

#### **PLANNING COMMISSION**

#### **STAFF REPORT**

October 17, 2019

AGENDA ITEM: Planning File No. 220-19-OR: A public hearing regarding amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, concerning the Unified Development Code, by amending Section 180-5.4, Temporary Uses and Structures, to allow for certain temporary uses and structures in connection with the Frisco Peninsula Recreation Area, the Frisco Bay Marina, Town of Frisco Special Events, and the relocation of buildings owned by the Town of Frisco

APPLICANT: Town of Frisco

1 East Main Street

PO Box 4100

Frisco, CO 80443

STAFF PLANNER: Bill Gibson, Interim Community Development Director

[billg@townoffrisco.com](mailto:billg@townoffrisco.com) (970) 668-9121

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| **PROJECT DESCRIPTION** |

The Frisco Unified Development Code (UDC) and other previous versions of Frisco’s zoning regulations have historically not been applied to certain temporary uses and structures associated with local governmental activities. Some of these activities include the installation of temporary restroom facilities at the Frisco Bay Marina, temporary operations offices and the storage of a relocated historic building at the Peninsula Recreation Area, and a variety of temporary uses and structures associated with the various community special events hosted and authorized by the Town of Frisco.

For the purpose of clarity and to more effectively implement the regulations of the town code, Staff recommends amending Chapter 180, Unified Development Code, to more clearly articulate these existing policies. Therefore, Staff is proposing the following code text amendments:

**180-5.4.2 EXPANSION OR 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.

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| **BACKGROUND** |

The Unified Development Code (UDC) was adopted through Ordinance 17-04 in June of 2017. The purpose of the UDC was to update, consolidate, and reformat the former subdivision and zoning regulations. It was acknowledged at that time, that additional corrections and policy amendments to these regulations would be forthcoming in the future.

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| **REQUIRED ACTION** |

Planning Commission: A recommendation to the Town Council of approval or disapproval, either in whole or in part.

Town Council: Approval or disapproval, either in whole or in part.

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| **ANALYSIS – CODE TEXT AMENDMENTS [§180-2.4.3]** |

Pursuant to Sub-section §180-2.4.3.D, an amendment to the text of the Unified Development Code is a legislative decision by the Town Council. Prior to the Town Council’s consideration of an ordinance to amend the text of the UDC, the Planning Commission must first review the proposed amendment and forward a recommendation to the Town Council. Prior to recommending approval or disapproval, either in whole or in part, of a proposed code text amendment, the Planning Commission must consider whether and to what extent a 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.*

Theses proposed code text amendments are consistent with the Frisco Community Plan, including the guiding principles of GP1: Inclusive Community (including Goal 1.2 to Preserve and Enhance the Town’s Historic Resources), GP2: Thriving Economy, GP3: Quality Core Services (including Goal 3.1 to Provide High Quality Public Infrastructure and Services to Meet Current Needs to Accommodate Growth), and GP5: Vibrant Recreation (including Goal 5.1 to Provide High Quality, Year-Round Recreational Amenities that Appeal to Both Residents and Visitors, and Goal 5.2 to Offer Divers Programs and Events that Encourage Active and Healthy Lifestyles).

The proposed code text amendments are also necessary for clarity and the more effective implementation of the town code.

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| **STAFF RECOMMENDATION** |

**Recommended Findings**

The Community Development Department recommends the following findings pertaining to the proposed code text amendments:

*Based upon the review of the Staff Report dated October 17, 2019, and the evidence and testimony presented, the Planning Commission finds:*

*1. The proposed code text amendments are consistent with the Master Plan and other Town policies, because the proposed amendments clarify the standards of the code that are used to implement the guiding principles, goals, policies, and actions of the Frisco Community Plan, including guiding principles GP1, GP2, GP3, and GP5.*

*2. The proposed code text amendments do not conflict with other provisions of the Unified Development Code or other provisions in the Frisco Town Code. Instead, the proposed amendments clarify the applicability of the standards in the code.*

*3. The proposed code text amendments are necessary to address a demonstrated community need to clarify the applicability of the Unified Development Code.*

*4. The proposed code text amendments are necessary to respond to substantial changes in conditions and/or policy, because the proposed amendments more clearly articulate existing policies related to the applicability of the Unified Development Code to temporary governmental activities.*

*5. The proposed code text amendments are consistent with the general purpose and intent of this Chapter, because the proposed text amendments protect the public health, safety, and general welfare and implement the policies of the Master Plan, including guiding principles GP1, GP2, GP3, and GP5 of the Frisco Community Plan.*

**Recommended Motion**

Should the Planning Commission choose to RECOMMENDED APPROVAL of the proposed text amendments, the Community Development Department recommends the following motion:

***With respect to Planning File No. 220-19-OR, I move that the recommended findings set forth in the October 17, 2019 staff report be made and that the Planning Commission RECOMMENDS APPROVAL to Town Council of code text amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, concerning the Unified Development Code, by amending Section 180-5.4, Temporary Uses and Structures, to allow for certain temporary uses and structures in connection with the Frisco Peninsula Recreation Area, the Frisco Bay Marina, Town of Frisco Special Events, and the relocation of buildings owned by the Town of Frisco.***