

RESOLUTION NO. PZ 02-17
Series of 2017

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO TO RECOMMEND THE AMENDMENT OF CHAPTER 16, “ZONING,” ARTICLE III, “ZONING DISTRICTS,” SECTION 16-3-140 “RESIDENTIAL HIGH DENSITY (RH) ZONE,” SECTION 16-3-150 “CORE AREA RETAIL (CA) ZONE,” AND SECTION 16-3-70 “MIXED USE (MU) ZONE,” AND ARTICLE V “PLANNED UNIT DEVELOPMENT,” SECTION 16-5-120 “PUD DEVELOPMENT STANDARDS,” OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, TO AMEND RESIDENTIAL AND OTHER USES IN THE ZONING DISTRICTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Planning and Zoning Commission of the Town of Dillon desires to amend Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-140 “Residential High Density (RH) Zone,” Section 16-3-150 “Core Area Retail (CA) Zone,” and Section 16-3-70 “Mixed Use (MU) Zone,” and Article V, “Planned Unit Development,” Section 16-5-120 “PUD Development Standards,” of the Dillon Municipal Code of the Town of Dillon, Colorado, to amend residential and other uses in the zoning districts; and

WHEREAS, following the required notice, a public hearing was held on February 1, 2017, before the Planning and Zoning Commission of the Town of Dillon on the amendment of Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-140 “Residential High Density (RH) Zone,” Section 16-3-150 “Core Area Retail (CA) Zone,” and Section 16-3-70 “Mixed Use (MU) Zone,” and Article V, “Planned Unit Development,” Section 16-5-120 “PUD Development Standards,” of the Dillon Municipal Code of the Town of Dillon, Colorado; and

WHEREAS, following the public hearing the Planning and Zoning Commission of the Town of Dillon has determined that it is in the best interest of the Town to make a recommendation to the Town Council of the Town of Dillon to amend Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-140 “Residential High Density (RH) Zone,” Section 16-3-150 “Core Area Retail (CA) Zone,” and Section 16-3-70 “Mixed Use (MU) Zone,” and Article V, “Planned Unit Development,” Section 16-5-120 “PUD Development Standards,” of the Dillon Municipal Code of the Town of Dillon, Colorado as set forth herein below.

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

Section 1. That the Planning and Zoning Commission of the Town of Dillon hereby makes a recommendation to the Town Council of the Town of Dillon to amend Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-140 “Residential High Density (RH) Zone,” Section 16-3-150 “Core Area Retail (CA) Zone,” and Section 16-3-70 “Mixed Use (MU) Zone,” and Article V, “Planned Unit Development,” Section 16-5-120 “PUD Development Standards,” of the Dillon Municipal Code of the Town of Dillon, Colorado, as set forth herein below.

Section 2. That Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-140 “Residential High Density (RH) Zone,” of the Dillon Municipal Code of the Town of Dillon, Colorado, be amended to remove and replace sub-section (1) to read as follows:

- (1) Purpose. The purpose of this zone is to provide areas suitable and desirable for multi-family dwellings with provisions for associated public service uses, in close proximity to the core area or lake. Residential developments between fifteen (15) and sixty-five (65) dwelling units per acre gross density are encouraged in this district. This district includes existing condominiums areas and other areas suitable for intensive residential uses. Related uses which serve the major residential use would be allowed subject to special review. This district is intended to encourage high quality intensive residential uses for both visitors and permanent residents. Developments should be designed to complement the surrounding areas and blend into the architectural character of the community.

Section 3. That Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-150 “Core Area Retail (CA) Zone,” of the Dillon Municipal Code of the Town of Dillon, Colorado, be removed in its entirety and replaced to read as follows:

Sec. 16-3-150. - Core Area (CA) Zone.

In the CA zone, the following regulations shall apply:

- (1) Purpose. The purpose of this zone is to preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper. This district is the retail, commercial and entertainment core of the community for both visitors and residents, with mixed-use upper level residential uses permitted. The intent is for this area to be a dominant retail and entertainment center, and thus more intensive development of the area is encouraged than elsewhere in the community. Core Area uses should be buffered from surrounding areas to minimize adverse impacts. The intent is to create a pedestrian environment with automobile access encouraged in the peripheral areas through parking lots or structures. Wholesale trade class 1 uses may be allowed as a conditional use upon a finding that the aesthetic, environmental and noise impacts to adjacent uses are minimal. Multi-family residential dwelling unit uses are allowed in this district as a permitted use if located above the ground floor level, or as a conditional use on the ground floor level if such conditional use is approved as part of a separate PUD application and approved PUD plan. Design, landscaping and signage should complement the intimate character of this area as a retail and entertainment center.
- (2) Permitted uses. The following uses and their accessory uses are permitted and may be allowed by the Town when in conformance with the provisions of this Chapter:

