



## PLANNING COMMISSION & BOARD OF TRUSTEES - JOINT WORKSHOP

Wednesday, July 23, 2025 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

**\*LIVE STREAM available on Town website\***

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### AGENDA

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*This agenda is subject to revision 24 hours prior to commencement of the meeting.*

***The Commission values public comment on issues relevant to Town government. To permit the fair and orderly expression of such comments, the Commission will adhere to the following rules for public comment, whether for an agenda item or during public comment for non-agenda items brought by the public.***

***A speaker must be recognized by the Chair to step to the podium, sign in, use the microphone, state name and address for the record, and address comments solely to the Commission, as a whole.***

***Each speaker is limited to 3 minutes, cannot pool time with another, and each speaker may only speak once per topic. Civility and respect is required. Comments should not be directed to Town staff, individual Commission members or to public members. Comments or disruption from audience members not recognized by the Chair are prohibited. Points already made should not be duplicated. Only written comments limited to one page will be permitted. Public members are also invited to submit comments by email to be distributed to the Commission separately. Note that comments submitted to the Town Commission are public record. Please understand that the Commission will listen and consider public comments; however, members will not discuss or take action on your comment but may refer it to staff and/or a future meeting for discussion.***

***Thank you for your cooperation.***

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#### Call to Order

**Review of Final Draft Articles 1-6 Land Use Code**

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#### Americans with Disabilities Act

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Reasonable accommodations for persons with a disability will be made upon request. Please notify the Town of Palmer Lake (at 719-481-2953) at least 48 hours in advance. The Town of Palmer Lake will make every effort to accommodate the needs of the public.

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# Community Matters Institute

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[barbcole@communitymattersinstitute.org](mailto:barbcole@communitymattersinstitute.org)

## MEMO

To: The Board of Trustees, Planning Commissioners, and Scott Krob, Krob Law  
 Through: Erica Romero, Town Clerk  
 From: Barb Cole, Executive Director, CMI  
 CC: Chief Glen Smith, Interim Town Administrator Mike Davenport, CMI, and Mark Morton, GMS  
 Date: July 21st, 2025  
 RE: July 23rd Joint Work Session on the Final Edits to Articles 1-6 per Planning Commission

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Attached please find Articles 1-6 of the significantly revised Title 17-Zoning. In addition, please reference the file called "Summary of PC edits." This document final direction from the Planning Commission.

CMI has hopefully addressed all comments from the last Planning Commission meeting on July 16th. In addition, the Zoning Ordinance was reviewed, and minor clarifying edits were made by the Town Engineer, Mark Morton, GMS, and the Town Attorney, Scott Krob. The current code Section 17.68 Hillside Overlay District, now called Slope and Stormwater Control, will be updated to reflect changes in the law since 2020 by the Town's Stormwater consultant, John Chavez.

This effort was started in the Fall of 2023. The land use regulations in Palmer Lake are over 50 years old, with few amendments made. Originally, the Planning Commission had wanted a unified development code- Subdivision and Zoning in one Title. However, due to pending development, the Planning Commission and the Development Review team (town administrator and contract staff, including the town planner, town engineer, town attorney, and town stormwater consultant) determined that the Title 16- Subdivision should be updated as soon as feasible.

The new subdivision ordinance was adopted on July 25, 2024. Soon after, CMI was directed to work with the Planning Commission to update the Zoning Ordinance. Over the last year, CMI has drafted the Zoning Ordinance with an almost monthly review of each article by the Planning Commission.

The Planning Commission's direction to CMI in November of 2023 was as follows. These responses are from a worksheet filled out by Planning Commissioners.

- *"Zone Districts should be updated to reflect the land use categories found in the adopted Community Master Plan."*
- *"Update the list of uses for all zone districts"*
- *"For each zone district, at a minimum, list the principal uses by right, including accessory uses, conditional uses, dimensional requirements, and any development standards."*
- *"Redundant zoning/Remove pyramid zoning!/I agree with the removal of pyramid zoning."*
- *"Each zone should clearly stand on its own."*
- *"Add an area specifically for multi-use."*
- *"Delete R-4 no one wants per the Master Plan."*
- *"Combine some of the residential districts."*
- *"Add to zone district- the more clear details given, the better we serve the Town and the requestor."*

- *"I agree with the recommendation to replace the specific lists of permitted uses and provide a general use description instead."*
- *"Density ranges should align with the Community Master Plan".*
- *"All items related to zoning and zone districts will be addressed in one section, including standards that apply to specific districts. As recommended by CMI, standards that apply to all uses will be contained within Article 3."*

Once the Zoning Ordinance is adopted, it will be sent to MuniCode for final formatting and publishing. The Town will also need to update the Official Zoning Map. The tentative schedule is as follows.

- **JULY 21ST:** CMI to provide final draft of all 6 articles (note: annexation will remain in Article 5 and does not need a separate article since it relies on State Statute.
- **JULY 23RD** FINAL PC workshop with the BOT on the Zoning Code
- **JULY 30TH** Planning Commission Public Hearing to recommend approval to the BOT
- **AUGUST 14TH:** BOT Hearing to adopt Zoning Ordinance ( the public hearing was scheduled for August 28th, but this is the date for the Buc-ees annexation and zoning hearing-- if this changes, the Zoning could be heard on August 28th.)

It is CMI's understanding that Amy Hutson, Trustee, and Matt Stephen, Commissioner, will be facilitating the work session. Requested changes and edits to the Code are needed by the end of the week in preparation for the Planning Commission Public Hearing on July 30th.

PC REVIEWER REQUESTS ADDRESSED FOR JULY 16TH PC MEETING  
CHANGES REQUESTED BY PC AT JULY 16TH PC MEETING NOTED IN PURPLE  
CMI drafting notes in Blue

## REQUESTS FROM PLANNING COMMISSION FOR JULY 16TH PC MEETING AND AT JULY 16TH MEETING

### Article 1

- In Legal Authority (?) we need to say: ALL NEW CONSTRUCTION MUST GET A BUILDING PERMIT THROUGH PPRBD. This needs said somewhere and removes the need to say it repeatedly elsewhere.
- All new construction, remodels, additions, installations, electrical work, retaining walls, decks over 200 sq ft. or above 30 inches, and other accessory uses and installations require a certificate of zoning compliance from the Town of Palmer Lake and a building permit from the Pikes Peak Regional Building Department (PPRBD).
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### Article 2

- Sec. 17.2.060-Dimensional Requirements Table
- **SETBACK FROM HWY 105**
  - They want it simplified to read average 200 ft not closer than 150 ft in any area (to keep flexible). Members did not understand the added red line “..Or where a structure occurs on only 1 side (within 750 ft) that structure to a point 200 ft from Hwy 105 on opposite side.” They want flexibility but average of 200 ft not closer than 150 ft to Hwy 105.
  - <sup>5</sup> An average of two hundred (200) feet but not closer than 150 ft. in any area. Staggered setbacks shall be reviewed by the Planning Commission.
    - Note that in the Dimensional Table this rule applies to all zone districts, a property could be rezoned to R-1 or even R-5,000 along Hwy. 105 and not be subject to the setback.
    - ~~footnote 5. We said we wanted: Hwy 105 setback can be the line drawn between existing structures w/in 750' of the subject property. Or where a structure occurs on only 1 side (w/in 750') from that structure to a point 200' from Hwy 105 on the opposite side.~~
    - ~~200 feet for new development only. Existing structures may be remodeled or rebuild in the same location. The Highway 105 setback for changes to an existing structure(s) can be the line drawn between the existing structure(s) w/in 750' of the subject property. Or where a structure occurs on only 1 side~~

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(w/in 750') from that structure to a point 200' from Hwy 105 on the opposite side:

○ Mike at CMI noted the following as another option:

*Appendix E in the 2022 Comprehensive Plan ("Plan") put the setback at 200 feet along Highway 105. Appendix E also included a map showing the properties used for establishing the setback.*

- *The setback in the Plan applies to both sides, rather than the language in Footnote 5 regarding a property on the opposite site.*
- *The Plan does not specifically address shallow properties (rear property line is close to 200 feet from the right of way, limiting building placement on the property). A possible approach to this type of situation would be a front setback line that is set at a maximum distance from the rear property line, such as the following regarding property depth (distance from front property line to rear property line):*

*The front setback shall be a minimum 200 feet from the Highway 105 right of way. Where a property has a depth of less than 300 feet, the front setback line shall not be more than 100 feet measured from the rear property line."*

○ Setbacks may be staggered upon approval by the Planning Commission.

○ QUESTION FOR PC: CAN WE ADD SETBACKS FOR NEW DEVELOPMENT, MAYBE STAGGERED TO ACHIEVE AN OVERALL SETBACK OF 200 FT. UPON APPROVAL BY THE PLANNING COMMISSION. I THINK YOU NEED SOME FLEXIBILITY.

