



Grand Lake Planning Commission

Wednesday, September 21, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes
[08/17/2022- tabled from 9/07/2022](#)
[09-07-2022](#)
4. Unscheduled Citizen Participation
5. Conflicts of Interest
6. Items of Business
 - [A.](#) Consideration to Allow Uninhabited Temporary Storage Facilities on Property Located at Block 5, Lot 4-6, Town of Grand Lake, More Commonly Known As 1016 Grand Ave.
7. Items for Discussion
 - [B.](#) Advisory Report for Amendment to Town Zoning Map - Lot 3-5, Block 1 Sunnyside Addition to Grand Lake
 - [C.](#) Accessory Dwelling Unit Municipal Code Discussion
8. Future Agenda Items
9. Adjourn Meeting

For live streaming (listening only) scan the QR code.
You will not be able to actively participate via the web streaming.



<https://zoom.us/j/96360206519?pwd=VHcwODFTNnQ2SWNOTDA1M2d5NFYwUT09>

You can also dial in using your phone. 1 (346) 248-7799

Meeting ID: 936 7288 8470

Access Code: 141859



Grand Lake Planning Commission

Wednesday, August 17, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order 6:33pm
2. Roll Call

PRESENT

Commissioner John Murray
Commissioner Heather Bishop
Commissioner Greg Finch
via zoom Vice Chairman Heather MacSarrow

ABSENT

Chairman James Shockey
Commissioner Judy Burke
Commissioner Christina Bergquist

motion to excuse Chairman Shockey and Commissioner Burke made by Commissioner Murray **motion pass 4:0**

motion to excuse Commissioner Bergquist made by Commissioner Bishop, **motion passed 4:0**

3. Consideration to approve Meeting Minutes: none
4. Unscheduled Citizen Participation: none
5. Conflicts of Interest: none
6. Items of Business

A. **Consideration of a Lot Consolidation for Lots 1 & 2, Block 2, Ridge at Elk Creek, More Commonly Known as 45 Mad Moose Lane**

Director White presented item as listed in the packet. Applicant was not in attendance. Commissioner Finch pointed out that the lot consolidation plat had two errors, "consolidation" was misspelled, and 2020, should be 2022. Vicechair MacSarrow abstained from the vote due to virtual participation.

Motion passed 3:0:1

Motion made by Commissioner Murray, Seconded by Commissioner Finch. to recommend the lot consolidation of Lot 1 and 2 of Block 2, Ridge at Elk Creek.

Voting Yea: Commissioner Murray, Commissioner Bishop, Commissioner Finch

Voting Abstaining: Vice Chairman MacSarrow

- B. Public Hearing- Continued from 8/2/22 Recommendation to Allow a Variance to Roadway Specification 11-2-4 for Access to Lots 9-11, Block 36, Town of Grand Lake

Director White stated the item as presented in the packet. Commissioners invited the applicant to speak. Mr. Jenkins stated that the Director had presented it correctly and he agreed with the conditions in the resolution. **Motion passed 3:0:1**

Motion made by Commissioner Murray, Seconded by Commissioner Bishop.
Voting Yea: Commissioner Murray, Commissioner Bishop, Commissioner Finch
Voting Abstaining: Vice Chairman MacSllarrow

7. Items for Discussion

- C. Continued from 8/2/22 - Grand Lake Municipal Lands Master Plan - Review and Discussion

Motion made by Vice Chairman MacSllarrow, Seconded by Commissioner Bishop to discuss this topic at the next meeting when the commissioners are available.

Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Bishop, Commissioner Finch

8. Future Agenda Items

- D. Amendment to Town Zoning Map - Lot 3-5, Block 1 Sunnyside Addition to Grand Lake

Director White stated that this topic would be discussed at the September 7th meeting.

Commissioner Murray stated that the public works building should not move to the Matthews property and that it could stay where it is, if the Town took the deed to court and had the restriction revoked. The commissioners decided to discuss this as a future agenda item.

Commissioner Bishop requested that The Public Works Director come and speak to the Planning Commissioner to discuss the needs of his department and land needs.

9. Adjourn Meeting: 7:29p

Motion made by Commissioner Murray, Seconded by Commissioner Bishop.

Voting Yea: Vice Chairman MacSllarrow, Commissioner Murray, Commissioner Bishop, Commissioner Finch

James Shockey, Chairman

ATTEST:

Alayna Carrell, Town Clerk



Grand Lake Planning Commission

Wednesday, September 07, 2022 at 6:30 PM

Town Hall - 1026 Park Ave. * Participation In-Person Only*

*The Town of Grand Lake upholds the Six Pillars of Character:
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

AGENDA

1. Call to Order- At 6:32 pm Judy Burke acting as Chair called the meeting to order

2. Roll Call

PRESENT:

Commissioner John Murray

Commissioner Judy Burke

Commissioner Heather Bishop

Commissioner Christina Bergquist online via zoom

Commissioner Greg Finch

ABSENT

Chairman James Shockey

Vice Chairman Heather MacSllarrow

Voting to excuse the absences Motion made by Commissioner Bishop, Seconded by Commissioner Finch.