- a. Hotels, motels, inns or other similar uses.
 - b. Medical or dental clinic.
 - c. Parking lots.
 - d. Retail trade establishments such as food store, drug store, hardware store, clothing store or department store, and other similar retail stores catering to foot traffic.
 - e. Business, governmental or professional office and financial institutions.
 - f. Service, commercial and commercial amusement establishments, such as bowling alleys, theaters, restaurant, and tavern, excluding drive-in restaurants, automobile sales and service and gas stations.
 - g. Personal and business service, such as barber shop and hair salon, tailoring shop and printing shop.
 - h. Laundry and dry cleaning establishments.
 - i. Second hand goods and antique stores.
 - j. Multi-family dwelling units, provided that the units are located above any use permitted within the CA zone.
- (3) Conditional uses. The following uses and their accessory uses may be permitted if in conformance with the requirements of this Chapter, subject to the provisions of Article V, Division 3, and after an appropriate review has been conducted.
- a. Governmental uses of land, including but not limited to recreation building, park, playground, fire station, library or museum.
 - b. Wholesale trade class 1.
 - c. Child care centers and child care facilities, except that they are not allowed within three hundred (300) feet of the Lake Dillon right-of-way.
 - d. Club, lodge, fraternal organization.
 - e. Business, trade schools, schools and colleges.
 - f. Accessory uses to any permitted use in the CA zone, including but not limited to decks, patios, outdoor seating, outdoor food and beverage service, outdoor entertainment, temporary structures and playgrounds.
 - g. Churches, except that they are not allowed within three hundred (300) feet of the Lake Dillon Drive right-of-way.
 - h. Gymnasium.
- (4) Conditional uses in conjunction with a PUD. The following uses and their accessory uses may be permitted if in conformance with the requirements of this Chapter, subject to the provisions of Article V, Divisions 1, 2 and 3, and after an appropriate review has been conducted.
- a. Multi-family dwelling units on the ground floor level.
- (5) Yards. Except as provided in Articles V and XII, no yards are required except that the Planning and Zoning Commission may require yards of various dimensions to protect the health, safety and welfare of the community, and a twenty-five (25) foot yard shall be required to any residential zone.

- (6) Building heights. Except as provided in Articles V and XII of this Chapter, no building shall exceed a height of fifty (50) feet.
- (7) Limitations on use.
 - a. Wholesale trade class 1 uses shall not be allowed on Lake Dillon Drive unless such uses include a retail store or restaurant component which faces and fronts on the Lake Dillon Drive portion of the building containing the wholesale trade class 1 use.

Section 4. That Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-70 “Mixed Use (MU) Zone,” of the Dillon Municipal Code of the Town of Dillon, Colorado, be removed in its entirety and replaced to read as follows:

Sec. 16-3-170. - Mixed Use (MU) Zone.

In the MU zone, the following regulations shall apply:

- (1) Purpose. The purpose of the MU zone is to recognize areas that possess potential for several types of land use (residential, office, commercial) or combinations of different land uses. This district is intended as an area comprised of retail/office development with residential uses integrated as a secondary use. It is desired that a carefully planned clustering of these uses results in harmonious development. Mixed-use buildings or developments are desired, but single-use buildings are allowed.
- (2) Permitted uses. In the MU zone, 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. Retail stores.
 - b. Offices.
 - c. Multi-family residential units in mixed-use developments when in compliance with the provisions of Subsection (5) below.
 - d. Child care facilities.
 - e. Medical or dental offices or clinics.
 - f. Entertainment facilities.
 - g. Hotels, motels or inns.
 - h. Personal services.
 - i. Restaurants.
 - j. Retail marijuana stores in accordance with Chapter 6 of this Code.
- (3) Conditional uses. In the MU zone, the following uses and their accessory uses may be permitted if in conformance with the intent of this Code, subject to the provisions of Article V, Division 3 of this Chapter, and after an appropriate review has been conducted:
 - a. Churches.
 - b. Drive-in facilities, in conjunction with any permitted use.
 - c. Group homes.
 - d. Public uses.

- e. Planned developments.
 - f. Wholesale trade class 1.
- (4) Lot size and width. Except as provided in Articles V and XIII of this Chapter, the minimum lot size and width in the MU zone shall be as follows:
- a. The minimum lot area shall be ten thousand (10,000) square feet for all uses.
 - b. The minimum lot width shall be eighty (80) feet.
- (5) Multi-family supplemental standards within the MU Zoning:
- a. Single-family uses: not allowed in any situation.
 - b. Duplex uses: not allowed in any situation.
 - c. Multi-family residential standards:
 1. Multi-family residential uses are only allowed as a permitted use if developed in conjunction with a retail store, entertainment use, medical or dental clinic, restaurant or office use, or similar use. The multi-family residential use shall not exceed eighty percent (80%) of the total gross square footage of any one (1) lot at any one (1) time.
 2. A project developed through the PUD process with one-hundred percent (100%) residential use may be considered provided that the development standards further the objectives of the PUD, is supported by the Comprehensive Plan; and is designed to complement the surrounding areas, blend into the architectural character of the community, and meet the criteria set forth in Article V of this Chapter and the multi-family residential standards of this Section.
 3. Parking for the multifamily residential uses shall be distinct from any other parking on-site, shall be in a separate area (separate from the retail/office/etc. parking) whenever possible and shall be signed for the exclusive use of the residents.
 4. The multi-family residential uses are provided with private yards or common outdoor open space. This standard may be met by providing an area either on-grade, or through the use of decks and/or balconies.
 5. The commercial component of a project should occupy a primary commercial street frontage.
 6. The project provides pedestrian and vehicle connectivity between the residential and commercial uses of the project and surrounding areas.
 7. The relationships of scale and connectivity with the community and the surrounding developments are appropriately addressed in the design of the project.
 8. The project addresses year-round workforce housing as a priority, incorporates it into the project, and the developer executes agreements with the Town preserving the workforce housing component of the project in perpetuity.
- (6) Yards. Except as provided in Articles V and XII of this Chapter, in the MU zone, yards shall be as follows:
- a. Front yards shall be a minimum of twenty-five (25) feet.