● BUILDING HEIGHT

○ Footnote 2: top floor stepped back a minimum of 8' on all sides:

○ 32 feet only if the 3rd story is stepped back a minimum of 8 ft. on all four sides

● Keep all height at 30 ft (no other options unless an applicant requests a variance from the code)

○ CMI believes that the 32 ft rule is better for the downtown area. If you want the 8 ft. setback for the 3rd floor, okay. Most historic downtowns throughout the state allow 3 stories. It's also an advantage to spur redevelopment in the downtown area. Historically, CMI believes that the Depot with the tower/cupola and the old Rocklands hotel that burned down, were over 30 ft. as measured using the PPRBD method of measuring height. The hotel

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*appears in historic photos to be 3 1/2 stories and was located in downtown Palmer Lake.*



- Sec 17.2.70 RESIDENTIAL AGRICULTURAL ZONE (RA-5) (c) (4): same comment re: ~~105 setback 750' avg.~~ **average 200 ft not closer than 150 ft in any area (to keep flexible).**
- **Article 6 (pg 6 of notes) re: farmhouse definition – remove specific structures (farm, bunk) from agricultural zone and treat all accessory dwelling or other accessory use the same per the total buildable area of the lot.**

**Article 3**

- Sec. 17.3.230. It is not that I want 10' instead of 5' from ROW. I was pointing out a conflict that still exists. (b)1. says 5'. But (c)(1)c says a 10' LS strip at parking lot frontage is required. The new verbiage added there is OK but doesn't resolve the 10 LS strip conflict.
  - (b) 1. All parking areas ~~on lots less than 10,000 square feet shall be set back a minimum of five (5) feet from any public right-of-way. All parking areas on lots greater than 10,000 square feet shall be set back a minimum of ten (10) feet from any public rights-of-way.~~
  - a. (c) (1) c. **A 5' 10 ft. minimum landscape area is required all around the entire parking lot perimeter, excluding the entrance drive.**

**Commented [BC1]:** PC noted 5 ft., and then Bill F sent his edits, and he wanted 10 ft. I have modified the rule to account for smaller lots- 10K = 5 ft, over 10K sq.ft. 10 ft. PLEASE RESOLVE AMONG THE REVIEWERS.

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- All lights used to illuminate parking spaces, driveways, or maneuvering areas shall be designed, arranged, and screened to minimize light spillage on adjoining lots or streets. Light trespass on adjoining lots and streets shall be a maximum of 0.1 Fc at the property line and shall comply with Section 17-3-X Lighting. (agree to keep 0.1fc)
- *No changes to this item (8)- same verbiage*
- ~~Sec. 17-3-275. Location of residential parking spaces. As written, it implies that a garage can be setback 22' but the building setback is typically 25'?~~  
This is good for large lots but too restrictive on smaller ones. E.g. a small house w/ a 1-car garage setback 25'. The 2<sup>nd</sup> req'd space can't be in the front yard if it needs to be setback 22'. It would have to go on the side yard but the setback there is 7.5'.
- **Article 3 (pg 3 of notes) re: garage or required off street parking space – all setbacks should be 25 ft from property line (not from back of sidewalk or public right of way); otherwise, applicant can request a variance from the code**
  - Garages or required off-street parking spaces shall be set back ~~twenty-two (22)~~ **twenty-five (25) feet from the PROPERTY LINE.** ~~back of any sidewalk or public right of way.~~
- **Next sec., 17.3.340 re: planting requirements, the members want to see the El Paso County Landscape and Planting Manual Appendix D – before they consider/finalize this in the code.** *Appendix D was an incorrect citation, it's simply the Landscape and Planting Manual.*
- Sec. 17.3.340 Minimum Planting Requirements.
  - **CMI has used EPCO Landscape and Planting manual for the buffering standards and inserted it into the Code.**
  - **Rather than a reference, we added minimum planting requirements. This represents a combination of requirements from the City of Manitou Springs and the Town of Monument, communities for which CMI has worked. The scale of development in Manitou Springs and the terrain is similar in many respects to that of Palmer Lake. Again, we need to be mindful that the town has had NO landscape requirements.**
  - ~~I'd expect quantitative requirements here but there are none. We must go to 17.3.395 to find any.~~
  - ~~The minimum planting requirements shall adhere to the El Paso County Landscape and Planting Manual, Appendix D, as may be amended. This~~

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~~includes plant material specifications, living ground cover requirements  
 internal landscaping requirements.~~

- We internal landscaping requirements? I propose "... multi-family 15%, commercial 5% of the lot area shall be landscaped w/ 1 tree / 800sf of said req'd area. This kind of follows EPCO but requires less. SEE ABOVE- **used EPCO Landscape and Planting Manual**
- All New and Existing trees and parking lot **landscaping count towards internal landscaping. COVERED IN 17.3.320 (a)**
- Sec. 17.3.395 (b) (3) (Ran out of time during workshop to discuss this piece)
  - We need buffer trees at all roadways. Or, at least along County Line & Hwy 105 (SFR exempt) e.g. between a Bucees and County Line and Beacon Lite Rd? Or at any commercial along Hwy105 or Beacon Lite. Wish we had that requirement at the County Line Rd. Warehousing. Existing trees count, the section about Alternative compliance provides relief where it doesn't make sense. I propose 1 tree / 40' of road frontage and/or property lines between single family residential and commercial / multi-family. ½ of the trees may be replace by shrubs (10 shrubs = 1 tree).
  - **SINCE BUC-EES IS A PD, THIS IS AN ITEM THAT CAN BE NEGOTIATED OR COULD BE A CONDITION OF APPROVAL IN THE PLANNING COMMISSION'S RECOMMENDATION TO THE BOARD OF TRUSTEES.**
  - Added buffering requirements for new development using EPCO Landscape and Planting Manual standards- this will ensure that the buffering is similar as you drive between property in El Paso County and the Town of Palmer Lake.
- (1) (b) (6) I had a question about this we ran out of time for. Buffer trees at 2' or 6' or 10' per lineal foot of buffering? This is too close for trees to be planted? **THIS IS ONLY STATING THE AMOUNT REQUIRED NOT THE SPACING OF THE TREES- EARLY IT STATES THAT "*Plantings shall be clustered to reflect the patterns found in nature, as opposed to being thinly distributed throughout the site.*"**
  - **Article 4: no comments**

**Article 5:**

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- Sec. 17.5.100. – General Review Process.
  - (c)(2) PC review - is that supposed to be under 10,000 sf? (d4 says 10,000 sf or greater requires at least one public meeting) **GOOD CATCH**
  - (d)(7) we eliminated Clusters. **GOOD CATCH**
  - Table 17.5.1 Required Decision-Making Process for Land Use Applications:
    - add Amending the Community Master Plan. **THIS IS LISTED UNDER REZONINGS**
    - Should be a column for Neighborhood meetings (frequently req'd in other jurisdictions in the region) **Section added for neighborhood meetings at option of applicant.**
    - Table 17.5.1
      - Remove Clusters **GOOD CATCH**
- 17.5.305 Procedure for Amending the Community Master Plan: the plan was put together w/ much public input. This section should address that.
- **The amendment requires a public hearing with the Planning Commission, followed by a public hearing with the Board of Trustees pursuant to 17.5.200**
- **Community Input required for an amendment to the Community Master Plan. Whereas the adopted Community Master Plan was adopted after considerable community input, any amendment to the Community Master Plan requires at least one community meeting that is properly noticed. *Drafting note: Typically, amendments to the master plan are site specific for a rezoning, but if a major change is required or conditions in town change, then a revised Master Plan is often recommended. This determination is made by the Planning Commission.***
- **Added submittal requirements for landscape plans; did not mandate tree/vegetation replacement as required in El Paso County, Monument or Manitou Springs.**
- Sec. 17.5.350. Conditional Review Use applications.
  - **The following impacts have been added to the list**

Any other potential impacts to mitigate during the review process?

- **Methods of operation**

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- Signage
- Loading and unloading
- Sanitation
- Public safety
- Mitigate vibrations, chemicals, toxins, pathogens, gases, heat, and radiation
- Sec. 17.5.370. Procedures for a Site Development Plan: (g) 1. & 2. 10% is too low of a threshold to have to start over. Increase to 20% (arbitrary)? OR, make the trigger based on changes to the originally proposed use - which is really the key.
- 10% is handled administratively; anything over that is a new resubmittal- this is the same trigger that exists for PDs

*(g) Amendments to Approved Site Development Plans.*

- (1) Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character, or density of an approved Site Development Plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.*
- (2) Changes to approved Site Development Plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new Site Development Plan application. Such amendments shall conform to the review procedures outlined in Section 17.5.340. A complete Site Development Plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.*

**ADDED NEW SECTION- LANDSCAPE PLANS**

**Article 6:** CMI will ensure that all definitions are included and will undertake a final update to the definitions once all articles are in one document.

- Farm House: deleted per PC
- Commercial: is defined as Retail. Offices, clinics, events centers, etc? Isn't Commercial basically anything that's not SFR? Multi-family is also actually commercial, no? (that's how IRC and IBC see it). We get in trouble where we use the term non-residential or non-commercial. The term is typically non-residential and residential. Multi-family is considered residential. This is a zoning ordinance not a building code.

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- Fully Shielded: We can't seem to get away from the night sky "horizontal" verbiage that allows you to shine light onto your neighbors property and into their windows. Fully shielded is the term used under the stricter IES standards and this is their definition.
- Lot, Reverse corner: what does this say? is it needed? Deleted
- Open Space: Are we being asked which definition to use? I like the parts about open to the sky and impermeable surfaces don't count. And, I like the bullet list. HOWEVER: I don't think we regulate "open space" anywhere? We regulate Impervious Coverage. Revised by Krob/GMS
- Impervious Coverage: add this definition the term is defined as impervious surface, CMI has add impervious coverage



# PALMER LAKE ZONING TITLE 17

## ARTICLE 1 GENERAL LAND USE PROVISIONS

### TITLE 17 ZONING

#### ARTICLE I – GENERAL LAND USE PROVISIONS

##### **Article 1: General Land Use Provisions**

- 17-1-10 Title
- 17-1-20 Jurisdiction
- 17-1-30 Legal Authority
- 17-1-40 Purpose and Intent
- 17-1-50 Interpretation and Rules of Construction
- 17-1-60 Transition from Previous Regulations and Effective Date
- 17-1-70 Pre-existing Development- Non-conforming uses, structures, signs, or lots
- 17-1-80 Relationship to the Palmer Lake Community Master Plans and Other Plans
- 17-1-90 Expiration of Land Use Approvals
- 17-1-100 Vested Property Rights
- 17-1-110. Application Fees and Cost Reimbursement Required
- 17-1-120 Correction of Obvious Errors
- 17-1-130 Severability



**Sec. 17-1-10. - Title.**

This Code shall be known and may be cited as the *Palmer Lake Land Use Code as it may be amended*. Within this Code, the Palmer Lake Land Use Code shall simply be referred to as *this Code*.

