



**Planning and Zoning Commission
November 1, 2023 - Regular Meeting**

To: Dillon Planning & Zoning Commission
From: Ned West, AICP, Sr. Town Planner
Subject: Marina Overlay District
Agenda Item: 6

Action to be Considered:

(Public Hearing)

Consideration of Resolution No. PZ 08-23, Series of 2023

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING DIVISION 2, ARTICLE III, CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING A NEW MARINA OVERLAY ZONE DISTRICT.

Background/Time Frame:

- October 4, 2023: Initial Discussion Planning and Zoning Commission
- November 1, 2023: Planning Commission review and a resolution recommending the Town Council approve a Code amendment.

Summary:

The Dillon Marina is currently located in two (2) zone districts: Parks & Open Space (POS) and Urban Reserve (UR). Only in the POS zone district is a marina use identified as a permitted use. By its name, the UR district consists of undefined, “reserve” areas of the Town. The UR zone district was originally intended to provide a zoning district for properties annexed by the Town that would not be developed for some time, and it was presumed properties within the UR district would be rezoned prior to their development. Thus, essentially no permitted uses are identified in the UR zone district, and conditional uses are limited to existing uses and their potential expansion in accordance with conditional use criteria. In fact, the majority of the UR zoned areas are owned by Denver Water, who currently has no interest in any sort of development. They also are not presently interested in seeking a rezoning of their properties.

Due to the complexities arising from its inclusion in two (2) zoning districts, and the fact that a portion of the Marina is located on property leased from Denver Water, Town staff has determined the most appropriate course of action is to better define the activities associated with the Marina by the creation of an overlay district. The “Marina

Overlay District” would function similarly to a Planned Unit Development (PUD) overlay district,¹ but with defined permitted uses.²

The resolution recommending the Town Council approve the Code amendment includes provisions to create a new zoning overlay district to include the following:

Sec. 16-3-210. – Marina Overlay Zone (MOZ).

(a) In the MOZ, the following regulations shall apply:

(1) Purpose. The purpose of the MOZ is to overlay the underlying zone districts (POS and UR) in recognition of existing and potential uses appropriate to the Dillon Marina.

(2) Overlay. All provisions of the underlying zoning district over which the MOZ is located shall continue to apply unless varied or waived by the provisions of this Section. The requirement in the UR zone, Section 16-3-200(4), that projects must be proposed as planned developments (PUDs), or processed as zone changes, shall not apply to UR properties overlaid by the MOZ.

(3) Permitted uses. In the MOZ, the following uses and their accessory uses are permitted, and may be allowed by the Town when in conformance with the provisions of this Code and approved utilizing the processes outlined in this Code:

- a. Marina.
- b. Yacht Clubs.
- c. Restaurants, Snack Bars, Food Vendors, and Bars.
- d. Convention Center.

¹ All provisions of the underlying zoning district over which a PUD is located continue to apply unless varied or waived by the Town Council as part of an approved PUD development plan. Approval of a PUD results in the creation of an “overlay” to the base zoning district, with specific requirements and standards that are unique to the planned development.

² In contrast, the PUD overlay provisions of the Code do not authorize *specific* (permitted/conditional) uses. Instead, the PUD overlay provisions authorize, *generally*, “[uses] permitted in the underlying zone by right or as a conditional use *and other uses as determined upon submission and approval of the PUD development plan.*” The PUD overlay is thus more discretionary than what is being proposed for the “Marina Overlay District.”

- e. Parking and Parking Structures.
- f. Maintenance and Service Facilities.
- g. Rental and Retail Facilities.
- h. Concessions and Concessionaires.
- i. Events, Entertainment, and Recreational Uses.

j. Accessory uses and structures to include but not to be limited to schools and activities associated with watercraft, knots, weather, nature, wildlife, ice or snow sports, wind sports, kite sports, or other similarly associated activities; storage; boat washing and Aquatic Nuisance Species (ANS) treatment services; restrooms and shower facilities; sanitary sewer lift stations; waste and recycling receptacles and enclosures; waste and recycling sorting and storage facilities; docks; moorings; lifts and cranes; launch ramps; racks; mast steps; fueling facilities and fuel sales; and outdoor recreation.