- b. Side yards shall be a minimum of ten (10) feet.
 - c. Street side yards shall be a minimum of twenty (20) feet.
 - d. Rear yards shall be a minimum of twenty (20) feet.
 - e. Yards that abut a residential district shall be a minimum of twenty-five (25) feet.
- (7) Lot coverage. In the MU zone, all buildings shall not occupy more than forty percent (40%) of the lot area, including all accessory structures.
- (8) Open space. In the MU zone, multi-family dwellings shall provide usable open space areas at a rate of fifty (50) square feet per studio or one-bedroom unit, and one hundred (100) square feet for each of the units that are two (2) bedrooms in size or larger. Such space shall not occupy a required yard, snow storage area or parking area, and must meet the definition for *open space* as provided in this Chapter. Open space areas may be combined into a larger common open space area for each building.
- (9) Building heights. Except as provided in Articles V and XII of this Chapter, no building shall exceed a height of thirty-five (35) feet.

Section 5. That Chapter 16, “Zoning,” Article V, “Planned Unit Development,” Section 16-5-110 “PUD requirements,” of the Dillon Municipal Code of the Town of Dillon, Colorado, be amended to add a new sub-section (c) to read as follows:

(c) A PUD with one-hundred percent (100%) residential use in the Mixed-use (MU) zone may be considered provided that the development standards further the objectives of the PUD, are supported by the Comprehensive Plan, and are designed to complement the surrounding areas, blend into the architectural character of the community, and meet the criteria set forth in Section 16-3-170 “Mixed Use” of this Code.

**APPROVED AND ADOPTED THIS 1ST DAY OF FEBRUARY, 2017 BY
THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON,
COLORADO.**

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

By: _____
Nathan Nosari, Chairperson

ATTEST:

By: _____
Corrie Woloshan, Secretary to the Commission

**TOWN COUNCIL ACTION ITEM
STAFF SUMMARY
FEBRUARY 1, 2017 PLANNING AND ZONING COMMISSION MEETING**

DATE: January 22, 2017

AGENDA ITEM NUMBER: 5

ACTION TO BE CONSIDERED: Consideration of Resolution No. PZ 02-17, Series of 2017

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO TO RECOMMEND THE AMENDMENT OF CHAPTER 16, "ZONING," ARTICLE III, "ZONING DISTRICTS," SECTION 16-3-140 "RESIDENTIAL HIGH DENSITY (RH) ZONE," SECTION 16-3-150 "CORE AREA RETAIL (CA) ZONE," AND SECTION 16-3-70 "MIXED USE (MU) ZONE," AND ARTICLE V "PLANNED UNIT DEVELOPMENT," SECTION 16-5-120 "PUD DEVELOPMENT STANDARDS," OF THE DILLON MUNICIPAL CODE OF THE TOWN OF DILLON, TO AMEND RESIDENTIAL AND OTHER USES IN THE ZONING DISTRICTS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

PUBLIC HEARING

SUMMARY:

Town Staff proposes changes to zoning district code language found in Chapter 16 "Zoning" of the Dillon Municipal Code (Code). The changes relate primarily to residential uses, but also deal with changes in the permitted uses and conditional uses. The changes made within the Mixed Use (MU) section essentially concede retail dominance to residential, so long as workforce housing is a component of a proposed project.

Residential High (RH)

It is proposed that Chapter 16, "Zoning," Article III, "Zoning Districts," Section 16-3-140 "Residential High Density (RH) Zone," of the Dillon Municipal Code of the Town of Dillon, Colorado, be amended to remove and replace sub-section (1) to read as follows:

- (1) Purpose. The purpose of this zone is to provide areas suitable and desirable for multi-family dwellings with provisions for associated public service uses, in close proximity to the core area or lake. Residential developments between fifteen (15) and sixty-five (65) dwelling units per acre gross density are encouraged in this district. This district includes existing condominiums areas and other areas suitable for intensive residential uses. Related uses which serve the major residential use would be allowed subject to special review. This district is intended to encourage high quality intensive residential uses for both visitors and permanent residents. Developments should be designed to complement the surrounding areas and blend into the architectural character of the community.

