

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 26-XX**

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SECTIONS 180-5.1., CONCERNING THE TABLE OF ALLOWED USES, 180-5.3., CONCERNING ACCESSORY USES AND STRUCTURES, 180-6.13., CONCERNING PARKING AND LOADING REGULATIONS, 180-9.2., CONCERNING DEFINITIONS OF GENERAL USE CATEGORIES, AND 180-9.3., CONCERNING GENERAL DEFINITIONS, IN ORDER TO PUT LIMITATIONS ON THE LOCATIONS OF DRIVE-THROUGH FACILITIES WITHIN THE TOWN AND TO REMOVE THE REFERENCE TO TAVERNS AS A USE CATEGORY.

WHEREAS, the Town of Frisco, Colorado (“Town”) is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the zoning and land use powers conferred upon the Town by the State of Colorado as a Home Rule Municipality empower the Town to manage land use to ensure the public health, safety, and welfare; and

WHEREAS, the Town of Frisco currently regulates drive-through establishments within the Town limits in accordance with Chapter 180 “Unified Development Code” of the Frisco Town Code, adopted pursuant to its Home Rule Constitutional authority and the Local Government Land Use Control Enabling Act of 1974, as amended, §29-20-101, et seq. C.R.S; and

WHEREAS, the Town Council desires to amend the Unified Development Code in order to limit the design of drive-through establishments and the allowed locations of drive-through establishments to certain commercial zoning districts; and

WHEREAS, the amendments adopted hereby will reduce traffic congestion, limit the environmental impact of idling vehicles, and promote pedestrian safety, walkability, and multi-modal transit; and

WHEREAS, the amendments adopted hereby will remove outdated definitions that are not defined in the Town Code and do not need to be within Chapter 180; and

WHEREAS, the Town of Frisco Planning Commission reviewed the proposed amendments adopted herein on August 20, 2026, and made a recommendation to approve the amendments with modifications to the Town Council; and

WHEREAS, the Town Council held Public Hearings on September 8, 2026 and September 22, 2026, to receive public comment, evidence and testimony relative to the proposed amendments to the Frisco Town Code.

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

Section 1. Section 180-5.1.5. of the Frisco Town Code, concerning Table of Allowed Uses, is hereby amended to read as follows:

TABLE 5-1 TABLE OF ALLOWED USES															
● = Permitted ○ = Conditional Use Blank cell = Not allowed		Residential					Commercial/ Mixed-Use					Other			Use-specific Standards
Use Category	Use Type	RS	RN	RL	RM	RH	GW	CO	LI	CC	MU	OS	PR	PF	
COMMERCIAL USES															
Food and Beverage	Fast food restaurant						●	●		●	○				
	Microbrewery, distillery and/or tasting room						●	●		●	●				
	Restaurant, bar, tavern						●	●		●	●		○		
Offices	Financial service						●	●		●					
	Medical office						○	●	●	●	●				180-5.2.12 180-5.2.15
	Office					○	○	●	●	●	●				180-5.2.12
Personal Services	Personal services, General					○	●	●		●	●				
Retail	Artisan studio or gallery						●	●		●	●				
	Light retail						●	●	○	●	●		○		
	Medical marijuana dispensary						●	●	●		●				180-5.2.6
	Professional trade								●						
	Professional trade retail								●						
	Regional retail						●	●							
	Retail marijuana						●	●	●		●				180-5.2.9
Vehicles and Equipment															

	Auto fuel sales						●	●			●				
	Auto service or wash						●	●	●						
INDUSTRIAL USES															
ACCESSORY USES															
Accessory Uses	Accessory building and use	●	●	●	●	●	●	●	●					●	
	Accessory dwelling unit	●	●	●	●	●	●	●	●	●	●		●	●	180-5.3.1
	Home occupation	●	●	●	●	●				●					
	Home office	●	●	●	●	●	●	●		●	●				
	<u>Drive-through facility</u>							●							<u>180-5.3.4.</u>
	Solar energy facility	●	●	●	●	●	●	●	●	●	●	●	●	●	180-5.3.3
	Electric Vehicle Charging Station	●	●	●	●	●	●	●	●	●	●	●	●	●	
DISTRICT LEGEND RS = Residential Single-Household District RN = Residential Traditional Neighborhood District RL = Residential Low Density District RM = Residential Medium Density District RH = Residential High Density District GW = Gateway District CO = Commercial Oriented District LI = Light Industrial District CC = Central Core District MU = Mixed-Use District OS = Open Space District PR = Parks and Recreation District PF = Public Facilities District															

