside top covering of a building including, but not limited to, a mansard roof, a hipped roof, a flat roof, a gambrel roof, a gable roof and a shed roof.

Figure 9-D: Roof Types



Roof, Flat

A roof having a slope of 2:12 or less.

Roof Overhang

Eaves or the lower edge of the roof which overhang the walls. This includes the eave or edge of the roof which overhangs the gable end walls.

Roof Slope or Roof Pitch

The ratio of horizontal distance (run) proportional to vertical distance (rise or drop) of a slope, such as a 4:1 slope having one foot of rise for every four horizontal feet.

S

School

Any of the following types of educational facilities:

1. Type 1: Public, parochial or private school or academy providing pre-primary, primary, elementary or grammar school level courses (pre-K through 5th grade)
2. Type 2: Public, parochial or private school or academy providing middle, preparatory or high school level courses (6th grade through 12th grade)
3. Type 3: Junior college or university, public or founded, or conducted by or under the sponsorship of a religious or charitable organization

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Senior Housing

A residential establishment or institution other than a hospital or nursing home that provides living accommodations and medical services primarily to individuals 55 years of age or over and to individuals who, due

to illness or disability, require care similar to that provided to persons who are 55 years or over. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

Setback

The minimum required distance between the lot line and nearest line or point of the building or structure (including roof eaves or any projections such as decks).

Sexually-Oriented Business

An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio. The definition of sexually-oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Colorado engages in medically approved and recognized sexual therapy.

Shed

An accessory building of not more than 120 square feet in floor area and not more than 14 feet in height.

Shield

A device used to partially conceal or protect, such as concealing a light source.

Short Term Rental

See Rental, Nightly.

Showroom

An establishment where the display of goods and wares is provided to provide conceptual models of various products.

Side Yard

See Yard, Side.

Site Plan

The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utilities; structures and buildings; signs and lighting; berms, buffers, and fences; adjacent development; and any other information that reasonably may be required in order that an informed decision can be made by the Town.

Site Specific Development Plan

An approved plan/plat that creates a vested property right.

Small Lot

A parcel which does not meet the minimum lot size for the zoning district in which it is located.

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, structure or construction within the waterside setback that changes the character or topography of the land on which the activity, structure or construction occurs.

Solid-Fuel Burning Device

Any fireplace, stove, firebox or other device which is or will be used for the purpose of burning wood, coal, pulp, pellets or other non-liquid or nongaseous fuel.

Solar Energy Facility

A system including solar panels and related equipment, pipes and wiring that converts sunlight to heat or electricity.

Special Event

A special event is an organized event or a group activity including, but not limited to a performance, live music, broadcast music, commercial entertainment, assembly, contest, exhibit, ceremony, athletic competition, reading, or other similar gatherings where anything of value is exchanged in return for attendance or entry into the event. Special events do not include wedding events. Special events governed under this section are commercial in nature.

Specimen Quality

Shape, form, and density of foliage are typical of the species and no defects to these criteria are evident.

State

The state of Colorado.

Storage Facility

Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces.

Stepback

The horizontal distance that an upper portion of a building facade is set back from the face of the building's lower portion.

Street

Any street, avenue, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic which is on an existing state, county or municipal roadway, or a street or a way shown upon a plat, previously approved, pursuant to law or approved by official action; and includes the land between street right-of-way, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. Definitions and specifications for street classifications are designated in the Town of Frisco Minimum Street Design and Access Criteria in the Frisco Town Code.

Street, Private

A street which exists exclusively on private property that has been approved by the Town but not been dedicated to or accepted by the Town.

Street, Public

A street dedicated to and accepted by the Town which is platted or otherwise created as a nonexclusive vehicular right-of-way for ingress and egress.

Structure

A purposeful combination of materials fixed to the ground or to some other structure. Structures include buildings, towers, masts, sheds, decks, 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.

Studio

A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Sunset

The time of day when the sun disappears below the western horizon as defined daily by the National Weather Service and posted in regional newspapers.

Street Right-Of-Way

That portion of land dedicated to public use for street and utility purposes.

Subdivider

Any person, group, corporation or other entity or any agency dividing or proposing to divide land so as to constitute a subdivision.

Subdivision

The process by which a metes and bounds tract of land is divided into two or more parcels, lots, units, or building sites for the purpose, whether immediate or future, of sale or building development. It includes resubdivision and, when appropriate, may refer to a relatively large development of similar uses.

Substantial Destruction

A building or structure has suffered substantial destruction if the cost of repair of the building or structure exceeds 75 percent of the replacement cost of the entire building, excluding the foundations. The replacement cost shall be derived from the fair market value of the building or structure, or the value as defined by Chapter 65, Town of Frisco Construction and Housing Standards, whichever is greater.

T

Tandem Parking

The parking of one (1) motor vehicle behind another motor vehicle.

Temporary Structure

A structure without any permanent foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use

See Use, Temporary.

Tenant Finish

An interior only change to the floor plan of a structure.

Time-Share

A time-share estate, as defined in Section 38-33-110(5), C.R.S. 1973, but the term does not include group reservations made for convention purposes as a single transaction with a hotel, motel or condominium owner or association. In addition, a time-share estate means a contractual or membership right of occupancy which cannot be terminated at the will of the owner or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the property has been divided.

Town Engineer

Any engineer certified by the State of Colorado and retained or designated by the Town to provide engineering services.