**Sec. 17-1-20. Jurisdiction**

- (a) The provisions of this Code apply to all land, subdivision of land or buildings, buildings, structures, land uses, changes of land use, and development within the boundaries of the Town. No person shall use, develop, or subdivide any tract of land which is located within the Town except in conformity with the provisions of this Code.
- (b) A copy of a map showing the boundaries of the Town, the Official Zoning Map, and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town offices.

**Sec. 17-1-30. Legal Authority.**

- (a) This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). Authority is granted to municipalities to establish a Planning Commission and to regulate subdivisions (Sections 31-23-202 and 31-23-214, C.R.S.); to regulate the division of land and buildings (Section 29-20-101, et. seq., C.R.S., and Section 29-20-104 C.R.S), to regulate land use and zoning (Section 31-23-301, C.R.S.); to provide for planned developments (Section 24-67-101, et. seq., C.R.S.); to provide for vesting of property rights (Section 24-68-101, et. seq., C.R.S); to enforce its major street plan within three (3) miles of its boundaries (Sections 31-15-401—31-15-601, Section 31-23-212, and Section 31-23-213, C.R.S.); to adopt a comprehensive plan; and to generally plan for and regulate the use of land.
- (b) In addition to the above authority, the following powers are also granted to municipalities in Colorado: Title 16, Article 13, Part 3, C.R.S., Restraint and Abatement of Nuisances; Title 24, Article 65.1, C.R.S., Areas and Activities of State Interest (1041 regulations); Title 29, Article 1, C.R.S., Intergovernmental Relationships; Title 29, Article 20, C.R.S., Local Government Land Use Control Enabling Act; 7. Title 31, Article 15, C.R.S., Powers and Functions of Cities and Towns;9. Title 38, Article 30.5, C.R.S., Conservation Easements; Title 40, Article 5, C.R.S., New Construction of Utilities; and Title 43, Article 2, C.R.S., State, County, Municipal and Public Roads.
- (c) Pursuant to Section 31-23-227, C.R.S., the Board of Trustees assumes and reserves to itself the final authority over all acts, powers, and duties assigned to a municipal planning commission under Part 2 of Article 23, Title 31, C.R.S.
- (d) As provided in these regulations, the Planning Commission is delegated the authority to review and make recommendations to the Board of Trustees regarding such matters, but such recommendations shall not be binding on the Board of Trustees.
- (e) All new construction, remodels, additions, installations, electrical work, retaining walls, decks over 200 sq ft. or above 30 inches, and other accessory uses and installations require a certificate of zoning compliance from the Town of Palmer
- (f) This Code is administered and enforced by the Town Administrator or a designee of the Town Administrator.



### **Section 17-1-40 Purpose and Intent**

- (a) The purpose of this Code is to promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the Town of Palmer Lake as identified in the adopted Community Master Plan. This Code is designed to:
- (1) Implement the Town's goals, policies, plans, and programs.
  - (2) Preserve and enhance the quality of life of Palmer Lake citizens and ensure that new development produces sound living environments with the necessary open spaces for people, traffic, utilities, public protection, light, air, recreation, and other community facilities.
  - (3) Maintain and enhance livable neighborhoods that foster and preserve a sense of community.
  - (4) Provide a diversity of housing types at various densities and cost.
  - (5) Promote the economic well-being of the Town by encouraging economic diversity.
  - (6) Provide adequate services and facilities to support existing and projected areas of population and growth including adequate water supply to meet the needs of residents, businesses, and users of any development now and in the future.
  - (7) Promote logical extensions of and efficient use of existing infrastructure.
  - (8) Regulate land use based on impacts to the surrounding area and minimize or mitigate conflicts between different land uses.
  - (9) Provide a safe, efficient, and connected transportation network and ensure that streets will be laid out in relation to existing streets or according to the comprehensive plan of the town, and that said streets will be built to adequate construction standards.
  - (10) Ensure that the fiscal impact of subdivision and development is borne by those parties who receive the benefits therefrom.
  - (11) Support programs and help provide facilities that meet the recreational, cultural, public safety, and educational needs of the community.
  - (12) Promote cooperation and coordination in planning and growth management between the Town and neighboring jurisdictions.
  - (13) Protect the natural resources of the community.
  - (14) Manage hazard risks; and provide protection from geologic, flood, and fire hazards and other dangers.

### **Sec. 17-1-50. - Interpretation and Rules of Construction**

- (a) The interpretation and application of the provisions of this Code shall be held to be the minimum requirements for the promotion of public health, safety, convenience, prosperity,



and general welfare. Where any provision of this Code imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other ordinance or by state statutes, the provisions of this Code shall govern.

(b) These regulations are not intended to abrogate any private easement, covenant, agreement, or restriction. It is not the intent of these regulations, and it may not be implied or inferred, that the Town will enforce any private easement, covenant, agreement, or restriction, such provisions being a function of the right of individual property owners to further or separately restrict the use of their property. These regulations shall not be interpreted to either enhance or diminish such private restrictions, and the existence of such private restrictions shall not affect the application or enforceability of these regulations.<sup>1</sup>

(c) Rules of construction are:

- (1) The words *shall* or *must* are mandatory and not discretionary.
- (2) The word *may* is optional and discretionary.
- (3) The word *lot* shall include the words *building site, site, parcel, plot, or tract and any other portion of real property however described.*
- (4) The term *occupied* or *used* shall be construed to also include *intended, arranged, or designed to be used or occupied.*
- (5) A building or structure includes any part thereof.
- (6) The word *person* includes a corporation, [limited liability company](#), association, partnership, firm, joint venture, [or other entity recognized by law](#), as well as an individual.
- (7) Singular words include the plural.
- (8) Words used in the present tense include the future unless the context clearly indicates the contrary.
- (9) The particular controls the general.
- (10) In case of any difference of meaning or implication between the text of these regulations and the captions for each section, the text shall control.

### **Sec- 17-1-60 Transition from Previous Regulations and Effective Date**

- (a) This Code is effective as of thirty (30) days after final publication [of the ordinance adopting this Code.](#)
- (b) Development Applications. Any application for development submitted to the Town or any action taken pursuant to this Code shall be reviewed pursuant to the review process and standards set forth in this Code.



- (c) Pending Complete Applications. The enactment or amendment of this Code shall not affect the processing of any application that the Town has determined to be complete under previous land use regulations prior to the Effective Date.
- (d) Development plans approved under previous regulations that received vested property rights through a site-specific development plan shall be valid for the duration of that vested property right, provided that all terms and conditions of the site-specific development plan are followed.
- (e) Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses.
- (f) Once a use or structure is made to conform to the provisions of this title it may not revert to *nonconformance* either in part or in whole
- (g) New Applications Initiated after the Effective Date or amendment to this Code.
  - (1) No building or structure shall be erected, and no existing building or structure shall be moved, altered, or extended, nor shall any land, building, or structure be used for any purpose other than as listed in the district regulations for the zone district in which such land, building or structure is located.
  - (2) No building or structure shall be erected, nor shall any existing building or structure be moved, altered, or extended, nor shall any area surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the dimensional regulations, design and development standards, and supplementary regulations or other provisions provided in the district regulations for the zone district in which such building or structure is located.
  - (3) The provisions of this Code shall apply to all uses as follows:
    - i. All new structures and uses of land.
    - ii. Additions involving the expansion of the gross floor area of any structure existing in the Town by twenty percent (20%) or more.
    - iii. A change of use. Prior to being issued a building permit or being granted a change in use, an applicant shall demonstrate that the property will comply with all applicable regulations of this Code.
    - iv. The division of land or buildings.<sup>2</sup>
  - (4) All subdivisions, buildings, structures, parking areas, landscaping, signs, and other improvements addressed by the design and development standards in this Code or in the adopted Public Works Manual shall be constructed and installed in accordance with the approved plans filed with the Town prior to the issuance of a certificate of occupancy for the building or use.
  - (5) The Town Administrator or designee may allow certain improvements to be constructed or installed within an agreed-upon time allowing for seasonal changes. Such arrangements may involve performance bonds or other methods as deemed appropriate by the Town Administrator to assure eventual compliance with this Code.
  - (6) Every building shall be located and maintained on a lot as defined in this Code.