Section 2. Section 180-5.3.4. of the Frisco Town Code, concerning Drive-Through Facility, is hereby added and shall read as follows:

Section 180-5.3.4.: Drive-Through Facility.

- A. Purpose and Intent.** The purpose of these standards is to ensure that drive-through facilities are designed to protect the safety of pedestrians and motorists, prevent traffic congestion on public streets, and minimize negative impacts on adjacent properties.

B. Vehicle Stacking Requirements and Traffic Flow.

1. **All drive-through facilities must provide dedicated off-street stacking lanes as outlined in Section 180-6.13. Parking. The facility must also meet all parking requirements for its principal use.**
2. **Separation. Stacking lanes must be physically separated from parking areas and drive aisles by a raised curb, median, or painted striping.**

C. Site Design for Pedestrian Safety.

1. **No Intersections. Drive-through lanes should not intersect the main pedestrian path leading to the building's primary entrance.**
2. **Marked Crossings. Where a pedestrian path must cross a drive-through lane, it must be clearly marked with contrasting pavement, specialized striping, or raised crosswalks.**

Section 3. Section 180-6.13.3.A., Table 6-1 of the Frisco Town Code, concerning Required Number of Parking Spaces by Land Use, is hereby amended to read as follows:

USE CATEGORY	USE TYPE		PARKING SPACE REQUIREMENTS
Commercial	Commercial use with drive-through	Stacking spaces per window	5.0
Food and 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 <u>drive-up window-order kiosk</u>	5.0
	Restaurant, bar and <u>tavern</u>	Per 250 square feet of GFA	1.0

Section 4. Section 180-6.13.3.D., Table 6-2 of the Frisco Town Code, concerning Minimum Required Parking Spaces – Central Core District and Mixed-Use Districts Fronting West Main Street, is hereby amended to read as follows:

USE	PARKING SPACE REQUIREMENTS
Restaurants, and Bars and Taverns [1]	0.0

Notes:

[1] Any change in the use from retail, restaurant, ~~or 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.

Section 5. Section 180-9.2.3. of the Frisco Town Code, concerning Commercial Uses, is hereby amended to read as follows:

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. **Drive-through facilities may be an accessory use where permitted in the Table of Uses.**

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. **Drive-through facilities may also be an accessory use for the purpose of providing services where permitted in the Table of Uses.**

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. **Accessory uses may include drive-throughs where permitted in the Table of Uses.**

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. **Accessory uses may include drive-throughs where permitted in the Table of 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.

Section 6. Section 180-9.3. of the Frisco Town Code, concerning General definitions, is hereby amended for the terms below to read as follows:

Drive-Through Facility. A ~~business facility~~ 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. **Drive-through uses do not include the dispensing of fuel, electric vehicle charging, washing of vehicles, or parking lot pickup of retail items.**

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.~~ **Fast food restaurants shall not include a drive-through facility unless such a facility is permitted as an accessory use in the zoning district in which the fast food restaurant is located.**

Section 7. Savings Clause. If any part, section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held to be unconstitutional or invalid, the remainder of this Ordinance shall continue in full force and effect, it being the legislative intent that this Ordinance even if such unconstitutional or invalid matter had not been included herein.

Section 8. Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the Town of Frisco shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 9. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado. There are few exceptions to the effective date of Ordinances, check with Town Attorney.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING
ORDERED THIS ____^{TH/RD/ST} DAY OF **MONTH**, 2026.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE
ORDERED THIS _____ DAY OF _____, 2026.

TOWN OF FRISCO, COLORADO:

Frederick J. Ihnken, Mayor

ATTEST:

Stacey Campbell, Town Clerk