Townhome

An individually owned residential unit that has an undivided interest in common with other unit owners in the common elements of a project including land and infrastructure. Townhouse ownership includes the structure, from foundation to roof in an unbroken vertical plane, and the land on which the foundation of the Townhouse is constructed. In order for footings to be considered a foundation in any location, that area must have an unbroken vertical plane to the roof and must be physically attached to the building. Townhouse units or portions thereof cannot be stacked one above another. Nothing shall be construed to prohibit the ownership of common areas by a homeowners association holding title to such areas for and on behalf of the individual owners of a townhouse unit.

Trail Corridor

A multipurpose path designed for use by pedestrians, bicyclists, or in-line skaters, or for other non-motorized uses.

Transit-Oriented Facilities and Uses

Establishments engaged in furnishing local and regional passenger transportation, and/or furnishing services incidental to transportation, such as parking facilities, packing services, and passenger mobilization offices.

U

Usable Open Space

See Open Space, Usable.

Use

A purpose for which a parcel of land is designed, arranged or intended or for which it may be occupied or maintained under this Chapter.

Use, Accessory

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot or in the same building with the principal use. A dwelling unit shall not be allowed as an accessory use. Accessory uses may occupy no more than 30 percent of the gross floor area of the principal building.

Use, Conditional

A use which, because of its character, size and potential impacts, may or may not be appropriate in a particular zoning district and which may be undertaken, if at all, only in accordance with the provisions of Section 180-2.5 of this Chapter.

Use, Principal

The main or primary use of any lot or parcel.

Use, Temporary

A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Utility

Any firm, partnership, association, cooperative, company, corporation, governmental agency, special or metropolitan district, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing electric, rural electric, telephone, telegraph, communications, cable television, gas pipeline carrier, water, sewerage or pipeline facilities and services.

V

Variance

A departure from the provisions of this Chapter relating to the coverage, setback, height, lot size or other development standards and requirements of the applicable zoning district, but not involving the actual use.

Vested Property Right

The right to undertake and complete the specific development and use of property under the terms and conditions of a "site specific development plan."

Veterinary Clinic

An establishment that provides medical treatment and care to animals, and which may include temporary or overnight boarding of animals that are recuperating from treatment. A veterinarian clinic or office may include a kennel.

W

Waiver

A relinquishment or abandonment of the requirements set forth in this Chapter relating to development and/or improvement standards.

Warehouse

An establishment whose primary activity is the storage of residential, commercial, industrial, or other goods, including inventory and/or finished products, and where no such goods are sold either at wholesale or at retail. This use does not include the storage of goods incidental to a different primary use on the same lot, which is considered an accessory use.

Way

A street, road, sidewalk, alley or other area reserved for present or future use for the purpose of vehicular or pedestrian travel. A "way" is either public (i.e. dedicated) or private (i.e., established by plat, reservation, deed, covenant or contract approved by the Town).

Wetlands

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.

Wholesale Business

The sale of goods and merchandise for resale instead of for direct consumption.

X

[Reserved]

Y

Yard

An area of a lot not occupied by a structure, located between a street or other property line and any structure or element thereof other than a fence, wall or other customary yard accessory. Depth is to be measured perpendicularly to the street or property line.

Yard, Front

A yard between a principal structure and the front lot line and between the side lot lines.

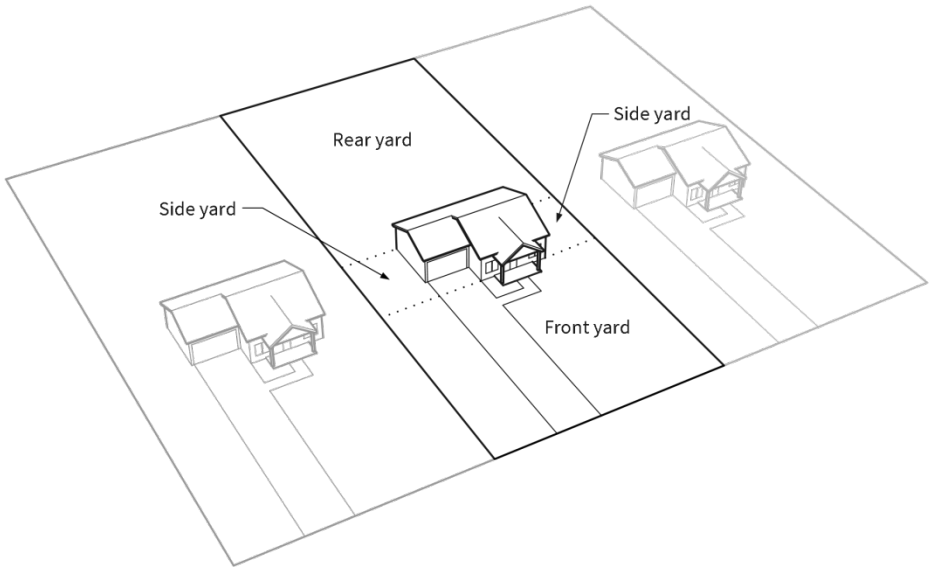
Yard, Rear

A yard between a principal structure and the rear lot line, opposite the front yard.

Yard, Side

A yard between a principal structure and the side lot line and between the front and rear yards.

Figure 9-E: Yard types



Z

Zero Lot Line Development

A single-household or duplex residential development in which each dwelling is placed within its lot such that one (1) side of the dwelling is sited on a side lot line and the area reserved for the side setbacks is combined on one (1) side of the lot.

Zone

A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, size, and other characteristics of land and buildings.