Voting Yea: Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch **Motion Passed 5:0**

3. Consideration to approve Meeting Minutes

8-17-22 Minutes

Motion made by Commissioner Murray, Seconded by Commissioner Bishop.

Voting Yea: Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch **Motion passed 5:0**

8-3-22 Minutes

Motion tabled since there was insufficient Commissioners at 8-3-22 meeting to vote in favor.

Motion made by Commissioner Murray.

Voting Abstaining: Commissioner Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch

4. Unscheduled Citizen Participation

Donna Ready- 1133 Grand Ave. read an opinion from Matt Ellison at 240 Rapids. He said that he supported new housing for the RMRT, but they need to fit better with the Town design.

5. Conflicts of Interest

Voting Nay: Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch

6. Items of Business

- A. Amendment to Town Zoning Map - Lot 3-5, Block 1 Sunnyside Addition to Grand Lake
Planner White presented the item as described in the packet. She stated that prior to the 2006 Comprehensive Plan was adopted, the parcel was zoned commercial transitional. She stated that there is Commercial transitional zoning on the east and west, therefore it would not be out of line to zone it as CT.
James Martell, owner of 240 Hancock St. stated that the history that the planner said was accurate. He stated that the Previous owners elected to change the zoning in order to convert to condos, and that during the development process did not follow through with the condos and went back to using the property as a hotel and sold it to him with that use. He would like to continue that use and would like the zone to be changed.
Natasha O'Flarratty, attorney hired by the prior owner. she stated she believes it to be a zoning correction. It has only and ever been used as a hotel, and was taxed as a hotel and the previous owner has paid the taxes.
Ernie Bjorkman at 190 Rapids read a note from the HOA in support of changing the zoning.
Donna Ready stated that she spoke with the neighbors of the lot in question and submitted a list of those who are in favor of it being rezoned.
Katie Beason- owner of Mountain Market stated that changing the use changes the value and the Town should allow the rezone.
Gene Demer- Hancock and Mountain- said that she questions the decision to rezone, that this could be an opportunity to provide affordable housing or that some of these units could become affordable housing in the future. There is a stated housing crisis and the Town needs to find a solution to affordable housing.
Kreutzer- 700 Grand Lake Lane- Tried to purchase 240 /300 Hancock and didn't go through with it. He views himself as a competitor and he is in favor of the rezone.
Max Ludwig- 114 CR 4624 Rapids Lodge owner- neighbor and competitor, thinks it should be switched to CT. Has been that way for 25 years. It was a snafu that needs to be fixed.
Commissioner Bergquist- directed to Gene that the Town has been working for the past few months for employee housing.

Commissioner Bergquist was in favor of correcting the zoning. Commissioner Bishop agreed.

All Commissioner in favor of changing the zoning to Commercial Transitional: Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch **Voting 5:0 to direct staff to create an advisory report to the Trustees that this needs a zoning correction.**

7. Items for Discussion

- B. Continued from 8/3/22 - Grand Lake Municipal Lands Master Plan - Review and Discussion
This items is continued from the August 8th, 2022 meeting. Planner White spoke about the remaining Town-owned properties to get feedback from the planning commission. She will be sending the full comment sheet to the Board to let them know the PC feedback and then the Board can come to a consensus to send to the consultant. The properties to be discussed are: Pioneer Park, Lakeside Park, Parking, and Town Park. Commissioner Burke stated that we need to get in touch with CDOT to understand what can be done round about and walkway.
Lakeside Park: As for moving the marina, it was stated that it is a huge expense for little benefit. advises against it. Also, federal codes might not let us move it- needs researched. The Lakeside park needs a huge picnic area. Closing off the road to pedestrians is not a priority.
Create a temporary park(ing) area. Commissioner Burke suggested keeping the drive through along the beachfront for the elderly.
The commission suggested that a splash pad be placed at Grand Lake center. Commissioner Murray suggested that a picnic terrace be added above the gazebo. It was suggested that a drop off area be added north of the fishing pier. An ice-skating rink could be added to Grand Lake Center and also to

Town Park. Commissioner Bishop stated that the parking garage wouldn't add enough parking spaces and it is not the best use. They would like the space activated with activities. She stated that updating alleys should be last priority

As far as priorities, the Commissioners agreed that

1st priority - lakeside park

2nd priority - community center open space

3rd priority - signage

Peter Rempel made a public comment:

don't close the road along the lakefront.

parking garage: too valuable for parking- lower level- third level could have events

Grand Lake Center should be developed more

Splash pad/water in the Town park to draw the kids up away from the beach- too many people at beach.

The public generally makes a loop through the National Park and through Town, through the beach front and leave.