- (7) No parcel of land that has less than the minimum width, depth, and area requirements for the zone in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

**Sec. 17-1-70 Pre-existing Development: Non-conforming uses, structures, signs, or lots**

- (a) Applicability. All permitted land uses, structures, lots, signs, and site features that were legally created or initiated, but do not conform to the applicable regulations of this Code as a result of either governmental action or an action that was not initiated by the property owner, including but not limited to the adoption or amendment of this Code, acquisition of property by a governmental entity, or a Court decision authorizing or prohibiting a land use, structure, or division of land in a manner not authorized by this Code.
- (b) Non-conforming uses.
  - (1) Unless otherwise prohibited by other provisions of this Code, a nonconforming use may be continued and normal or routine maintenance of the structure containing a nonconforming use shall be allowed. The right to continue the use shall pass to a future buyer, lessee, or occupant of the property, use, or business or entity that operates the use.
  - (2) Enlargement or Alteration of Nonconforming Use. The gross floor area of a nonconforming land use that is located in a conforming or nonconforming building may be expanded by up to 20 percent beyond the portion of a building(s) or parcel(s) of land that it occupied on the date it became nonconforming, provided that the Town Administrator or designee determines that the alteration or expansion does not create a threat to public health or safety, and provided the expansion complies with all other portions of the Code. The installation of a solar energy system or device on a building containing a nonconforming use shall not be considered an enlargement of the building and shall be permitted. [Multiple enlargements or alterations of a nonconforming use may not be executed to avoid conformance.](#)
  - (3) A nonconforming use shall be deemed to be terminated or abandoned if a nonconforming use is discontinued or unused for [1] year or more for reasons within the control of the property owner or occupant.
  - (4) Substitution of Nonconforming Use. A nonconforming use may be replaced by another use that is not permitted in the zoning district where the property is located if the Planning Commission [makes a recommendation regarding, and the Board of Trustees](#) determines that the proposed use creates fewer adverse impacts on surrounding properties than the current nonconforming use. In making this determination, the Planning Commission [and the Board](#) shall consider impacts, including but not limited to levels of auto and truck traffic, hours of operation, noise, dust, vibration, and nighttime lighting and glare.
- (c) Nonconforming Structures
  - (1) Continued Use. Unless otherwise prohibited by the Pikes Peak Regional Building Department (PPRBD), a nonconforming structure may continue to be occupied and used, and normal or routine maintenance of the structure shall be allowed, unless and



until the PPRBD determines that the structure is no longer safe for occupancy. The right to continue use and occupancy of the structure shall pass to a future buyer, lessee, or occupant of the structure.

- (2) Alteration of a Nonconforming Structure. A nonconforming structure may be altered as necessary to install a solar energy device, or to comply with applicable provisions of the Americans with Disabilities Act, the Fair Housing Amendments Act, or similar Colorado legislation, or to install any other feature or improvement that the Town Administrator or PPRBD determines is necessary to protect public health and safety.
- (3) Expansion of a Nonconforming Structure. A nonconforming structure may be expanded by up to 20 percent beyond the size that it became nonconforming, provided that the PPRBD determines that the expansion does not create a threat to public health or safety, and provided the expansion complies with all other portions of this Code. [Multiple expansions of a nonconforming structure may not be executed to avoid conformance.](#)
- (4) Damage or Destruction of a Nonconforming Structure. A nonconforming structure or structure containing a nonconforming use shall be deemed destroyed when:
  - i. More than 50 percent of its floor area is destroyed; or
  - ii. The cost to repair the damage is more than 50 percent of the actual value of the structure before the damage, as determined by PPRBD or
  - iii. A nonconforming structure or structure containing a nonconforming use that has been damaged – but not destroyed as defined above – may be reconstructed, provided that the repairs are begun within 6 months after the date on which the structure was damaged and are completed within 1 year of the date of the damage and the repairs comply with all applicable building and fire codes and building construction permitting procedures [in effect at the time of reconstruction.](#)

(d) Nonconforming Lots

- 1) Continued Use. A legally created lot that is nonconforming as to size, width, configuration, or other factors may continue to be used for any purpose permitted in the zone district in which it is located, and nonconforming uses or structures on the property may continue in use, subject to subsections (a), (b) and (c) above, notwithstanding its nonconforming status.
- 2) Change of Use The use of a nonconforming lot may be changed to any use permitted in the zone district in which it is located unless the Town Administrator or designee determines that the proposed use creates a threat to public or safety due to the nonconforming features of the lot.
- 3) Development or Redevelopment A new structure may be developed on a nonconforming lot, or an existing structure on a nonconforming lot may be altered, expanded, or redeveloped, provided that the resulting structure and the use of that structure complies with all applicable provisions of this Code.

(e) Nonconforming Signs. Nonconforming Signs are addressed in Chapter 17.76.020(f).

(f) Nonconforming Status. The burden of showing that a use, [structure](#), lot, site feature, or sign is nonconforming shall be on the property owner or occupant of the property



asserting nonconforming status. Upon the written request of a property owner, the Town Administrator or designee will confirm in writing the nonconforming status or uses, [structures](#), lots, site features, and signs subject to this Code.

### **Sec. 17-1-80 Relationship to the Community Master Plan, and Other Plans.**

- (a) It is the intention of the Town that this Code generally implement the Community Master Plan and other plans adopted by the Town and its extraterritorial planning area, as they may be from time to time be amended.
- (b) Requirement for Community Master Plan Amendment or other plan amendment. Where a development proposal would be in substantial conflict with the Community Master Plan or other plan, an amendment to the Community Master Plan or other plan shall be required prior to any zoning or subdivision approvals, [unless the Board of Trustees](#) adopts a resolution making specific findings that such amendment is not required.
- (c) Criteria for Evaluating Amendment Proposals. Amendments to the Community Master Plan or other plans resulting from development proposals under this Code shall be evaluated according to the amendment process outlined in Article 5 of this code.

### **Sec- 17-1-90 Expiration of Land Use Approvals.**

- (a) Approval by the Board of Trustees of any Planned Development District PD plan, Final PD development plan (FDP), subdivision plat, conditional review use, site plan, or any other land use approval that does not constitute an amendment to the Official Zoning Map shall remain in effect for three (3) [years unless a longer vesting period is granted by the Board of Trustees](#). ~~After three (3) years have expired, the land use approval shall be deemed obsolete if no building permit has been applied for nor any public improvements installed.~~
- (b) Any approval of such an application for which a building permit has not been applied for nor any public improvements installed, or for which the use has not been otherwise commenced within three (3) years after approval has been obtained, shall be null and void. An extension of time may be granted by the Board of Trustees upon a finding of good cause. If such an approval expires, the applicant shall be required to resubmit a new application and fee for the same project.

### **Sec- 17-1-100 Vested Property Rights**

- (a) Purpose. The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site-specific development plan. No vested rights shall be created within the Town except through a site-specific development plan.
- (b) Request for site-specific development plan approval. For those developments for which the landowner wishes the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., the landowner shall request the approval in writing at least thirty (30) days prior to the date said approval is to be considered. Failure of the landowner to request such an approval renders the plan not a site-specific development plan, and no vested property rights shall be deemed to have been created.



- (c) Site Specific Development Plan. The following documents when approved by the Town shall constitute a site-specific development plan establishing a vested property right when the procedures and requirements of this Code are met by the applicant.
- 1) A subdivision exemption map
  - 2) A final plat for a major or minor subdivision.
  - 3) A site plan; or
  - 4) A final PD plan.
- (d) Notice and hearing. No site-specific development plan shall be approved until after a public hearing preceded by notice of such hearing published as provided by law at least twenty-one (21) days before the hearing. Such notice may, at the Town's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.
- (e) Approvals, effective date, amendments, referendum, and review.
- (1) A site-specific development plan shall be deemed approved upon the effective date of the ordinance or resolution granting final approval of the plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan, including any amendments thereto.
  - (2) The Board of Trustees may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval will result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.
  - (3) In the event amendments to a site-specific development plan are approved, the effective date of such amendments, for purposes of the duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such findings in its approval of the amendment.
  - (4) The approval of vested property rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site-specific development plan and creation of vested property rights.
- (f) Notice of approval creating a vested property right.
- (1) Each map, plat or site plan, or other document constituting a site-specific development plan shall contain the following notice: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right.<sup>3</sup>



(2) In addition, the Town shall publish a notice describing generally the type and intensity of the use approved and the specific parcel or parcels of property affected and stating that a vested property right has been created.

(g) Duration of a vested property right.

A property right which has been vested as provided herein shall remain vested for a period of three (3) years. The vesting period shall not be extended by any amendments to a site-specific development plan unless expressly authorized by the Board of Trustees in the ordinance or resolution approving such amendments.

(h) Vested Rights by Separate Agreement.

(1) The Town Board may, at its sole discretion, enter into a development, annexation, or other agreement with a landowner and provide for the vesting of property rights for a period exceeding three (3) years where warranted in light of all relevant circumstances, including but not limited to:

- (a) The project will clearly and significantly reduce impacts on the existing infrastructure.
- (b) The project will construct public facilities, water, sanitary sewer, drainage facilities, and/or public streets that are oversized or extended to be of obvious strategic value to the community.
- (c) The project will provide public open space and/or public parkland significantly greater than required and/or provide public recreational facilities that are of obvious strategic value to the community.
- (d) The project is a commercial project or includes a commercial component of a mixed-use project that will result in clear benefits to the town through new jobs and tax revenue.
- (e) The project will make special contributions that are clearly in the public interest.
- (f) Subsequent reviews. Such agreement shall provide for subsequent reviews and approvals by the Board of Trustees to ensure compliance with the terms and conditions of the original approval.

(i) Other provisions unaffected.

Approval of a site-specific development plan shall not constitute an exemption or waiver of any other provisions of this Code pertaining to the development or use of property.

(j) Limitations.

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Article shall be deemed to be repealed, and the provisions hereof no longer effective.



