



PLANNING COMMISSION STAFF REPORT

August 20, 2026

AGENDA ITEM: Planning File No. UDC-26-0002: A public hearing to consider proposed amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, by amending Section 180-5.1. Table of allowed uses, Section 180-5.3. Accessory uses and structures, Section 180-6.13. Parking and loading regulations, Section 180-9.2. Definitions of general use categories, and Section 180-9.3. General definitions, concerning drive-through facilities and tavern terminology.

APPLICANT: Town of Frisco
1 East Main Street
PO Box 4100
Frisco, CO 80443

TOWN STAFF: Emma Heth, Planner II

SUMMARY

Before the Planning Commission on August 20, 2026 is a recommendation to Town Council for proposed modifications to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, regarding drive-through facilities and tavern terminology. Staff has drafted proposed code amendments based on the feedback from Planning Commission and Town Council during their work sessions for Planning Commission to consider.

The proposed code amendments would add “drive-through facility” as an accessory use in the Table of Uses, allow this use in the Commercial-Oriented Zoning District, and add design requirements. The proposed definition of “drive-through facility” is similar to the existing definition of “drive-through business,” with some clarification. The proposed amendments also remove all instances of the word “tavern” from the Table of Uses and parking requirement tables because it is not defined. Taverns would be considered “restaurants.”

DESCRIPTION

Town Code Sections 180-5.1. Table of allowed uses, 180-5.3. Accessory uses and structures, 180-9.2. Definitions of general use categories, and 180-9.3. General definitions regulate uses in the Town of Frisco by defining the uses and listing in which zoning districts they are allowed. Updates to these Sections are being proposed following feedback from Town Council, Planning Commission, and the community that there is a desire to limit the areas where drive-through establishments are allowed.

The proposed changes include:

- §180-5.1. Table of uses: Adding a use for “Drive-through facility” within the accessory uses category and marking it as a permitted use in the Commercial-Oriented Zoning District.
- §180-5.3. Accessory uses and structures: Adding a new subsection 4 with design requirements for drive-through facilities.
- §180-6.13. Parking and loading regulations: Making the stacking requirement for fast food restaurants to be per order kiosk rather than window, and removing the term “tavern” from Table 6-1 and Table 6-2, which regulate the minimum required parking spaces by use.
- §180-9.2. Definitions of general use categories and §180-9.3. General definitions: Amending the definitions of general use categories and specific uses to add clarity and align with the proposed language in the other sections.

Below is the language being considered:

180-5.1.5. *Table of Allowed Uses.*

TABLE 5-1 TABLE OF ALLOWED USES																
● = Permitted 〇 = 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						●	●		●	〇					
	Microbrewery, distillery and/or tasting room						●	●		●	●					
	Restaurant, bar, tavern						●	●		●	●		〇			
Offices	Financial service						●	●		●						
	Medical office						〇	●	●	●	●				180-5.2.12 180-5.2.15	
	Office					〇	〇	●	●	●	●				180-5.2.12	
Personal Services	Personal services, General					〇	●	●		●	●					
Retail	Artisan studio or gallery						●	●		●	●					
	Light retail						●	●	〇	●	●		〇			
	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>•</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															

(Ord. No. 17-04, 6-27-17; Ord. No. 19-04, 4-9-19; Ord. No. 20-23, 1-26-21; Ord. No. 22-12, 10-11-22; Ord. No. 23-09, § 7, 3-28-23; Ord. No. 24-12, § 1, 10-22-24)

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 180-6.13.3.A.: Table 6-1 Required Number of Parking Spaces by Land Use

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 <u>and tavern</u>	Per 250 square feet of GFA	1.0

Section 180-6.13.3.D.: Table 6-2 Minimum Required Parking Spaces – Central Core District and Mixed-Use Districts Fronting West Main Street

USE	PARKING SPACE REQUIREMENTS
Restaurants, <u>and</u> Bars <u>and Taverns</u> [1]	0.0
Notes: [1] Any change in the use from retail, restaurant, <u>or</u> bar <u>or tavern</u> 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.	

180-9.2.3. Commercial Uses

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.

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.

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.

180-9.3. General definitions

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.

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.

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. 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.

BACKGROUND

In the spring/summer of 2025, the Town Council reviewed an Ordinance related to the amount of drive through signs permitted within the Town. During these conversations, the Council stated they would like to consider not allowing drive-through facilities on Main Street in the future.

During a work session at their February 24, 2026 meeting, the Town Council indicated support for prohibiting all types of drive-through establishments in all zoning districts except the Commercial Oriented District (CO), where they would be allowed. There was some discussion about allowing drive-through facilities as a conditional use in the Mixed Use (MU) and/or Gateway (GW) Districts, but the majority of Council members supported prohibiting them.

During a work session on July 16, 2026, the Planning Commission indicated that they supported prohibiting drive-through facilities in all zoning districts except the Commercial Oriented (CO) Zoning District. Similar to Town Council, there was discussion about a conditional use in the MU and/or GW Districts, but ultimately the Commissioners agreed to only allow drive-throughs in CO. Commissioners also suggested measuring the stacking space requirement “per order kiosk” rather than “per drive-up window.” Staff incorporated this change for fast food restaurants, but recommends keeping the requirement “per drive-up window” for general commercial uses since not all commercial uses may have order kiosks (i.e., pharmacy, bank).