During Labor Day, Park Ave was full of parked cars, which is great. The Town should continue to take back it's ROW and have parking on the street and along Portal road.

Please paint the center lines back in the streets to slow people down and make the streets safer.

8. Future Agenda Items

na

9. Adjourn Meeting

8:15 pm

Motion made by Commissioner Finch, Seconded by Commissioner Murray.

Voting Yea: Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Bergquist, Commissioner Finch **Motion passed 5:0**

James Shockey, Chairman

ATTEST:

Jenn Thompson, Town Clerk



Date: 09/21/2022

To: Chairman Shockey and Commissioners
From: Kim White, Town Planner

RE: Consideration to allow a Temporary Uninhabited Storage Facility per Municipal Code 12-2-6 on Commercial Property Located at Block 5, Lot 4-6, Town of Grand Lake.





Purpose

The Town has received a request by 2022 Special Use Permit Holder TruePenny Pitstop, LTD. to keep the winterized food truck on occupied commercial lots 4-6 Block 5, Town of Grand Lake, more commonly known as 1016 Grand Avenue. The request would require the Planning Commission to grant the structure to be stored until Spring of 2023, at which point the business will apply for another Special Use Permit to operate for the 2023 summer season. Total timeframe would be around 7.5 months. The primary landowner is Buck Blessing and has given his permission for the use.

Background

Blake Barbiche of TruePenny Pitstop LTD. has received a special use permit to run a seasonal stationary food truck business at the 1016 Grand Ave. lot for the summer of 2022. No complaints have been received for this business. The owner would like to winterize the food truck from October 15th, 2022 through June 1, 2023 (or memorial day weekend, weather dependent) and hopefully be granted a permit to operate the food truck in 2023.

Municipal Code

12-2-26 Definitions-Temporary Facilities. Facilities (including construction trailers, uninhabitable storage facilities, approved food/beverage service units) that are placed onto a parcel, complaint with the Regulations set forth herein, for temporary use for no greater than six months, unless allotted a greater time period by Planning Commission Resolution.

Staff Comments:

Granting this request would reduce the wear on the boardwalk to remove the truck, if the renewal SUP is granted in the spring.

Removing the food truck would leave an empty space on Grand Ave.

Leaving the food truck would lead the public to believe it will be in service in the Spring.

Commission Action

The Commission has the following options:

1. Allow the food truck to overwinter on the lot as an uninhabited storage facility by directing staff to draft a resolution indicating permission to store the truck for more than the allowed 6 months.
2. Not allow the food truck to remain over the winter.



Date: September 21st, 2022

To: Chairman Shockey and Commission
From: Kim White, Community Development Director

RE: Advisory Report for Amendment to Zoning Map



Purpose:

To review the advisory report recommended by the Planning Commission on 9/7/2022 to amend the zoning of property located at 240 and 300 Hancock, from Multi-family Residential to Commercial Transitional.

Background:

Prior to the 2006 Comprehensive plan, the property in question was zoned commercial transitional. It was rezoned to multifamily residential after the 2006 comprehensive plan was adopted. A development plan to build/convert condominiums in this area was proposed in 2003 but did not occur. The property has since changed ownership and the new owners would like to return the zoning to the previous zoning designation stating that the use of the property has always been less than 30-day rentals and they would like to continue this use.

The designated zoning has been multifamily residential since 2007 with no nightly rental licenses ever having been held for this property. The original building permits for the 8-unit structure indicated the building use was to be long-term apartment units. There are three single family cabins located on this property.



The BOT minutes from 06/25/2007 discussed the justification for changing the zoning of this area as follows:

The property proposed to be rezoned to Multiple Family Residential High Density is proposed as an anchor to the Commercial District. It is an area of the highest density in the Town and would support condominiums and townhomes along with single family. This area has already experienced this sort of growth and the Town feels this area is most appropriate because of the close proximity to the Commercial District. It will provide a definitive boundary to the Central Business District.

At the September 7th, 2022 Planning Commission, the Commissioners heard public comment and testimony from the owner in regards to amending the zoning to 240 and 300 Hancock. The Code requires that the Planning Commission draft an Advisory Report to be submitted to the Board of Trustees to make a final decision.

Municipal Code for Amending the Zoning Map:

12-2-34: Declaration of Policy and Standards for Rezoning.

For the purpose of establishing and maintaining sound, stable and desirable development within the Town of Grand Lake, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the Town Board of Trustees that the Town's Zoning Map is the result of a detailed and comprehensive appraisal of the Town's present and future needs regarding land use allocation and as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area of the Town in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that rezoning is necessary because of one (1) or more of the following reasons:

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town's Comprehensive Plan.
2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or new approach to development.
3. The proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the Town's Comprehensive Plan and that such rezoning will be consistent with the policies and goals of the Comprehensive Plan. This Declaration of Standards for Rezoning shall not control a rezoning which occurs incidental to a comprehensive revision of the Town's Zoning Map.