**Sec. 17-1-110. APPLICATION SUBMITTAL AND COMPLETENESS REVIEW FOR ALL APPLICATIONS. SEE 17.12.050 (Adopted 2/2024)- this will be inserted here.**

**APPLICATION FEES, COST REIMBURSEMENT AGREEMENT, AND APPLICATION FORMS. SEE 17.12.055 this will be inserted here.**

**Sec. 17-1-120. – Correction of Obvious Errors**

Nothing in this Code shall be construed as a limitation upon the power of the Board of Trustees, Town Administrator, or Town Attorney to correct obvious typographical or compositional errors, provided that:

- (a) Such corrections shall not change the legal effect of this Code or any part thereof.
- (b) Such corrections will be reported to the Planning Commission.
- (c) An errata supplement shall be attached to all copies of this Code distributed subsequent to the making of such corrections.

**Sec. 17-1-130. - Severability**

- (a) If any part, section, subsection, sentence, clause, or phrase of Title 17 is for any reason held to be invalid or unconstitutional, such invalidity shall not affect the validity of the remaining sections of this Code.
- (b) If the application of any provision of these regulations to any lot or tract of land shall be judged invalid, the same shall not affect, impair, or invalidate these regulations or the application of any provision thereof to any other tract of land.



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**ARTICLE 2: DISTRICTS AND USES**

- 17.2.010 Zone districts established.
- 17.2.020 Unlisted Uses
- 17.2.030 Official Zoning Map.
- 17.2.040 Minimum Size for New Zone Districts
- 17.2.060 Dimensional Requirements Table
- 17.2.70 Residential Agricultural (RA-5)
- 17.2.80 Residential Large Lot (R-2.5)
- 17.2.85 Residential Low Density (R-1)
- 17.2.90 Residential 1/2 Acre (R-1/2)
- 17.2.100 Residential Medium Density Zone (R-10,000)
- 17.2.110 Residential Small Lot (R-5,000) *current R-3*
- 17.2.120 Residential Multi-Family (R-MF) *current R-4*
- 17.2.130 Business and Industrial Center Mixed Use (B-I MU)
- 17.2.140 Village Mixed-Use (V-MU) *current C-2 General Business and Commercial*
- 17.2.150 Downtown Mixed Use (D-MU) *current CC*
- 17.2.160 Recreation and Open Space (REC-OS) *current O-1 Recreation*
- 17.2.170 Planned Development District (PD) **(already adopted see 17.72)**



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**17.2.010. ZONES ESTABLISHED.**

(a) In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

**District names shall include lot size where applicable- we also need to consider what will fit on the Official Zoning Map**

<del>Current Zone District</del>	Description or Minimum lot or parcel size
<del>RA</del>	RA -5 - Residential Agricultural
<del>RE Estate (2½ acres or more)</del>	R-2.5 - Residential Large Lot
<del>R1 (1 acre or more)</del>	R-1 -1-acre Single Family Detached
<del>R-2 ½ ACRE OR MORE</del>	R-2- 1/2 acre or more
<del>R-10,000 Intermediate Medium Density Residential Zone (10,000 sq. ft. or more)</del>	R-10,000 - Medium Density Residential Zone (10,000 square feet)
<del>R3 (5,000 sq. ft. or more)</del>	R-5,000 - Small Lot Residential (5,000 square feet )
<del>R4 High Density Residential</del>	R-MF (R-15,000)
<del>CC Convenience Commercial Zone (6,600 sq. ft. or more)</del>	Downtown Mixed Use (DMU)
<del>C1 General Business and Commercial (6,600 sq. ft. or more)</del>	(North End) Business Industrial Mixed-use (BI-MU)
<del>C2 General Business and Commercial Zone (6,600 sq. ft. or more)</del>	Village Mixed Use (VMU)
<del>M1 General Industrial</del>	(North End) Business Industrial <i>combines M-1 with C1 per Future Land Use Plan</i>
<del>O1 Open</del>	REC- OS Recreation and Open Space
<del>PD Planned Development</del>	Planned Development

(b) **Intent.** Each zone district includes a description of location, natural and built characteristics, and attributes applicable to zoned land parcels, which carries out the intent of the Community Master Plan. Appropriate uses shall be located and designed to fulfill the desired characteristics and objectives of the zone district.

(c) **Use Regulations.** No use shall be allowed in any zoning district unless it is specifically enumerated as an allowed principal use or accessory use in the particular zoning district or has been approved as a Conditional Review Use following public hearings by Planning Commission and the Board of Trustees. Each zone district includes the following categories:

(1) Permitted principal uses are uses by right, permitted within the particular zone district subject to required permits or other approval processes. Permitted principal uses for



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single-family or duplex dwelling unit/structures, and require a plot plan and building permit approval. All multi-family and non-residential uses (including but not limited to commercial and Industrial uses) require site plan approval and building permit approval.

- (2) Permitted accessory uses and structures are a use by right customarily incidental to the permitted principal use, provided that they meet all applicable regulations. Permitted accessory uses require a plot plan where the principal use is a single dwelling unit or duplex and building permit approval. All other accessory uses require site plan approval and building permit approval.
- (3) Conditional Review Uses are uses that may be allowed in the zone district subject to any applicable regulations. Conditional Review Uses may be permitted if it can be demonstrated that the location and the site proposed for the use is appropriate, supports the purposes and intent of the zone district, and is compatible with the surrounding area. Conditions to mitigate impacts may be attached to the Conditional Review Use Permit. Conditional Review Uses require the issuance of a permit approved by resolution after a duly noticed public hearing by both the Planning Commission and Board of Trustees.

(d) **Dimensional Requirements.** Dimensional requirements are minimum requirements which apply to the siting and massing of buildings and structures on the lot. Dimensional requirements include:

- (1) Minimum lot area.
- (2) Minimum lot width.
- (3) Maximum gross density.
- (4) Setbacks: front, rear, and side yard setbacks.
- (5) Maximum impervious coverage.
- (6) Maximum building height.
- (7) Separation between building structures.

(e) **Development Standards.** Development standards are minimum standards that apply to development and uses within the zone district. A site plan or plot plan approval is required. Development standards specific to each zone district are listed within the zone district. General standards pertaining to all zone districts are found in Article 3 of this Chapter and apply to residential, nonresidential development, and special purpose districts.



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**17.2.020 UNLISTED USES.**

- (a) **Uses not listed in a zone district.** The Planning Commission will consider new uses not listed in any zone district. If a use is not listed in the Use Table, the Planning Commission shall use the following criteria to determine the appropriate category for a use.
- (1) North American Industrial Classification System (NAICS) to assist in the interpretation of the similarity of uses.
  - (2) Uses similar in nature but not listed shall be considered a conditional review use that goes before Planning Commission for a recommendation and Board of Trustees to decide on approval.
  - (3) All other uses are prohibited.
- (b) Upon making a determination if the use may be allowed as a Conditional Review Use, the Planning Commission shall forward their recommendation to the Board of Trustees for a final finding.

**Sec. 17.2.030. Official Zoning Map.**

- (a) The boundaries of the districts established by this LDC shall be shown on a map entitled "Official Zoning Map". A signed and up-to-date copy shall be maintained at the Palmer Lake Town Hall. Original copies of the official map and all amendments thereto shall be maintained by the Town Clerk. In any dispute regarding the classification of property subject to this LDC, the original map maintained by the Town Clerk shall control.
- (b) **Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
- (1) Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines,  $\frac{1}{4}$  section lines,  $\frac{1}{2}$  section lines, center lines of major rivers or tributaries, lot lines of platted blocks, center lines of all platted roads, highways, and right-of-way lines, including railroad right-of-way, or extensions thereof.
  - (2) For non-subdivided property or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the Official Zoning District Map.
  - (3) Where a zone district boundary coincides with a right-of-way line and the right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way.
  - (4) Land not part of a public, railroad, or utility right-of-way which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public, railroad, or utility right-of-way.
  - (5) In the event of any other uncertainty not mentioned in this Section, the Town Administrator shall recommend the location of such boundaries to the Board of Adjustment, and the Board of Adjustment shall make the final determination.



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(c) Amendments to Official Zoning Map. Changes in the boundaries of any zone district shall be made only upon a zone amendment pursuant to the procedures of this Chapter. An amendment shall be promptly entered on the Official Zoning Map with an entry on the map giving the number of the amending ordinance and the date with the signature of the Mayor, attested by the signature of the Town Clerk.

**Sec 17.2.040 Minimum Size for New Zone Districts**

Unless contiguous to the same zone district, all newly created zone districts or zone changes shall be greater than five (5) acres in size. Planned Development (PD) zone districts shall be a minimum of 5 acres. The five (5) acre minimum size limitation for newly created zone districts, zone changes, and Planned Development (PD) zone districts shall not apply if the Board of trustees adopts a resolution making specific findings indicating why the presumptive five (5) acre minimum size limitation should not apply to a specific application. When contiguous to an existing district of the same designation, the minimum dimensional requirements from the zoning district to the proposed zone change shall apply.<sup>1</sup>

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Commented [BC1]: Scott added this because we have a few old PUDs that do not meet the minimum 5-acre size. However, CMI did discover during the drafting of the Community Master Plan that most of the existing PUDs did not meet the then requirements- i.e., no recorded site plan, no dimensional requirement, nor any rules. CMI agrees with this added sentence as it allows the BOT to make an informed decision in specific cases.