(4) Conditional uses. The following uses and their accessory uses may be permitted if in conformance with the intent of this Chapter, subject to the provisions of Article IV, Division 2, and after an appropriate review has been conducted:

- a. Child care facility, if integrated into a planned marina development.
- b. Hotel/motel, if integrated into a planned marina development.
- c. Two-family dwelling, for employees of the marina only.

Section 2. The table titled “Zoning Districts Use Schedule Recap” at the end of Article III of Chapter 16, is hereby amended by the addition of a new entry at the far right of the table, and two additional footnotes, to read as follows:

			'NEW'
Uses	POS	UR	MOZ
Accessory Uses	A	C	A
Auto Services	X	X	X
Child Care	C ²	X	C ²
Cemeteries	C	C	X
Churches	X	X	X
Clinics	X	X	X
Dwelling, Single-Family	X	C ⁴	X
Dwelling, Two-Family	C ³	X	C ³
Dwelling, Multi-Family	X	X	X
Drive-in Facilities	X	X	X
Entertainment	C ²	X	X ⁷
Group Homes	X	X	X
Hotel, Motel	C ²	X	C ²
Marina	A	X	A ⁸
Medical Marijuana Centers	X	X	X
Offices	X	X	A
Pawnshop	X	X	X
Personal Services	X	X	X
Public Use	C	C	A
Restaurants	C ²	X	A
Retail Marijuana Stores	X	X	X
Retail Stores	C ²	X	A
Wholesale Trade Class 1	X	X	X
Wholesale Trade Class 2	X	X	X
A Is use allowed after appropriate review.			
C Is use which may be allowed as a conditional use.			
X Is not allowed in district.			
¹ Must be located above the ground floor.			
² Must be part of site-planned marina development.			
³ For employees of marina only.			
⁴ On lots five (5) acres or larger in size.			
⁵ Shall conform to the regulations set forth in Chapter 6 of the Dillon Municipal Code.			
⁶ Shall conform to the regulations set forth in Chapter 6 of the Dillon Municipal Code.			
⁷ Entertainment uses limited to those types of uses permitted by Section 16-3-210.			
⁸ See list of uses associated with Marina in Section 16-3-210.			



Budget Impact:

To be determined.

Staff Recommendation:

Town staff recommend approval of Resolution PZ 08-23, Series of 2023.

Motion For Approval:

I move we approve Resolution PZ No. 08-23, Series of 2023.

Action Requested:

Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

Department Head Responsible:

Ned West, AICP, Sr. Town Planner

RESOLUTION NO. PZ 08-23
Series of 2023

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING
DIVISION 2, ARTICLE III, CHAPTER 16 OF THE DILLON MUNICIPAL CODE
REGARDING A NEW MARINA OVERLAY ZONE DISTRICT.**

WHEREAS, there has been prepared a draft ordinance establishing a new Marina Overlay Zone District and regulations relating to the same; and

WHEREAS, pursuant to Section 16-1-60 of the Code, the Planning and Zoning Commission of the Town of Dillon (the "Planning Commission") has reviewed the draft ordinance, and held a duly-noticed public hearing thereon, at which hearing evidence and testimony were entered into the record; and

WHEREAS, based on the evidence, testimony, and documents made part of the record of the public hearing, the Planning Commission recommends the Town Council adopt the draft ordinance setting forth regulations pertaining to waste and recycling enclosures.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. Pursuant to Section 16-1-60 of the Dillon Municipal Code, the Planning Commission hereby recommends that the Town Council adopt the ordinance establishing a new Marina Overlay Zone District and regulations relating to the same, attached hereto as Exhibit A.

APPROVED AND ADOPTED THIS 1ST DAY OF NOVEMBER, 2023, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: _____
Alison Johnston, Chairperson

ATTEST:

Elizabeth Muzi, Secretary to the Commission

EXHIBIT A

EXHIBIT A

**ORDINANCE NO. _____ - 23
Series of 2023**

AN ORDINANCE AMENDING DIVISION 2, ARTICLE III, CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING A NEW MARINA OVERLAY ZONE DISTRICT.