(C) Amendments to the Official Zoning Map. Any person petitioning for amendment to the Official Zoning Map shall submit an application the Planning Commission through the Building Administrator.

1. *Planning Commission Advisory Report.* Any proposed amendment on the Zoning Map, when initiated by individual petition, shall be referred to the Planning Commission for an advisory report thereon.

2. *Procedure Before Planning Commission.* Before giving an advisory report or initial recommendation on any proposed amendment to the zoning map, the Planning Commission shall first conduct a public meeting thereon. Prior to the public meeting, the applicant requesting amendment to the Official Map shall post his property with a sign, notifying the general public of



the time and place of Planning Commission meeting at which said Application for Amendment shall be reviewed. Said sign shall be posted on the property frontage at intervals of approximately five hundred feet (500') at least fifteen (15) days prior to the scheduled meeting date and shall recite the rezoning applied for.

3. *Procedure Before Town Board of Trustees.* After receiving the advisory report from the Planning Commission, the Town Board of Trustees shall hold a Public Hearing Before acting on the proposed amendment. Notice of the time and place of the Public Hearing before the Town Board of Trustees shall be given by Town Staff, by one (1) Publication of the same at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in the Town of Grand Lake.

Staff Comments:

The applicant has submitted the required items for requesting a zoning amendment. The applicant has submitted a letter stating why this rezoning is necessary (Exhibit A). The application was received August 3rd, 2022, the applicant revised the letter and resubmitted it August 5th, 2022, Applicant posted said property August 20th, 2022 for notifying the general public of this Sept 7th, 2022 meeting for discussion of an advisory report. Once the Planning Commission creates the advisory report, it will be forwarded to the Board to be reviewed at the September 26th, 2022 Board Meeting where they will make their decision on the rezoning.

Commissioner Discussion:

Review the Advisory Report and direct Staff to submit it to the Board of Trustees for a decision to be made at the September 26th, 2022 meeting.



Date: September 21st, 2022

To: Chairman Shockey and Commission
From: Kim White, Community Development Director

RE: Advisory Report for Amendment to Zoning Map



- | | | | |
|--|------------------------------------|--|-----------------------------------|
| | Commercial | | Single Family Res - High Density |
| | Commercial Transitional | | Multi Family Res - Medium Density |
| | Resort | | Multi Family Res - High Density |
| | RV Park | | Public |
| | Planned Development | | Open Space |
| | Residential Estate | | |
| | Single Family Res - Medium Density | | |

At the September 7th, 2022 Planning Commission meeting, the Planning Commission heard the request of the owner Lots 3-5, Block 1 Sunnyside Addition to Grand Lake, more commonly known as 240 and 300 Hancock St. to amend the Town Zoning Map.

Prior to the 2006 Comprehensive Plan being adopted, the parcels were zoned commercial transitional. The owner of the property proposed a development in 2003 that required the property to be zoned as Multi-family Residential to allow for the condominium development. The development was never started and the property continued its use as a hotel.

The parcels directly to the east and west of lots 3-5, Bl1 are zoned Commercial Transitional, and the parcels to the north and south are zoned single family residential and public, respectively. Lots diagonally adjacent to the northeast and southeast are zoned Multi-family Residential.

A letter of support was read aloud from the HOA at 190 Rapids to recommend changing the zoning to Commercial Transitional. Another statement was read that listed the owners at 200 Hancock St., 1124 Mountain Ave, 236 Rapids Lane, and 240 Rapids Lane in favor of changing the zoning to Commercial Transitional.

Two owners in the Town of Grand Lake who self-describe as competitors of the hotel are in favor of the zoning change to commercial transitional.



According to the BOT minutes from 06/25/2007, the justification for changing the zoning of this area as follows:

The property proposed to be rezoned to Multiple Family Residential High Density is proposed as an anchor to the Commercial District. It is an area of the highest density in the Town and would support condominiums and townhomes along with single family. This area has already experienced this sort of growth and the Town feels this area is most appropriate because of the close proximity to the Commercial District. It will provide a definitive boundary to the Central Business District.

This same language could be used to state that a commercial transitional zone at the end of the commercial transitional street could act as a definitive boundary to the Central Business District.