**Use Table (TO BE INSERTED BY MUNICODE ONCE ORDINANCE IS ADOPTED)**

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**Sec. 17.2.060 Dimensional Requirements Table**

Table of Dimensional Standards											
Key: ac - acre du - dwelling units sf - square feet	RA	R-2.5	R-1	R-1/2	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS <sup>3</sup>
Minimum lot area (ac.)	5 ac.	2.5 ac.	1 ac.	0.5 ac.	5,000 sf	15,000 sf	10,000 sf	6,600 sf	6,600 sf	6,600 sf	
Minimum lot width (street frontage)	250'	150'	150'	75'	50'	100'	50'	35'	35'	35'	
Maximum net density (du/ac)	1 du/5 ac	1 du/2.5 ac	1 du/1 ac	1 du/1/2 ac	1 du/5000 sq. ft.	12 du/ac	1 du/10,000 sq. ft.				
Maximum front setback from back of sidewalk (feet)								10'			
Minimum setback:											
From Highway 105 (feet) <sup>1</sup>	200 <sup>5</sup>	200 <sup>5</sup>									
From front property line (feet)	50'	25'	25'	25'	25'	25'	25'	See note <sup>7</sup>	20'	20'	
From side property line (feet)	25'	10'	10'	10'	7.5 <sup>6</sup>	10'	7.5'	see note <sup>1</sup>	see note <sup>1</sup>	see note <sup>1</sup>	
From rear property line (feet)	25'	25'	25'	25'	25'	25'	25'	10' from any ROW	25'	25'	



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From property line on each adjacent street on a corner lot (feet)	25'	25'	25'	25'		25'			25'	25'	
From a different zone district (feet)						25'					
Maximum impervious coverage (percent)	15%	20%	30%	15%	45%	65%	25%	None	65%	65%	10% <sup>4</sup>
Maximum building height (feet)	30'	30'	30'	30'	30'	32'-30' <sup>2</sup>	30'	see note 2	30'	30'	25'

<sup>1</sup> No side yard setback if side wall construction is at least four-hour fire resistance; otherwise, 5 feet.  
<sup>2</sup> 32 feet only if the 3rd story is stepped back on all four sides.  
<sup>3</sup> There are no lot requirements in an REC-OS zone, except that uses shall be in line with the locally adopted open space and recreation standards.  
<sup>4</sup> Structures shall not exceed cover more than 10% of the proposed area, with the exception of indoor skating rinks and stadiums.  
<sup>5</sup> An average of two hundred (200) feet but not closer than 150 ft. in any area. Staggered setbacks shall be reviewed by the Planning Commission.  
~~200 feet for new development only. Existing structures may remodel or rebuild in the same location. Setbacks may be staggered upon approval by the Planning Commission.~~  
<sup>6</sup> Minimum side yard setback from property line: 7.5 feet per floor.  
<sup>7</sup> Minimum zero (0) feet from back of sidewalk to ten (10) feet maximum from the back of the sidewalk.

- Commented [BC2]:** PC determined 15% which allows 32,670 sq. ft. of impervious surface.
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**SEC 17.2.70 RESIDENTIAL AGRICULTURAL ZONE (RA-5)**

(a) Intent. The intent of the Agriculture Ranch Residential district is to protect and preserve the area's agricultural heritage and allows for larger lot development that assists in retaining the rural character of Palmer Lake, helps ensure that new development retains the natural conditions of the environment, and allows for home-based businesses to help provide homeowners with additional economic means for maintaining permanent residency. The RA zone also includes areas that are characterized by forested steep slopes that are difficult to develop. This district is intended to preserve primarily open lands that are five (5) acres or larger and includes areas that may be difficult to serve by gravity sanitary sewer.

(b) Use Regulations

(1) Principal Permitted Uses.

- a. One (1) single detached dwelling unit per lot.
- b. ~~Farm houses for resident owners and laborers actually engaged in the principal permitted use or accessory uses.~~
- c. Husbandry of domesticated farm or ranch animals.
- d. Field operations including field preparation, planting, fertilizing, cultivating, harvesting, tilling, herbicide/pesticide spraying, haymaking, mowing, crop storage, hauling, and agricultural uses, including family farms and ranching businesses on slopes of less than 15%.
- e. Nursery/tree farm that involves the planting, growing, cultivating, cutting, and harvesting of nursery stock or sod growing on a site, and the loading, unloading, and sorting of nursery stock or sod on slopes of less than 15%.

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- f. Animal boarding, including kennels, and veterinary facilities, and clinics.
  - g. Equestrian riding stables and arenas, public or private.
  - h. Equestrian stabling and grazing.
  - i. Small Solar energy systems.<sup>2</sup>
  - j. Public parks, recreation, trails, and open space.
  - k. Public buildings, including police and fire stations or facilities, and civic facilities.
  - l. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter 17.XX Off-Street Parking.
  - m. Cemetery.
  - n. Public schools for primary education (K-12).
  - o. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
  - p. An owner-occupied or nonprofit group home, as these terms are defined by Section 31-23-303, C.R.S., as a principal use if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.
- (2) Permitted Accessory Uses and Structures.
- a. Private garages subordinate in size to the principal structure.
  - b. Home-based businesses as specified in Chapter 17.3.XX
  - c. Shelter for agricultural implements and tools used to maintain premises.
  - d. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
  - e. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities
  - f. Solar energy systems – accessory and small
- (3) Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot
- (4) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Accessory dwelling unit of at least 500 limited to 750 square feet.
  - b. Bed and breakfast establishments
  - c. Animal hospitals\*
  - d. Daycare center, adult or child

**Commented [BC5]:** Based on comments, CMI will add home childcare per the state-established limit up to 6, with no more than 2 under 18 months to home occupations.

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**Commented [BC6]:** The new state law does not allow you to regulate size, etc.

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<sup>2</sup> The size will be defined in the definitions e.g. 15 kw is 36 panels while 500 kw is 1177 panels



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e. Caretaker unit

f. Any permanent accessory structure that exceeds 720 square feet.

(c) Dimensional Requirements

- (1) Minimum lot size: five (5) acres.
- (2) Minimum lot frontage: two hundred and fifty (250) feet.
- (3) Minimum front yard setback from property line, fifty (50) feet.
- (4) Minimum setback from State Highway 105: An average of two hundred (200) feet but not closer than 150 ft. in any area. Staggered setbacks shall be reviewed by the Planning Commission.
- (5) Minimum setback from each adjacent street on a corner lot: twenty-five (25) feet.
- (6) Maximum impervious coverage: 15%
- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (8) Maximum building height, 30 feet.
- (9) Minimum Side Yard Setback: twenty-five (25) feet only if applicable nuisance standards are met.
- (10) Minimum Rear Yard Setback: twenty-five (25) feet.
- (11) Minimum Distance between structures: fifteen (15) feet

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(d) Development Standards.

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 7.20 Keeping of Animals.
- (3) Development shall be located, sited and designed to blend in with the existing natural environment and minimize disruption to existing terrain, vegetation, drainage patterns, natural slopes and any other distinctive natural features. In addition, the site layout shall protect and preserve wetlands and riparian areas, critical wildlife habitats and natural features and landmarks.
- (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (6) On lots of five acres or more, individual sewer facilities may be installed according to regulations herein and the appropriate County and state laws, however, where a public sanitary sewer is accessible by gravity flow within 500 feet of a lot, the property shall connect to the Palmer Lake Sanitation District sewer system. (See 16.40.100).

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~~(6)(7)~~ Any required central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and the state health department.

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17.2.80 RESIDENTIAL 2.5 (R 2.5)

(a) Intent. The Residential Large Lot district is designed to accommodate very low-density single-family residential uses on large lots that may allow the keeping of animals at specified density limits as set forth in 7.20 Keeping of Animals. The R-LL zoning district promotes the continuance of single-family neighborhoods by:

- (1) Allowing for larger lot development that assists in retaining the rural character of Palmer Lake.
- (2) Allowing for agricultural and home-based businesses to help provide homeowners with additional economic means for maintaining permanent residency.
- (3) Ensuring that new development retains the natural conditions of the environment and land.

(b) Use Regulations.

(1) Principal Permitted Uses.

- a. One (1) single detached dwelling unit per lot.
- ~~b. Farm houses for resident owners and laborers actually engaged in the principal permitted use or accessory uses.~~
- c. Husbandry of domesticated farm or ranch animals.
- d. Animal boarding, including kennels, and veterinary facilities, and clinics.
- e. Equestrian stabling and grazing, private.
- f. Public parks, recreation, trails and open space
- g. Public buildings, including police and fire stations or facilities, and civic facilities.
- h. Cemetery.
- i. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- j. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.
- k. Public schools for primary education (K-12)

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(4) Permitted Accessory Uses and Structures.

- a. Accessory dwelling unit of at least 500 sq. ft.<sup>3</sup>



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- b. Accessory structures that are customarily incidental to the permitted principal use, and are subordinate in size to the principal structure and are located on the same lot.
- c. Private garages subordinate in size to the principal structure.
- d. Shelter for agricultural implements and tools used to maintain premises.
- e. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities.
- f. Home-based businesses as specified in Chapter 17.3.XX.
- g. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
- h. Solar energy systems – accessory and small

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(5) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:

- a. Equestrian riding stables and arenas, public or private.
- b. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
- c. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.

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d. Daycare center, adult or child

e. Caretaker unit

- f. Any permanent accessory structure that exceeds 720 square feet per acre of land.
- g. Animal hospitals provided the principal structures or uses are not less than 100 feet from any residential district, and provided that adequate buffer or screen protection is provided.
- h. Bed and breakfast establishments.

(c) Dimensional Requirements.

- (1) Minimum lot size: two and one-half (2.5) acres.
- (2) Minimum lot width: one hundred and fifty (150) feet street frontage.
- (3) Minimum front yard setback from property line: twenty-five (25) feet.