The subsection is amended to change the upper density value of twenty-five (25) dwelling units per acre, to sixty-five (65) dwelling units per acre.

Core Are (CA)

It is proposed that Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-150 “Core Area Retail (CA) Zone,” of the Dillon Municipal Code of the Town of Dillon, Colorado, be removed in its entirety and replaced.

Changes included with the proposed amendment:

1. Remove “Retail” from the Section title to read, “Core Area (CA) zone. The zone contains considerable mixed-use type commercial and residential developments, such developments are desirable in the district for vibrancy, and retail uses are among the many other uses permitted and desired in the zone.
2. Include reference to mixed-use residential use in Subsection 1 “Purpose”, “with mixed-use upper level residential uses permitted.”
3. Changes to the format and wording of the permitted uses, removal of some permitted uses, and moving some uses from permitted use to conditional use.
 - a. Funeral homes are removed entirely from the CA zone.
 - b. Clubs, lodges, fraternal organizations are moved to conditional use.
 - c. Schools, colleges, trade schools and business schools are moved to conditional use.
 - d. Gymnasiums, churches, and accessory uses to any permitted use in the CA zone, including but not limited to decks, patios, outdoor seating, outdoor food and beverage service, outdoor entertainment, temporary structures and playgrounds, are moved to conditional use.

Mixed Use (MU)

It is proposed that Chapter 16, “Zoning,” Article III, “Zoning Districts,” Section 16-3-70 “Mixed Use (MU) Zone,” of the Dillon Municipal Code of the Town of Dillon, Colorado, be removed in its entirety and replaced.

Changes included with the proposed amendment:

1. Removal of “limited” from the description of residential in the “Purpose” section of Section 16-3-70.
2. Removal of, “with the exception that single-use residential developments or buildings are not appropriate because of potential for conflicts between uses and the potential of eroding the Town's valuable commercial base.”
3. Changes to subsection (5) to reflect changes in residential criteria:
 - a. The maximum of forty percent (40%) residential is changed to eighty percent (80%) residential. During the community housing forum held in October of 2016, the community was in overwhelming support of increasing the residential densities in the community. Also, there was a dominant theme of lending difficulties for projects with greater than twenty-five (25%) commercial.

- b. Remove the restriction on residential uses, limiting them to areas above the first floor. A building with as little as twenty percent (20%) commercial could have residential uses on the first floor in a horizontally mixed-use designed building.
- c. The requirement for private outdoor open space being provided for residential uses is amended to allow common open space be provided as part of or all of the residential open space for a project. Open space cannot be provided in the required yards, snow storage areas, or parking lots. The required square foot areas of open space per residential unit is reduced as well.
- d. The Floor Area Ratio (FAR) table for determining lot density is removed. The zone contains setbacks through the required yards, and a maximum lot coverage criteria of forty percent (40%), and no other zone district contains FAR criteria.
- e. Establishes criteria for mixed use and stand-alone residential projects in Mixed Use zoned parcels through the PUD process if they are focused on providing housing for year round residents and meet the following multi-family residential standards:
 - 1. Multi-family residential uses are only allowed as a permitted use if developed in conjunction with a retail store, entertainment use, medical or dental clinic, restaurant or office use, or similar use. The multi-family residential use shall not exceed eighty percent (80%) of the total gross square footage of any one (1) lot at any one (1) time.
 - 2. A project developed through the PUD process with one-hundred percent (100%) residential use may be considered provided that the development standards further the objectives of the PUD, is supported by the Comprehensive Plan; and is designed to complement the surrounding areas, blend into the architectural character of the community, and meet the criteria set forth in Article V of this Chapter and the multi-family residential standards of this Section.
 - 3. Parking for the multifamily residential uses shall be distinct from any other parking on-site, shall be in a separate area (separate from the retail/office/etc. parking) whenever possible and shall be signed for the exclusive use of the residents.
 - 4. The multi-family residential uses are provided with private yards or common outdoor open space. This standard may be met by providing an area either on-grade, or through the use of decks and/or balconies.
 - 5. The commercial component of a project should occupy a primary commercial street frontage.
 - 6. The project provides pedestrian and vehicle connectivity between the residential and commercial uses of the project and surrounding areas.
 - 7. The relationships of scale and connectivity with the community and the surrounding developments are appropriately addressed in the design of the project.
 - 8. The project addresses year-round workforce housing as a priority, incorporates it into the project, and the developer executes agreements with the Town preserving the workforce housing component of the project in perpetuity.

Planned Unit Development (PUD)

It is proposed that Chapter 16, “Zoning,” Article V, “Planned Unit Development,” Section 16-5-110 “PUD requirements,” of the Dillon Municipal Code of the Town of Dillon, Colorado, be amended to add a new sub-section (c) to read as follows:

(c) A PUD with one-hundred percent (100%) residential use in the Mixed-use (MU) zone may be considered provided that the development standards further the objectives of the PUD, are supported by the Comprehensive Plan, and are designed to complement the surrounding areas, blend into the architectural character of the community, and meet the criteria set forth in Section 16-3-170 “Mixed Use” of this Code.