The Municipal Code for Amending the Zoning Map (12-2-34) states that the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter... Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that rezoning is necessary because of one (1) or more of the following reasons:

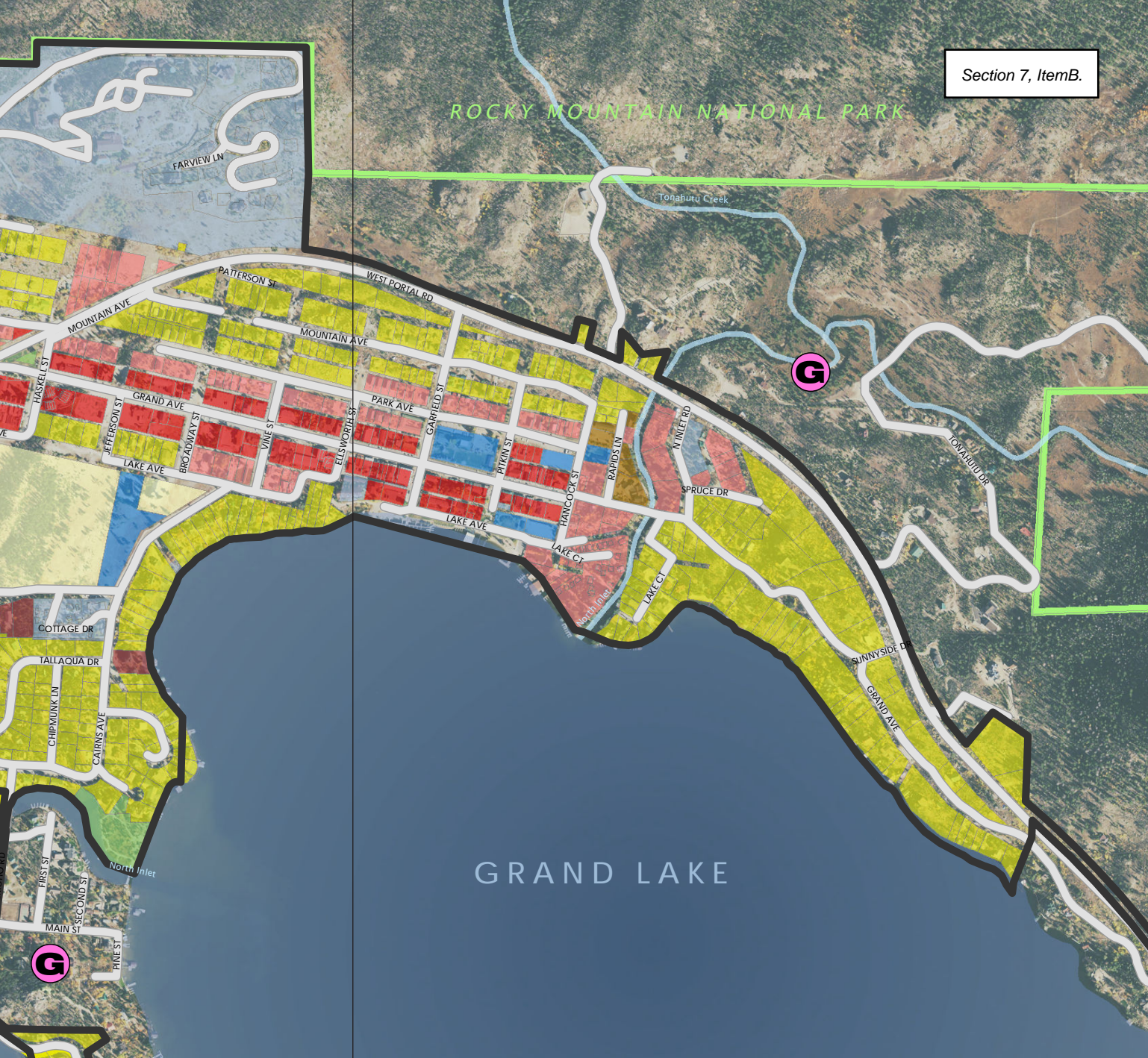
1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town's Comprehensive Plan.
2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or new approach to development.
3. The proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the Town's Comprehensive Plan and that such rezoning will be consistent with the policies and goals of the Comprehensive Plan. This Declaration of Standards for Rezoning shall not control a rezoning which occurs incidental to a comprehensive revision of the Town's Zoning Map.

After hearing testimony from the neighbors and public, and after reviewing the current zoning map, the Planning Commission agreed that the request falls under reason number 1, that the land was zoned in error in 2006 when the Town allowed the change from Commercial Transitional to Multi-family residential in order to accommodate a proposed development that did not get built.

The Planning Commission Advises that the Board of Trustees move to allow the amendment to the zoning map at Lots 3-5, Block 1, Sunnyside addition to Grand Lake.



















240 and 300 Hancock



TOWN OF GRAND LAKE

Land Use Plan

- | | | | | | |
|---|------------------------------------|---|-----------------------------------|---|----------------------------------|
|  | Commercial |  | Single Family Res - High Density |  | Town of Grand Lake |
|  | Commercial Transitional |  | Multi Family Res - Medium Density |  | Rocky Mountain National Park |
|  | Resort |  | Multi Family Res - High Density |  | Arapaho National Recreation Area |
|  | RV Park |  | Public |  | Potential Growth Area |
|  | Planned Development |  | Open Space | | |
|  | Residential Estate | | | | |
|  | Single Family Res - Medium Density | | | | |

12-2-15 Regulations for Multiple Family Residential District—High Density—MHD.