(12) Minimum setback from State Highway 105: An average of two hundred (200) feet but not closer than 150 ft. in any area. Staggered setbacks shall be reviewed by the Planning Commission.

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- (4) Maximum impervious coverage: 20%.
- (5) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average



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slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.

- (6) Maximum building height, 30 feet.
- (7) Minimum Side Yard Setback: ten (10) feet.
- (8) Minimum Rear Yard Setback: twenty-five (25) feet.
- (9) Minimum setback from property line on each adjacent street on a corner lot: twenty-five (25) feet.
- (10) Minimum Distance between structures: fifteen (15) feet.

**(e) Development Standards.**

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.3.XX
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 7.20 Keeping of Animals.
- (3) Development shall be located, sited, and designed to blend in with the existing natural environment and minimize disruption to existing terrain, vegetation, drainage patterns, natural slopes, and any other distinctive natural features. In addition, the site layout shall protect and preserve wetlands and riparian areas, critical wildlife habitats, and natural features and landmarks.
- (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (6) On lots of two and one-half acres or more, individual sewer facilities may be installed according to regulations herein and the appropriate County and state laws; however where a public sanitary sewer is accessible by gravity flow within 500 feet of a lot, the property shall connect to the Palmer Lake Sanitation District sewer system. (See 16.40.100.)
- (7) Any required central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and the state health department.
- (8) Design standards for building form and siting are set forth in Section 17-3-X.

**SEC 17.2.90 1 ACRE SINGLE FAMILY DETACHED (R-1)**

- (a) **Intent.** The intent of this district is to preserve the established low-density single-family neighborhoods throughout the community. The lots should continue to be of sufficient size to allow for off-street parking. This residential category allows for a range of housing choices. Residential density should be at least one dwelling unit per 1 acre which assists in retaining the rural character of Palmer Lake. Residences in the single-family category are generally characterized by a mix of compatibly designed detached single-family houses, sufficient landscaping, variety in architectural design, and usable open space that helps ensure compatibility with existing residences and the natural environment.

ARTICLE 2- JULY 20 INCLUDES FINAL EDITS PER JULY 16TH PC MEETING AND SPK AND GMS EDITS

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**(b) Use Regulations.**

- (1) Principal Permitted Uses.
  - a. One (1) single detached dwelling unit per lot.
  - b. Public Parks, recreation, trails, and open space.
  - c. Public buildings, including police and fire stations or facilities, and civic facilities.
  - d. Cemetery.
  - e. Minor Utility Facilities, including pump stations, lift stations, water tanks, electric substations, or any similar use.
  - f. Public schools for primary education (K-12).
  - g. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.
- (2) Permitted Accessory Uses and Structures.
  - a. Accessory structures that are customarily incidental to any of the permitted principal uses, are subordinate in size to the principal structure and are located on the same lot.
  - b. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot
  - c. Home-based businesses as specified in Chapter 17.3.XX
  - d. Private garages, subordinate in size to the principal dwelling.
  - e. Solar energy systems – accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
  - a. Accessory dwelling unit of at least 500 sq. ft.
  - b. Childcare centers.
  - c. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX-Off-street Parking
  - d. Any permanent accessory structure that exceeds 720 square feet per acre of land.

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**(c) Dimensional Requirements.**

- (1) Minimum lot size: one (1) acre.
- (2) Lot width: 150 feet street frontage.
- (3) Minimum front yard setback from property line: 25 feet.
- (4) Minimum side yard setback from property line: 10 feet.
- (5) Rear yard setback from property line: 25 feet.
- (6) Maximum impervious coverage: 30%.



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- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas, all measurements shall be made on the horizontal.
  - (8) Maximum building height: 30 feet.
  - (9) Minimum Distance between structures: fifteen (15) feet.
  - (10) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.
- (d) Development Standards.
- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.3X
  - (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 7.20 Keeping of Animals.
  - (3) Development shall be located, sited, and designed to blend in with the existing natural environment and minimize disruption to the existing terrain, vegetation, drainage patterns, natural slopes, and any other distinctive natural features.
  - (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
  - (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
  - (6) Individual sewer facilities may be installed according to regulations herein and the appropriate County and state laws, however, where a public sanitary sewer is accessible by gravity flow within 500 feet of a lot, the property shall connect to the Palmer Lake Sanitation District sewer system. (See 16.40.100).
  - (7) Any required central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and the State health department.

**SEC 17.2.90 1/2 ACRE DETACHED RESIDENTIAL (R-2)**

- (e) **Intent.** The intent of this district is to preserve the established low-density single-family neighborhoods throughout the community. The lots should continue to be of sufficient size to allow for off-street parking<sup>4</sup>. This residential category allows for a range of housing choices. Residential density should be at least one dwelling unit per 1/2 acre which assists in retaining the rural character of Palmer Lake. Residences in the single-family category are generally characterized by a mix of compatibly designed detached single-family houses, sufficient landscaping, variety in architectural design, and usable open space that helps ensure compatibility with existing residences and the natural environment.

**(f) Use Regulations.**

- (4) Principal Permitted Uses.

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<sup>4</sup> Off-street parking requirements can be found in Article 3.



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- h. One (1) single detached dwelling unit per lot.
- i. Public Parks, recreation, trails, and open space.
- j. Public buildings, including police and fire stations or facilities, and civic facilities.
- k. Cemetery.
- l. Public schools for primary education (K-12).
- m. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- n. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.

**(5) Permitted Accessory Uses and Structures.**

- a. Accessory structures that are customarily incidental to any of the permitted principal uses, are subordinate in size to the principal structure and are located on the same lot.
- b. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot
- c. Home-based businesses as specified in Chapter 17.X.XX.
  - a. Private garages, subordinate in size to the principal dwelling.
  - b. Solar energy systems – accessory and small.

**(6) Conditional Review Uses.** The following Conditional Review Uses may be permitted as specified:

- a. Accessory dwelling unit **of at least 500 square feet**
- b. Childcare centers – 5 to 16 children.
- c. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX-Off-street Parking
- d. Any permanent accessory structure that exceeds 720 square feet per acre of land.

**(g) Dimensional Requirements.**

- (1) Minimum lot size: one-half acre.
- (2) Lot width: 75-foot street frontage.
- (3) Minimum front yard setback from property line: 25 feet.
- (4) Minimum side yard setback from property line: 10 feet.
- (5) Rear yard setback from property line: 25 feet.
- (6) Maximum impervious coverage: 15%.
- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average



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slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.

- (8) Maximum building height: 30 feet.
- (9) Minimum Distance between structures: fifteen (15) feet.
- (10) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.
- (h) Development Standards.
  - (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
  - (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 7.20 Keeping of Animals.
  - (3) Development shall be located, sited, and designed to blend in with the existing natural environment and minimize disruption to the existing terrain, vegetation, drainage patterns, natural slopes, and any other distinctive natural features.
  - (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
  - (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
  - (6) Individual sewer facilities may be installed according to regulations herein and the appropriate County and state laws, however, where a public sanitary sewer is accessible by gravity flow within 500 feet of a lot, the property shall connect to the Palmer Lake Sanitation District sewer system. (See 16.40.100).
  - (7) Any required central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and the State health department.
  - ~~(8) Design standards for building form and siting are set forth in Section 17-3-X.~~

**SEC 17.2.100 MEDIUM DENSITY RESIDENTIAL ZONE (R-10,000 )**

- (a) **Intent.** The intent of this district is to allow limited residential development on smaller lots that meet the Stormwater Quality Control measures and can be served with centralized services.
- (b) **Use Regulations.**
  - (1) Principal Permitted Uses.
    - 1. One (1) single detached dwelling unit per lot.
    - 2. Public schools for primary education (K-12)
    - 3. Public parks, recreation, trails, and open space.
    - 4. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use if there is no non-residential location within 1,000 linear feet.
  - (2) Permitted Accessory Uses and Structures.

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1. Accessory structures that are customarily incidental to any of the permitted principal uses, are subordinate in size to the principal structure and are located on the same lot.
  2. Home-based businesses as specified in Chapter 17.X.XX.
  3. Private garages subordinate in size to the principal dwelling unit.
  4. Uses that are customarily incidental to any of the permitted uses and are located on the same lot.
  5. Solar energy systems – accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
1. Accessory dwelling unit of **at least 500 square feet.** ~~limited to 750 square feet.~~
  2. Childcare center ~~—5 to 16 children.~~
  3. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
  4. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Article 3, Chapter XX- Off-street Parking.
  5. ~~Any permanent accessory structure that exceeds 720 square feet per acre lot.~~

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(c) Dimensional Requirements

- (1) Minimum lot size: 10,000 sq. ft.
- (2) Lot width: 50-foot street frontage.
- (3) Minimum front yard setback from property line: 25 feet.
- (4) Minimum side yard setback from property line: 7.5 feet per floor.
- (5) Rear yard setback from property line: 25 feet.
- (6) Maximum impervious coverage: 25%.
- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (8) Maximum building height: 30 feet.
- (9) Minimum Distance between structures: fifteen (15) feet.
- (10) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.

(d) Development Standards.

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.