STAFF RECOMMENDATION:

Town staff believes it is in the best interest of the Town to adopt these Chapter 16 amendments in an effort to support the high demand for a mix of housing, especially for full time residents, in the County.

Staff recommends approval of Resolution PZ 02-17, Series of 2017.

PLANNING AND ZONING COMMISSION ACTION:

The Planning and Zoning Commissions may approve the application, choose to deny the application, or may continue the application to a future meeting and request additional information.

Town staff recommends approval of Resolution PZ 02-17, Series of 2017.

ACTION REQUESTED: Motion, Second, Roll Call Vote.

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

STAFF MEMBER RESPONSIBLE:

Ned West, Town Planner

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Division 2 - Zoning District Classifications and Basic Regulations

Sec. 16-3-100. - Zoning districts established.

(a) For the purposes of this Chapter, the following basic zones are hereby established:

<i>Basic Zone</i>	<i>Abbreviation</i>
Residential Estate	RE
Residential Low Density	RL
Residential Medium Density	RM
Residential High Density	RH
Core Area Retail	CA
Commercial	C
Mixed Use	MU
Parks and Open Space	POS
Public Facilities	PF
Urban Reserve	UR

(b) Zoning districts which are used in the Town, the purpose statements which describe the intent of each zoning district and types of uses desired are described below. Specific densities allowed will be governed by the use, area, height, bulk and other requirements of this Chapter.

(Ord. 19-96 §3.02)

Sec. 16-3-140. - Residential High Density (RH) Zone.

In a RH zone, the following regulations shall apply:

- (1) Purpose. The purpose of this zone is to provide areas suitable and desirable for multi-family dwellings with provisions for associated public service uses, in close proximity to the core area or lake. Residential developments of between fifteen (15) and ~~sixty-five (65)~~ dwelling units per acre

Deleted: twenty-five (25) or more

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gross density are encouraged in this district. This district includes existing condominiums areas and other areas suitable for intensive residential uses. Related uses which serve the major residential use would be allowed subject to special review. This district is intended to encourage high quality intensive residential uses for both visitors and permanent residents. Developments should be designed to complement the surrounding areas and blend into the architectural character of the community.

- (2) Permitted uses. The following uses and their accessory uses are permitted and may be allowed by the Town when in conformance with the provisions of this Chapter:
 - a. Two-family dwellings on lots which are ten thousand (10,000) square feet in size or greater.
 - b. Multi-family dwellings.
 - c. Structures and uses accessory to and on the same parcel as the primary dwelling unit which are in keeping with the residential estate character of the zone.
 - d. Home occupations which meet the requirements as set forth in Section 16-4-70.
- (3) 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 V, Division 3, and after an appropriate review has been conducted.
 - a. Churches.
 - b. Public or private schools or colleges.
 - c. Utility substations.
 - d. Hotels, motels, inns or other similar uses.
 - e. Restaurants.
 - f. Group homes.
 - g. Governmental structures or uses, including but not limited to recreation buildings, parks or playgrounds.
 - h. Nursery school, day nursery, kindergarten or similar child care facilities.
 - i. Planned developments.
 - j. Parking or storage uses accessory to a primary single-family use and located on an adjoining lot.
- (4) Lot size and width. Except as provided in Articles V and XIII, the minimum lot size and width shall be as follows:
 - a. The minimum lot area shall be ten thousand (10,000) square feet for multi-family dwellings and all other uses.
 - b. The minimum lot width shall be eighty (80) feet.
- (5) Minimum site area per multi-family dwelling. The minimum site area per dwelling unit per net land area, excluding rights-of-way, publicly dedicated open space and wetlands, shall be as follows:

Table 16.2
RH Zone Minimum Site Area Flat Sites

<i>Unit Type</i>	<i>Square Feet per Unit</i>	
	<i>Under 20% Slope</i>	<i>Over 20% Slope</i>

Studio	1375 sq. ft.	1500 sq. ft.
One Bedroom	1825 sq. ft.	2000 sq. ft.
Two Bedrooms	2700 sq. ft.	3000 sq. ft.
Three Bedrooms	3960 sq. ft.	4350 sq. ft.
Four or more Bedrooms	4850 sq. ft.	5325 sq. ft.
Hotel/Motel	1000 sq. ft.	1100 sq. ft.
Hotel Suites	1250 sq. ft.	1375 sq. ft.

The minimum site area per unit shall be adjusted upward by approximately ten percent (10%) for sites where grades, as determined by the Town, are above twenty percent (20%).

- (6) Yards. Except as provided in Articles V and XIII, yards shall be as follows.
 - a. Front yards shall be a minimum of twenty (20) feet.
 - b. Side yards shall be a minimum of ten (10) feet.
 - c. Street side yards shall be a minimum of twenty (20) feet.
 - d. Rear yards shall be a minimum of twenty (20) feet.
 - e. Yards shall be landscaped as provided in Article VII.
- (7) Open space. Multi-family dwellings shall provide usable private open space areas at a rate of two hundred (200) square feet per dwelling unit. Such space shall not occupy a required yard or parking area, shall provide a minimum dimension of ten (10) feet, and must meet the definition of *open space* provided in this Chapter.
- (8) Building heights. The maximum building height shall be thirty-five (35) feet.