The regulations set forth in this Section, or set forth elsewhere in this Article, when referred to in this Section, are the District Regulations in the RMH—Multiple Family Residential District—High Density.

- (A) *Uses Permitted by Right.*
 1. Single Family Dwelling Units, Multiple family dwelling units and timeshares and interval ownership estate units where no more than sixteen (16) shares per unit are allowed. A central reservation facility on site must be included in the project.
 2. Home occupations.
 3. Domestic animals, provided such animals are household pets and that kennels are not maintained.
 4. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
 5. Accessory buildings and uses customarily incident to the uses permitted in this district. A central reservation facility on the same site as timeshare multiple family development is an accessory use.
 6. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
 7. Historic structures.
- (B) *Conditional Uses.*
 1. Public Utilities.
 2. Fire stations, police stations and telephone exchanges.
 3. Water reservoirs, water storage tanks, water pumping stations, sewer lift stations and wireless towers.
 4. The Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Planning Commission.
 5. Nightly Rentals will be treated as a conditional use when an objection has been raised as to the use by right. See Section 12-2-31(B)4 Nightly Rental Conditional Use Permits.
- (C) *Zoning Standards.* Except as provided in Section 12-2-27, the area regulations are as follows:

Standard Type	Measurement		
Minimum Lot Area	5,000 sq. ft. per dwelling*	5,000 sq. ft. for all conditional uses**	
Minimum Lot Frontage	50'*		
Minimum Floor Area	500 sq. ft. per single dwelling unit		
Maximum Floor Area	N/A		
Minimum Setback	Front 25'	Side 10'	Rear 10'
Maximum Height	35'		
Density	20 dwelling units per acre		

Open Space	50% minimum of total land area	45% maximum for improvements not included in open space definition	
*No minimum lot area or frontage required for townhomes			
**Unless otherwise specified by planning commission			

12-2-17 Regulations for Commercial Transitional District—CT.

The Regulations set forth in this Section, or set forth elsewhere in this Article, when referred to in this Section, are the District Regulations in the CT—Commercial Transitional District.

(A) *Uses Permitted by Right.*

1. Single Family Dwelling Units.
2. Neighborhood Businesses.
3. Day Nurseries or Child-Care Centers.
4. Private and Publicly-owned Parking Lots.
5. Not-for-Profit Clubs and Service Organizations.
6. Hotels, Motels, Condo/Hotels and Lodges.
7. Group homes for the elderly and indigent, limited to not more than eight (8) persons per home.
8. Multi-family attached rental units.
9. Bed and breakfast establishments.
10. Condominiums and Townhouses—Timeshare and interval estate units of more than sixteen (16) shares per unit are required to have a central reservation facility on site.
11. Mixed Residential with permitted Commercial Use within the same building or buildings on the lot.
12. Rental, repair, wholesaling, and storage in conjunction with any of the above non-residential uses, provided all such activity is clearly incidental and accessory to said uses, and further provided all such activity is conducted within a building.
13. Accessory buildings and uses normal and customary to the uses listed above.
14. Nightly Rentals. See Section 12-2-31(B)4 Nightly Rental Conditional Use Permits.
15. Residential units herein defined as: Multi-family attached rental units, condominiums, townhouse and condo/hotels are uses permitted by right with the following restrictions:
 - (a) The first story area measured from the frontage to fifty feet (50') into the lot shall be dedicated to commercial space.
 - (b) If any portion of the area described Section 12-2-17(A)15(a) is used for a hallway, elevator, stairwell access, or fire escape access, a minimum of thirty percent (30%) of the second story of the structure must be dedicated to commercial space. This area shall be located on the frontage side of the structure.

(c) The commercial space aspect of any structure must be constructed prior to or in conjunction with the residential units. A Certificate of Occupancy must be issued to the commercial space prior to or in conjunction with the residential units.

16. Historic structures.

(B) *Conditional Uses.*

1. Commercial establishments of the following and like nature: antiques; small appliances; furniture; gifts; hardware; sporting goods; stationery; and, variety shops;
2. Service establishments of the following and like nature: catering services; laundromats; medical clinics; funeral parlors and mortuaries;
3. Eating and drinking establishments;
4. Public utilities;
5. Water reservoirs, water storage tanks, water pumping stations, sewer lift stations and wireless towers.