WHEREAS, due to the complexities arising from the Dillon Marina’s inclusion in two (2) zoning districts—Parks & Open Space (POS) and Urban Reserve (UR)—and the fact that a portion of the Marina is located on property leased from Denver Water, the Council finds it appropriate to define the activities and uses associated with the Marina by the creation of an overlay zone district; and

WHEREAS, it is intended that the “Marina Overlay District” will function similarly to a Planned Unit Development (PUD) overlay district, except that the Marina Overlay District will include defined permitted uses; and

WHEREAS, the Planning and Zoning Commission studied a draft of this Ordinance, and heard evidence and testimony, in a public hearing at its November 1, 2023 meeting, and after such public hearing adopted Resolution No. PZ 08-23, Series of 2023, recommending that the Town Council adopt the same; and

WHEREAS, the Town Council held a public hearing on this Ordinance on _____, 2023, at which hearing evidence and testimony were received, and after such public hearing finds that the Ordinance should be adopted.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. Chapter 16, Article III of the Dillon Municipal Code is hereby amended by the addition of a new Section 16-3-210, to read as follows:

Sec. 16-3-210. – Marina Overlay Zone (MOZ).

(a) In the MOZ, the following regulations shall apply:

(1) Purpose. The purpose of the MOZ is to overlay the underlying zone districts (POS and UR) in recognition of existing and potential uses appropriate to the Dillon Marina.

(2) Overlay. All provisions of the underlying zoning district over which the MOZ is located shall continue to apply unless varied or waived by the provisions of this Section. The requirement in the UR zone, Section 16-3-200(4),

that projects must be proposed as planned developments (PUDs), or processed as zone changes, shall not apply to UR properties overlaid by the MOZ.

(3) Permitted uses. In the MOZ, the following uses and their accessory uses are permitted, and may be allowed by the Town when in conformance with the provisions of this Code and approved utilizing the processes outlined in this Code:

- a. Marina.
- b. Yacht Clubs.
- c. Restaurants, Snack Bars, Food Vendors, and Bars.
- d. Convention Center.
- e. Parking and Parking Structures.
- f. Maintenance and Service Facilities.
- g. Rental and Retail Facilities.
- h. Concessions and Concessionaires.
- i. Events, Entertainment, and Recreational Uses.
- j. Accessory uses and structures to include but not to be limited to schools and activities associated with watercraft, knots, weather, nature, wildlife, ice or snow sports, wind sports, kite sports, or other similarly associated activities; storage; boat washing and Aquatic Nuisance Species (ANS) treatment services; restrooms and shower facilities; sanitary sewer lift stations; waste and recycling receptacles and enclosures; waste and recycling sorting and storage facilities; docks; moorings; lifts and cranes; launch ramps; racks; mast steps; fueling facilities and fuel sales; and outdoor recreation.

(4) Conditional uses. The following uses and their accessory uses may be permitted if in conformance with the intent of this Chapter, subject to the provisions of Article IV, Division 2, and after an appropriate review has been conducted:

- a. Child care facility, if integrated into a planned marina development.

- b. Hotel/motel, if integrated into a planned marina development.
- c. Two-family dwelling, for employees of the marina only.

Section 2. The table titled “Zoning Districts Use Schedule Recap” at the end of Article III of Chapter 16, is hereby amended by the addition of a new entry at the far right of the table, and two additional footnotes, to read as follows:

MOZ
A
X
C ²
X
X
X
X
C ³
X
X
X ⁷
X
C ²
A ⁸
X
A
X
X
A
A
X
A
X
X

⁷ Entertainment uses limited to those types of uses permitted by Section 16-3-210.

⁸ See list of uses associated with Marina in Section 16-3-210.

Section 3. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town

Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 4. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2023.

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2023.