(Ord. 19-96 §3.02; Ord. 10-00 §5; Ord. 02-02; Ord. 05-04 §5)

Sec. 16-3-150. - Core Area (CA) Zone.

Deleted: Retail

In the CA zone, the following regulations shall apply:

- (1) Purpose. The purpose of this zone is to preserve and enhance areas within the commercial core of the community for concentrated retail sales and businesses that will serve the pedestrian shopper. This district is the retail, commercial and entertainment core of the community for both visitors and residents, with mixed-use upper level residential uses permitted. The intent is for this area to be a dominant retail and entertainment center, and thus more intensive development of the area is encouraged than elsewhere in the community. Core Area uses should be buffered from surrounding areas to minimize adverse impacts. The intent is to create a pedestrian environment with automobile access encouraged in the peripheral areas through parking lots or

structures. Wholesale trade class 1 uses may be allowed as a conditional use upon a finding that the aesthetic, environmental and noise impacts to adjacent uses are minimal. Multi-family residential dwelling unit uses are allowed in this district as a permitted use if located above the ground floor level, or as a conditional use on the ground floor level if such conditional use is approved as part of a separate PUD application and approved PUD plan. Design, landscaping and signage should complement the intimate character of this area as a retail and entertainment center.

(2) Permitted uses. The following uses and their accessory uses are permitted and may be allowed by the Town when in conformance with the provisions of this Chapter:

- a. Hotels, motels, inns or other similar uses.
- b. Medical or dental clinic.
- c. Parking lots.
- d. Retail trade establishments such as food store, drug store, hardware store, clothing store or department store, and other similar retail stores catering to foot traffic.
- e. Business, governmental or professional office and financial institutions.
- f. Service, commercial and commercial amusement establishments, such as bowling alleys, theaters, restaurant, and tavern, ~~excluding drive-in restaurants, automobile sales and service and gas stations.~~
- g. Personal and business service, such as barber shop and hair salon, tailoring shop and printing shop.
- h. Laundry and dry cleaning establishments.
- ~~i. Second hand goods and antique stores.~~
- ~~j. Multi-family dwelling units, provided that the units are located above any use permitted within the CA zone.~~

(3) Conditional uses. The following uses and their accessory uses may be permitted if in conformance with the requirements of this Chapter, subject to the provisions of Article V, Division 3, and after an appropriate review has been conducted.

- a. Governmental uses of land, including but not limited to recreation building, park, playground, fire station, library or museum.
- b. Wholesale trade class 1.
- c. Child care centers and child care facilities, except that they are not allowed within three hundred (300) feet of the Lake Dillon right-of-way.
- d. Club, lodge, fraternal organization.
- e. Business, trade schools, schools and colleges.
- f. Accessory uses to any permitted use in the CA zone, including but not limited to decks, patios, outdoor seating, outdoor food and beverage service, outdoor entertainment, temporary structures and playgrounds.
- g. Churches, except that they are not allowed within three hundred (300) feet of the Lake Dillon Drive right-of-way.
- h. Gymnasium.

Deleted: , provided that a minimum five-foot landscaping strip is placed along street property lines

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Deleted: club, lodge, fraternal organization and theater,

Moved down [1]: Business or trade schools.

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i.

Moved down [2]: Accessory uses to any permitted use in the CA zone, including but not limited to decks, patios, outdoor seating, outdoor food and beverage service, outdoor entertainment, temporary structures and playgrounds. ¶

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Deleted: n. Churches, except that they are not allowed within three hundred (300) feet of the Lake Dillon Drive right-of-way. ¶

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- (4) Conditional uses in conjunction with a PUD. The following uses and their accessory uses may be permitted if in conformance with the requirements of this Chapter, subject to the provisions of Article V, Divisions 1, 2 and 3, and after an appropriate review has been conducted.
 - a. Multi-family dwelling units on the ground floor level.
- (5) Yards. Except as provided in Articles V and XII, no yards are required except that the Planning and Zoning Commission may require yards of various dimensions to protect the health, safety and welfare of the community, and a twenty-five-foot yard shall be required to any residential zone.
- (6) Building heights. Except as provided in Articles V and XIII of this Chapter, no building shall exceed a height of fifty (50) feet.
- (7) Limitations on use.
 - a. Wholesale trade class 1 uses shall not be allowed on Lake Dillon Drive unless such uses include a retail store or restaurant component which faces and fronts on the Lake Dillon Drive portion of the building containing the wholesale trade class 1 use.

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(Ord. 19-96 §3.02; Ord. 02-02, Ord. 01-05 §1; Ord. 13-07 §1; Ord. 04-08 §5; Ord. 09-10 §1; Ord. 12-12 §§1, 2; Ord. 05-13 §§2, 3, 8; Ord. 01-14 §§1, 2)

Sec. 16-3-170. - Mixed Use (MU) Zone.