(C) *Zoning Standards.* Except as provided in Section 12-2-27, the area regulations are as follows:

Standard Type	Measurement		
Minimum Lot Area	5,000 sq. ft.*		
Minimum Lot Frontage	50'*		
Minimum Floor Area	800 sq. ft. per single dwelling unit	500 sq. ft. per multi-family attached rental unit, lodge, condominium, townhome, and condo/hotel	Refer to Definitions Section for hotels and motels.
Maximum Floor Area	N/A		
Minimum Setback	Front 5'	Side 5'	Rear 20'
Maximum Height	35'		
Density	2 units per 5,000 sq. ft. lot		
Open Space	Governed by setbacks		
*No minimum lot area or frontage required for townhomes			



Grand Lake Planning Commission

Discussion of ADU code

TO: Chairman Shockey and Commissioners
FROM: Kimberly White, Planning Department
DATE: 09/19/2022
RE: Discussion of ADU Municipal Code

Purpose:

Town staff has been directed to direct a discussion on current code dealing with accessory dwelling units (ADU's).

Background:

At the 5/18/2022 planning commission meeting, the commissioners asked that a discussion be scheduled for ADU's and the rules surrounding them. The municipal code is listed below. At the

At the 06/01/2022 Planning Commission meeting, altering the definition of ADU to remove the statement that "dwelling unit within, and not legally subdivided from, the principal structure".

The main discussion points at the 6/1/22 planning commission meeting were (minutes are available online):

- Utilities
- Parking requirements
- Design code
- Density of the lots

The Town code currently allows ADU's and has set regulations for density, and sizing for each zone.

le. SFR- 500-800sf, 1 ADU and 1 SFR.

There are many ADU's that currently exist in the Town prior to the zoning code.

In general, in other towns, ADUs are defined by their location and can be located in the same structure as a primary single-family dwelling (attached) or in a separate detached structure from the primary dwelling (detached)

Detached Accessory Dwelling Unit (DADU) is a dwelling unit that meets the following criteria:

- It is located on the same lot, under the same ownership as, and subordinate to a single-family dwelling unit;
- It is physically separated from and located in a different structure than the primary dwelling unit;
- It is intended for use as a complete, independent living facility; and
- It includes facilities for living, sleeping, eating, cooking, and sanitation for not more than one family.
- Detached Accessory Dwelling Units are also called Detached Accessory Apartments.

Discussion:

Can the Town change the definition of ADU to state that a detached unit would be a Permitted Use for all zones that allow attached ADU's?

Could the Town Allow the DADU as an Administrative Conditional Use?

Or

Allow as a CUP subject to Town review (this is how nightly rentals are currently handled)?

Should the Town restrict ADU's on substandard lots (non-conforming lots after a code change).

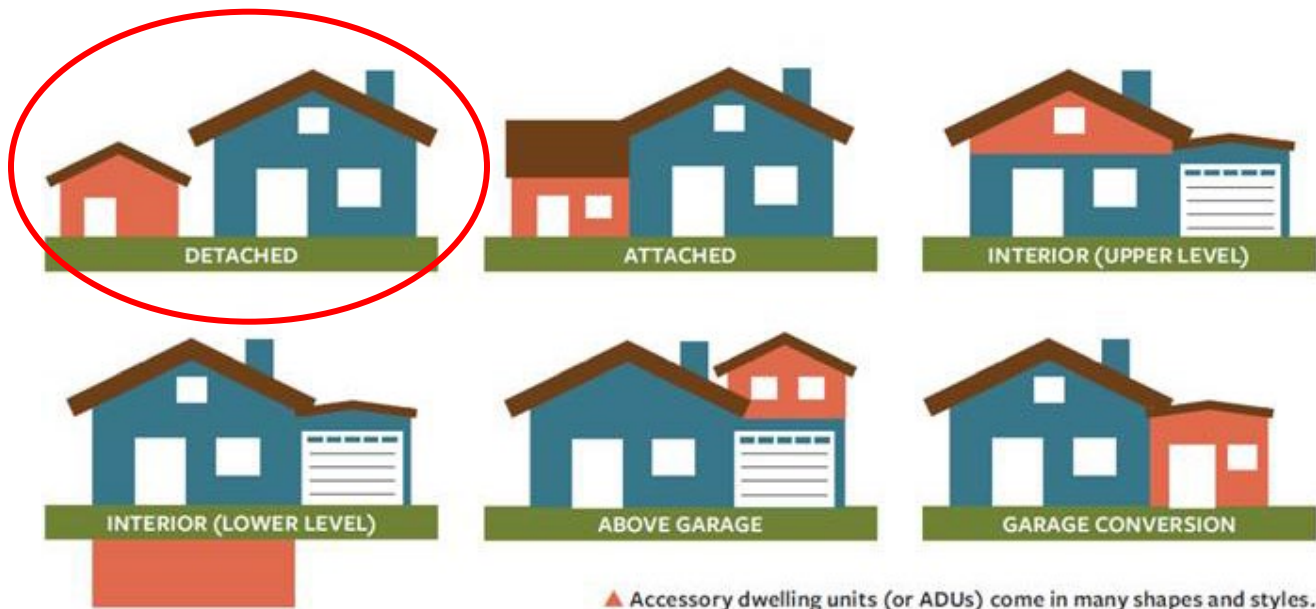
How does the parking standard change for ADU's

Can there be an attached and detached ADU?