Planning Commission also briefly discussed this topic during their February 19, 2026 meeting, when they also indicated support for prohibiting all types of drive-through establishments on Main Street (including the Mixed-Use Zoning District) but allowing them on Summit Boulevard.

Currently, Frisco Town Code, Chapter 180, Table 5-1, Table of Allowed Uses, does not specifically include drive-through facilities. Therefore, the Town currently allows drive-through establishments where the principal use (financial service, restaurant, retail, etc.) incorporates a drive-through. However, any drive-through is required to comply with the below sections of code which do have regulations around drive-throughs:

1. In Table 6-1, Required Number of Parking Spaces by Land Use, a “commercial use with drive-through” and “fast food restaurant” requires 5.0 stacking spaces per window.
2. Chapter 180-6.19, Signs restricts the number of signs permitted per drive-through lane.
3. Chapter 180, Article 9 includes the following definitions:
 - a. *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.
 - b. *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.

Existing Drive-throughs in the Town

Below are the existing drive-throughs in the Town and their zoning districts. The proposed zoning changes will not create nonconforming uses for existing drive-through facilities because all are located in either the CO District or the Lakepoint PUD (no underlying zoning).

Business	Location	Zoning District
Alpine Bank	701 N Summit Blvd	CO
Taco Bell	865 N Summit Blvd	CO
Wendy's	940 N 10 Mile Dr	Lakepoint PUD
McDonalds/First Bank	960 N 10 Mile Dr	Lakepoint PUD
Starbucks	980 N 10 Mile Dr	Lakepoint PUD

KFC	1000 Lakepoint Dr	Lakepoint PUD
BMO Bank	1000 N Summit Blvd	CO
Dunkin Donuts	912 N Summit Blvd	CO

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.

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.*

These proposed code text amendments are consistent with the Frisco Comprehensive Plan, including the following goals and strategies:

Goal B.1: Continue creating safe, attractive, and sustainable neighborhoods where residents can thrive.

- 1. Review zoning and design standards. Implement community character requirements that are in alignment with the Future Land Use Classifications. Potential amendments include implementing design guidelines in Section 180-6 .21 based on character areas to ensure specific standards are identified for each of the Town's different subareas, updating zone district uses and dimensions to integrate considerations for housing typologies that fit in the specific area, and updating parking and access standards to ensure a focus on pedestrian safety.

Goal D.1: Support local businesses, expand local industries and services, and encourage long-term investment to strengthen and diversify the local economy.

- 5. Analyze existing uses allowed in the Central Core and determine if they should be modified in the UDC.

Goal D.2: Encourage the vibrancy of Main Street and the Downtown District as the heart of Frisco.

- 2. Preserve the small business look and feel of Main Street. Consider prohibiting or restricting businesses with drive-throughs, to allow for a pedestrian-friendly environment.
- 4. Encourage development that expands the vibrancy of Main Street to West Main Street as well as across Summit Boulevard to the Town's Bay Marina. Integrate urban design principles that create active street frontage and considers the public realm to support community gathering and walkability for economic vibrancy into the UDC.

A first reading of an Ordinance is anticipated to be before the Town Council on September 8, 2026 at which time the Council will review the proposed modifications to the UDC. Discussion from the Planning Commissioners, along with their motion and vote, will be distributed to Council for their discussion and consideration.

PUBLIC COMMENT

As of August 13, 2026, the Community Development Department had received no formal public comments concerning this project.

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 August 20, 2026, and the evidence and testimony presented, the Planning Commission finds:

- 1. The proposed code text amendments are consistent with the Comprehensive Plan and other Town policies because the proposed amendments update the standards of the code that are used to implement the goals of the Frisco Comprehensive Plan, including An Inclusive and Accessible Community and A Diverse and Thriving Economy.*
- 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.*
- 3. The proposed code text amendments are necessary to address a demonstrated community need to preserve the preserve the vibrancy of Main Street, expand that pedestrian character to West Main Street and across Summit Boulevard to the marina, and improve pedestrian safety.*
- 4. The proposed code text amendments are necessary to respond to substantial changes in conditions and/or policy, because the proposed amendments support a stated desire for the Town to preserve and expand urban design oriented toward pedestrians and small businesses.*
- 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 Comprehensive Plan, including the goals for An Inclusive and Accessible Community and A Diverse and Thriving Economy. The proposed code text amendments create efficient streets and allow mobility by vehicle, bike and foot; create a healthy community; and encourage the most appropriate use of*

land throughout the Town based upon the Comprehensive Plan, by limiting traffic congestion, improving pedestrian safety, improving urban design and walkability, and limiting vehicle-oriented businesses to the most appropriate portion of the Town.

Recommended Motion

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

With respect to Planning File No. UDC-26-0002, I move that the recommended findings set forth in the August 20, 2026 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 180-5.1. Table of allowed uses, Section 180-5.3. Accessory uses and structures, Section 180-6.13. Parking and loading regulations, Section 180-9.2. Definitions of general use categories, and Section 180-9.3. General definitions, concerning drive-through facilities and tavern terminology.

ATTACHMENTS

Attachments:

Attachment 1 – DRAFT Ordinance with Proposed Modifications to Chapter 180 of the Code of Ordinances

Attachment 2 – Town of Frisco Zoning Map