In the MU zone, the following regulations shall apply:

- (1) Purpose. The purpose of the MU zone is to recognize areas that possess potential for several types of land use (residential, office, commercial) or combinations of different land uses. This district is intended as an area comprised of retail/office development with residential uses integrated as a secondary use. It is desired that a carefully planned clustering of these uses results in harmonious development. Mixed-use buildings or developments are desired, but single-use buildings are allowed.
- (2) Permitted uses. In the MU zone, 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. Retail stores.
 - b. Offices.
 - c. Multi-family residential units in mixed-use developments when in compliance with the provisions of Subsection (5) below.
 - d. Child care facilities.
 - e. Medical or dental offices or clinics.
 - f. Entertainment facilities.
 - g. Hotels, motels or inns.
 - h. Personal services.
 - i. Restaurants.
 - j. Retail marijuana stores in accordance with Chapter 6 of this Code.
- (3) Conditional uses. In the MU zone, the following uses and their accessory uses may be permitted if in conformance with the intent of this Code, subject to the provisions of Article V, Division 3 of this Chapter, and after an appropriate review has been conducted:

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- a. Churches.
 - b. Drive-in facilities, in conjunction with any permitted use.
 - c. Group homes.
 - d. Public uses.
 - e. Planned developments.
 - f. Wholesale trade class 1.
- (4) Lot size and width. Except as provided in Articles V and XIII of this Chapter, the minimum lot size and width in the MU zone shall be as follows:
- a. The minimum lot area shall be ten thousand (10,000) square feet for all uses.
 - b. The minimum lot width shall be eighty (80) feet.
- (5) Multi-family supplemental standards within the MU Zoning:
- a. Single-family uses: not allowed in any situation.
 - b. Duplex uses: not allowed in any situation.
 - c. Multi-family residential standards:
 1. Multi-family residential uses are only allowed as a permitted use if developed in conjunction with a retail store, entertainment use, medical or dental clinic, restaurant or office use, or similar use. The multi-family residential use shall not exceed eighty percent (80%) of the total gross square footage of any one (1) lot at any one (1) time.
 2. A project developed through the PUD process with one-hundred percent (100%) residential use may be considered provided that the development standards further the objectives of the PUD, is supported by the Comprehensive Plan, and is designed to complement the surrounding areas, blend into the architectural character of the community, and meet the criteria set forth in Article V of this Chapter and the multi-family residential standards of this Section.
 3. Parking for the multifamily residential uses shall be distinct from any other parking on-site, shall be in a separate area (separate from the retail/office/etc. parking) whenever possible and shall be signed for the exclusive use of the residents.
 4. The multi-family residential uses are provided with private yards or common outdoor open space. This standard may be met by providing an area either on-grade, or through the use of decks and/or balconies.
 5. The commercial component of a project should occupy a primary commercial street frontage.
 6. The project provides pedestrian and vehicle connectivity between the residential and commercial uses of the project and surrounding areas.
 7. The relationships of scale and connectivity with the community and the surrounding developments are appropriately addressed in the design of the project.
 8. The project addresses year-round workforce housing as a priority, incorporates it into the project, and the developer executes agreements with the Town preserving the workforce housing component of the project in perpetuity.
- (6) Yards. Except as provided in Articles V and XII of this Chapter, in the MU zone, yards shall be as follows:
- a. Front yards shall be a minimum of twenty-five (25) feet.
 - b. Side yards shall be a minimum of ten (10) feet.

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Moved up [3]: Parking for the multifamily

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- c. Street side yards shall be a minimum of twenty (20) feet.
- d. Rear yards shall be a minimum of twenty (20) feet.
- e. Yards that abut a residential district shall be a minimum of twenty-five (25) feet.

(7) Lot coverage. In the MU zone, all buildings shall not occupy more than forty percent (40%) of the lot area, including all accessory structures.

(8) Open space. In the MU zone, multi-family dwellings shall provide usable open space areas at a rate of ~~fifty (50)~~ square feet per studio or one-bedroom unit, and ~~one hundred (100)~~ square feet for ~~each of the~~ units that are two (2) bedrooms in size or larger. Such space shall not occupy a required yard, ~~snow storage area~~ or parking area, and must meet the definition for open space as provided in this Chapter. ~~Open space areas may be combined into a larger common open space area for each building.~~

(9) Building heights. Except as provided in Articles V and ~~XII~~ of this Chapter, no building shall exceed a height of thirty-five (35) feet.

(Ord. 19-96 §3.02; Ord. 08-99 §2; Ord. 02-02; Ord. 09-02 §1; Ord. 05-13 §5; Ord. 13-14 §4)

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The multi-family use shall be located either above the first floor or within a basement or, if located on the first floor, does not occupy, in the determination of the Planning and Zoning Commission, a primary building facade which, for the purposes of this Article, are those facades that face the primary parking area intended to serve the development, or face public right-of-way from which pedestrian access to the principal use on the site is provided.