Do they have to have foundations? Or can they be tiny homes with a skirt hiding the wheels?

What are the setback requirements from the main home?

The Town currently allows all of the types of ADU's below except for detached:



Source: The ABCs of ADUs, a guide to accessory dwelling units and how to expand housing options for people of all ages, AARP



Grand Lake Planning Commission

Discussion of ADU code

Definition:
MC 12-2-26

Accessory Dwelling Unit (ADU) – One additional dwelling unit within, and not legally subdivided from, the principal structure. The dwelling unit must be in a continuous enclosure. The entire dwelling unit must function as a unit without any permanent physical separation such as wall or floor with no means of connection.

Accessory Uses and Structures - A use naturally and normally incidental to a use by a right, and complying with all of the following conditions:

- (a) Clearly incidental and customary to and commonly associated with the operation on the use by right;
- (b) Is operated and maintained under the same ownership as the use by right;
- (c) Includes only those structures or structural features consistent with the use by right;
- (d) The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the Building Area of the property and the gross land area utilized by all accessory uses of all uses by right shall not exceed the gross land area utilized by all uses by right;
- (e) May include home occupations, as defined by this Article or;
- (f) Overnight camping on private residential property, by the owner or guest, for a period not exceeding seven (7) consecutive days.

Dwelling Unit - Any room or group of rooms in a multi-family building designed for or used as a dwelling by one family as an independent housekeeping unit including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint. The term dwelling unit shall also include a modular or manufactured home which has been attached to a permanent foundation; and which has been added to the ad valorem tax rolls to be considered as a taxable property. The arrangement of rooms in each dwelling unit shall be such as to prohibit the division of one dwelling unit into two or more dwelling units.

Nightly Rental – A structure, dwelling or dwelling unit that is rented for periods of time of less than thirty (30) consecutive days. The term “Nightly rental” shall not include hotel, motel, or bed and breakfast establishments.

One example of a zone:

12-2-12 Regulations for Single Family Residential – High Density – RSH

The regulations set forth in this Section, or set forth elsewhere in this Article, when referred to in this Section, are the District Regulations in the RSH - Single Family Residential District - High Density.

(A) Uses Permitted by Right

1. Single Family and Accessory Dwelling Units (ADUs).
2. Home occupations
3. Domestic animals, provided such animals are household pets and that kennels are not maintained.
4. Fences, hedges, and walls, provided such uses are located where they will not obstruct motorists' vision at street intersections.
5. Accessory buildings and uses customarily incident to the uses permitted in this district.
6. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
7. Historic structures.

(B) Conditional Uses

1. Public Utilities.
2. Fire stations, police stations and telephone exchanges.
3. Water reservoirs, water storage tanks, water pumping stations, sewer lift stations and wireless towers.
4. The Commission may in addition prescribe any additional conditions regarding intensity or limitation of use, appearance, hours of operation, setbacks or required open space, or other such conditions which may be deemed necessary by the Planning Commission.
5. Nightly Rentals will be treated as a conditional use when an objection has been raised as to the use by right. See 12-2-31(B)4 Nightly Rental Conditional Use Permits.
6. Bed and Breakfasts

(C) Zoning Standards: Except as provided in Section 12-2-27, the area regulations are as follows:

Standard Type	Measurement		
Minimum Lot Area	<i>5,000 sq. ft. per single family home</i>	<i>5,000 sq. ft. for all conditional uses</i>	
Minimum Lot Frontage	<i>50'</i>		
Minimum Floor Area	<i>800 sq. ft per single family home</i>	<i>500 sq. ft. per accessory dwelling unit</i>	
Maximum Floor Area	Governed by zoning standards	<i>800 sq. ft. per accessory dwelling unit</i>	
Minimum Setback	<i>Front 25'</i>	<i>Side 10'</i>	<i>Rear 10'</i>
Maximum Height	<i>32'</i>		
Density	<i>One single family home and one accessory dwelling unit per parcel</i>		

10-1-6 Service Line:

(B) Separate Service Lines Required

Each water using unit shall have a separate 3/4 inch (minimum) service line to the water system, a meter and a curb stop. No connection with the water system shall be made by extending the service line from one water using unit to another. When two or more water using units are contiguous and owned by the same person, the Town may authorize an exception.

10-1-7 Meters

(A) Meters Required

Each and every water using unit connected to the water system shall be required to have a meter of a type, size and configuration designated by the Town. All meters will be furnished to the customer by the Town. Each water meter shall be installed with service valves both upstream and downstream from the meter. The purchase and installation costs for meters will be borne by the customer, but in all cases, the meter shall be owned by the Town. Meters shall be installed either by Town personnel or by a plumber licensed by the State of Colorado. All meters shall be installed in accordance with applicable governmental and plumbing codes and such additional specifications as may be approved by the Town Board of Trustees.