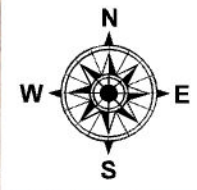
TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Carolyn Skowyra, Mayor

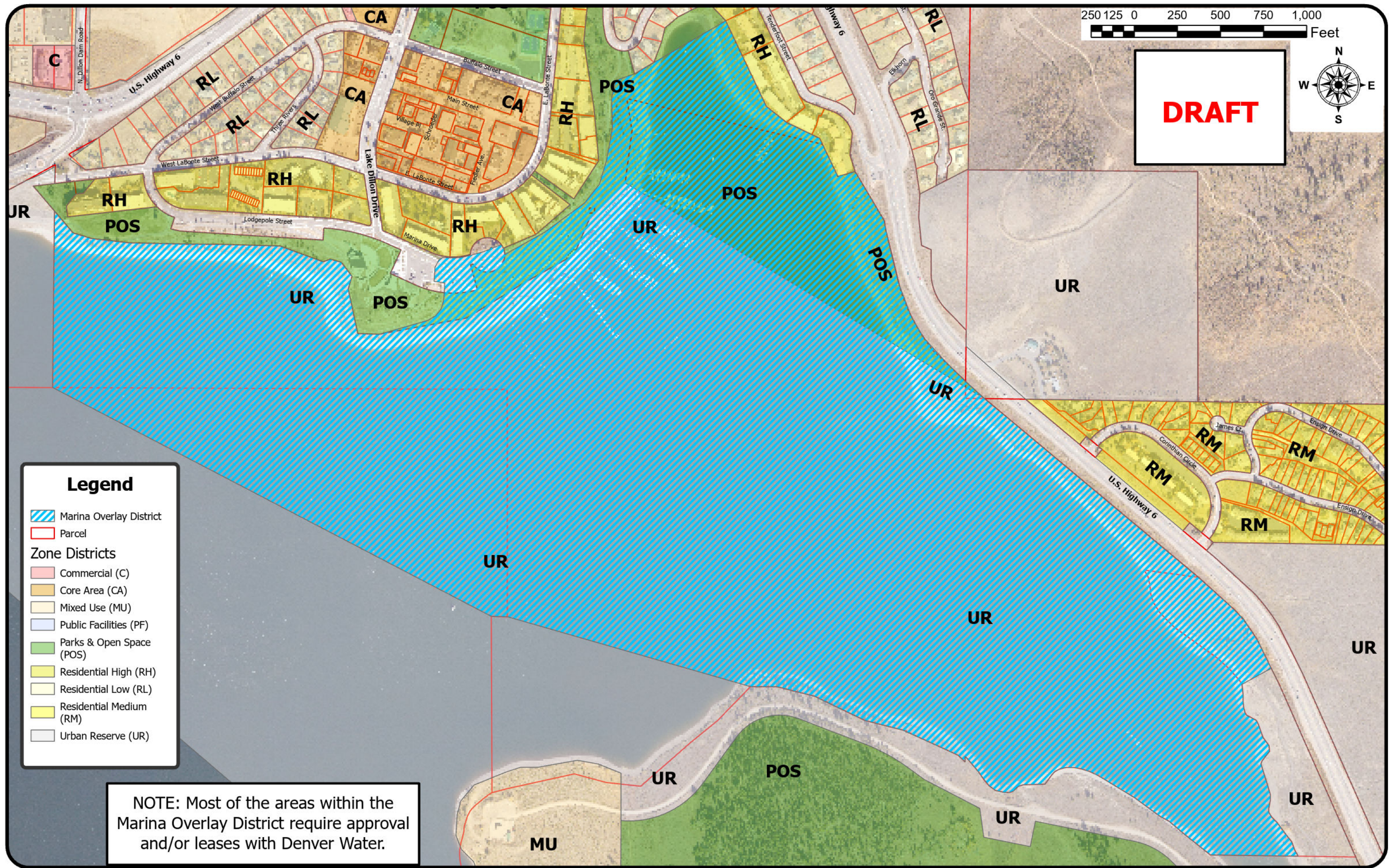
ATTEST:

Adrienne Stuckey, Town Clerk

250 125 0 250 500 750 1,000 Feet



DRAFT



Legend

- Marina Overlay District
- Parcel

Zone Districts

- Commercial (C)
- Core Area (CA)
- Mixed Use (MU)
- Public Facilities (PF)
- Parks & Open Space (POS)
- Residential High (RH)
- Residential Low (RL)
- Residential Medium (RM)
- Urban Reserve (UR)

NOTE: Most of the areas within the Marina Overlay District require approval and/or leases with Denver Water.