4. The multi-family residential uses are provided with private yards or outdoor open space areas, as required by Subsection (8) below, which are located immediately adjacent to the residential units. This standard may be met by providing an area either on-grade, or through the use of decks and/or balconies.
5. Parking for the multifamily residential uses shall be distinct from any other parking on-site, shall be in a separate area (separate from the retail/office/etc. parking) whenever possible and shall be signed for the exclusive use of the residents.
6. Allowed density shall be calculated based on a floor area ratio (FAR) basis for the entire site, as indicated below. Where the site contains slopes that fall within both slope categories (20% or greater, and less than 20%), the allowed density shall be calculated by assigning density on a pro rata basis to the site based on existing slope, prior to development or grading.

Areas less than 20% slope FAR of 1:5

Areas 20% slope or greater FAR of 1:4

For the purposes of this Section, *floor area ratio* shall mean the amount of gross square footage allowed for a structure within a development in relationship to the net land area within that same development. Net land area shall not include any portion of the development that is dedicated public open space, a dedicated right-of-way or any wetlands, as that term is defined by the Town or U.S. Corps of Engineers, whichever is more restrictive, or slopes thirty percent (30%) or greater.

ARTICLE V - Planned Unit Development

Division 1 - General

Sec. 16-5-10. - Purpose.

- (a) The purpose of a Planned Unit Development (PUD) is to encourage flexibility in the development of land in order to promote appropriate and high quality use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; to protect the natural environment and avoid development in hazardous areas; and to provide the appropriate natural and scenic features of open space.
- (b) A PUD is a commitment on the part of the developer to construct a project based on a plan approved by the Town Council following review and recommendation by the Planning and Zoning Commission. The developer shall adhere to applicable Town ordinances and other requirements that may be specified in an approved PUD development plan.
- (c) All provisions of the underlying zoning district over which the PUD is located shall continue to apply unless varied or waived by the Town Council as part of the approved PUD development plan. Approval of a Planned Unit Development shall result in the creation of an overlay to the base zoning district, with specific requirements and standards that are unique to the planned development.

(Ord. 09-10 §2)

Sec. 16-5-20. - Scope.

Applications for PUDs may be made for land located in any zoning district. The bulk and density requirements included in Article III of this Chapter do not always apply to PUDs, and when no requirements are established in Article III, the development shall be controlled by criteria and standards of this Article which shall be agreed to in the approved PUD development plan. The PUD is a type of customized zoning district or zoning overlay. If a PUD is to consist of newly created lots or parcels, a subdivision plat or exemption plat approval will also be required. The PUD development plan and subdivision application may be processed concurrently.

(Ord. 09-10 §2)

Sec. 16-5-30. - Authority.

This Planned Unit Development (PUD) Overlay District is enacted pursuant to the State of Colorado Planned Unit Development Act of 1972, as amended (Section 24-67-101, et seq., C.R.S.).

(Ord. 09-10 §2)

Division 2 - Standards and Criteria

Sec. 16-5-100. - Allowed uses.

The uses permitted in a PUD shall be those 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. Mixed use developments are encouraged.

(Ord. 09-10 §2)

Sec. 16-5-110. - PUD requirements.

- (a) The PUD development plan may establish density, height, setback, lot size, wetlands buffer areas, parking lot design standards, architectural, signage and landscaping standards that differ from those in the underlying zone or in this Code, provided that the standards further the objectives of the PUD regulations, the Comprehensive Plan, and the specific PUD development plan.
- (b) All requirements of the underlying zone and those set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the approved PUD development plan provides exceptions as allowed herein.
- (c) A PUD with one-hundred percent (100%) residential use in the Mixed-use (MU) zone may be considered provided that the development standards further the objectives of the PUD, are supported by the Comprehensive Plan, and are designed to complement the surrounding areas, blend into the architectural character of the community, and meet the criteria set forth in Section 16-3-170 "Mixed Use" of this Code.

(Ord. 09-10 §2; Ord. No. 18-15, § 1, 11-3-15)

Sec. 16-5-120. - PUD development standards.

- (a) Minimum site size. There shall be no minimum number of units or acres which may constitute a PUD. A PUD may be established on any sized parcel, provided that it has an adequate building site and can meet the objectives of this Article.
- (b) Compatibility with neighborhood. The Town shall evaluate the relationship of the PUD to its surroundings in order to consider adverse effects concerning traffic circulation, building height or bulk, visual impact or intrusion into privacy of neighboring properties. The evaluation criteria will include, but not be limited to, the following:
 - (1) Size and location of site.
 - (2) Street capacities in the area, and ingress and egress to adjoining streets.
 - (3) Location and amount of off-street parking.
 - (4) Internal traffic circulation.
 - (5) Fencing, screening and landscaping.
 - (6) Building bulk and location on site.
 - (7) Usable open space.
 - (8) Signs and lighting.
 - (9) Environmental impacts.
 - (10) Impacts to facilities and utility systems.
 - (11) Hours of operation.
 - (12) Size of operation.