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- (2) Development shall be located, sited and designed to blend in with the existing natural environment and minimize disruption to existing terrain, vegetation, drainage patterns, natural slopes and any other distinctive natural features.
- (3) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (4) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (5) A central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and state health department.
- ~~(6) Design standards for building form and siting are set forth in Section 17-3-X.~~

**SEC 17.2.110 SMALL LOT RESIDENTIAL ZONE (R-5,000 )**

- (a) **Intent.** The intent of this district is to continue to allow infill development on platted smaller lots that meet the Stormwater Quality Control measures and can be served with centralized services. The lots should be of sufficient size to allow off-street parking, and should strive to preserve the character of well-established neighborhoods.
- (b) **Use Regulations.**
  - (1) Principal Permitted Uses.
    - a. One (1) single detached dwelling unit per lot.
    - b. Public parks, recreation, trails and open space.
    - c. Public buildings, including police and fire stations or facilities, and civic facilities.
    - d. Public schools for primary education (K-12).
    - e. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use or any similar use if there is no non-residential location or larger residential lots within 1,000 linear feet.
  - (2) Permitted Accessory Uses and Structures.
    - a. Accessory structures that are customarily incidental to the permitted principal single family residents, are subordinate in size to the principal structure and are located on the same lot.
    - b. Any permanent accessory structure that exceeds 720 square feet per lot.
    - c. Uses that are customarily incidental to any of the permitted uses and are located on the same lot.
    - d. Home-based businesses as specified in Chapter 17.X.XX
    - e. Private garages subordinate in size to the principal dwelling unit.
    - f. Solar energy systems – accessory and small.
  - (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
    - a. Duplexes



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- b. Any permanent accessory structure that exceeds 500 square feet per acre of land including accessory dwelling units, subordinate
- c. Childcare facilities.
- d. Group homes exceeding eight (8) persons.
- e. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
- f. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.

**(c) Dimensional Requirements.**

- (1) Minimum lot size: 5,000 square feet.
- (2) Minimum lot width: 50 feet street frontage.
- (3) Front yard setback from property line: 25 feet.
- (4) Minimum side yard setback from property line: 7.5 feet per floor.
- (5) Rear yard setback from property line: 25 feet.
- (6) Maximum impervious coverage: 45%.
- (7) The percentage of the site that shall remain in a natural state shall comply with Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas, all measurements shall be made on the horizontal.
- (8) Maximum building height: 30 feet.
- (9) Minimum Distance between structures: 10 feet.

**(d) Development Standards.**

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) Development shall be located, sited and designed to blend in with the existing natural environment and minimize disruption to existing terrain, vegetation, drainage patterns, natural slopes and any other distinctive natural features.
- (3) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (4) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (5) A central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and the state health department.
- ~~(6) Design standards for building form and siting are set forth in Section 17-3-X.~~



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**17.2.120 MULTI-FAMILY RESIDENTIAL (R-MF).**

(a) **Intent.** The intent of this district to allow for the limited development of multi-unit residential dwellings and single-family attached units in areas where such development would be compatible with surrounding uses and where such intensive use will not create service or traffic problems. Incidental recreational, institutional, public, and accessory uses customarily found in proximity to medium and higher-density residential areas may be permitted. Such development must conform to Stormwater Quality Control regulations and must be served with centralized services. Higher-density residential dwellings and neighborhoods shall include measures to preserve the character of well-established neighborhoods.

**(b) Use Regulations.**

(1) Principal Permitted Uses.

- a. Public parks, recreation, trails and open space.
- b. Public buildings, including police and fire stations or facilities.
- c. Public schools for primary education (K-12).
- d. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use or any similar use if there is no non-residential location or larger residential lots within 1,000 linear feet.
- e. Multi-unit attached residential dwellings not to exceed 4 units per structure with or without zero property lines
- f. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.

(2) Permitted Accessory Uses and Structures.

- a. Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot.
- b. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
- c. Home-based businesses as specified in Chapter 17.X.XX.
- d. Private garages subordinate in size to the principal structure.
- e. Solar energy systems – accessory and small.

(3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:

- a. Any permanent accessory structure that exceeds 720 square feet per lot.
- b. Any residential development that is not mixed use or any residential development greater than 12 units per net residential acre.
- c. Accessory dwelling unit of **at least 500 sq. ft.**
- d. Duplexes
- e. Offices



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- f. Institutional and quasi-public uses: community center, family care home, group home as defined by Section 31-23-303, C.R.S., as a principal use, serving more than eight (8) persons, and health care support facilities.
- g. Religious institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.
- ~~h. Childcare centers — 5 to 16 children.~~
- i. Bed and breakfast establishments
- j. Professional offices.

**(c) Dimensional Requirements.**

- (1) Minimum lot size: 15,000 sq. ft.
- (2) Maximum density: not to exceed 12 units per net residential acre.
- (3) Lot width: 100-foot street frontage.
- (4) Minimum front yard setback from property line: 25 feet.
- (5) Minimum side yard setback from property line: 10 feet
- (6) Rear yard setback from property line: 25 feet.
- (7) A 25 ft buffer setback is required between zone districts.
- (8) Maximum impervious coverage: 65%.
- (9) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (10) Maximum building height: 30feet.
- (11) Minimum Distance between structures: fifteen (15) feet
- (12) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.

**(d) Development Standards.**

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.3.XX.
- (2) All development shall be designed so that for the given location, egress points, grading and other elements of the development, in order to:
  - a. Reduce disruption to the existing terrain, vegetation, or other natural site features;
  - b. Minimize adverse impacts on any existing or planned residential uses;
  - c. Improve pedestrian or vehicle safety within the site and exiting from it;
  - d. Reduce the visual intrusion of parking areas, screened outdoor storage areas, and similar accessory areas and structures;



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- e. Site all development including buildings, walls, and fences to complement existing development in scale and location of elements; and
  - f. Minimize traffic impacts on the existing road system by directing trips generated to collector and arterial streets.
- (3) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (4) Public sanitary sewer and centralized water shall be required.
- (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (6) The central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District(PLSD).

**17.2.130 BUSINESS INDUSTRIAL MIXED-USE CENTER (B-I MIXED USE)**

(a) **Intent.** The intent of this district is to promote a mix of higher-intensity uses including light industries, retail, office uses, and higher-density housing on the same lot as other allowed uses.

**(b) Use Regulations.**

- (1) Principal Permitted Uses.
- a. Eating and Drinking Establishments.
  - b. Warehouses and wholesale business.
  - c. Light equipment sales and repair.
  - d. Micro-brewery, Micro-distillery or Micro-winery.
  - e. Financial Institutions.
  - f. Offices.
  - g. Personal or Business Service.
  - h. Bed and breakfast establishments.
  - i. Funeral homes and mortuaries.
  - j. Building materials and supply sales, provided any outdoor storage is screened from view.
  - k. Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices.
  - l. Public schools for primary education (K-12).
  - m. Public parks, recreation, trails, and open space.
  - n. Retail sales.
  - o. Medical and dental clinics.
  - p. Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.

ARTICLE 2- JULY 20 INCLUDES FINAL EDITS PER JULY 16TH PC MEETING AND SPK AND GMS EDITS

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- q. Light assembly of prefabricated parts, or arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.
  - r. Light manufacturing.
  - s. Contractor shop and yard.
  - t. Vehicle Fuel Sales.
  - u. Industrial, Artisan.
  - v. Industrial, Light.
  - w. Warehouses and wholesale businesses.
  - x. Utility Facility, Minor.
  - y. Utility Facility Major.
  - z. Composting facility.
  - aa. Wireless Communication Facilities (WCF).
  - bb. Caretaker Unit.
  - cc. Live/Work.
  - dd. Mixed, residential dwelling and commercial uses occurring in the same building.
  - ee. Recreation and cultural facilities, public or non-public.
  - ff. Recreation and Entertainment, Indoor.
  - gg. Small businesses that provide services and limited and specialty retail establishments on the ground level.
  - hh. Childcare centers
- (2) Permitted Accessory Uses and Structures.
- a. Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot.
  - b. Multi-family housing not to exceed 12 units per acre on the same lot as the principal use.
  - c. Home-based businesses as specified in Chapter 17.X. XX.
  - d. Solar energy systems– accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Accessory dwelling unit of **at least 500** square feet.
  - b. Any permanent accessory structure that exceeds 720 square feet.
  - c. Outdoor storage.
  - d. Vehicle wash-self service.
  - e. Vehicle repair, major.
  - f. Vehicle Sales, leasing, rental, and service.
  - g. Emergency services including ambulance services.



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- h. Any establishment with drive-thru facility.
- i. Recreation and entertainment, outdoor.
- j. Golf courses and low-impacted recreational uses.
- k. Recycling or donation drop off.
- l. Multi-family residential, Density greater than 6 units per acre.
- m. Animal hospitals and Kennels, provided that a minimum area of five acres is available for said kennel.
- n. Nursing homes, hospitals.
- o. Optional premises cultivation operations as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30.
- p. Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks.
- q. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
- r. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.

**(c) Dimensional Requirements.**

- (1) Minimum lot size: 6,600 square feet.
- (2) Lot width: 35-foot street frontage.
- (3) Minimum front yard setback from property line: 20 feet.
- (4) Minimum side yard setback from property line: No side yard setback shall be required provided the building's side wall is constructed of at least four-hour fire resistance. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required.
- (5) Rear yard setback from property line: 25 feet.
- (6) Maximum impervious coverage: 65%.
- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (8) Maximum building height: 30 feet.
- (9) Minimum Distance between structures: fifteen (15) feet.
- (10) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.

**(d) Development Standards.**

ARTICLE 2- JULY 20 INCLUDES FINAL EDITS PER JULY 16TH PC MEETING AND SPK AND GMS EDITS

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- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) All development, including buildings, walls, and fences, shall be so sited to:
  - a. Complement the scale and location of existing development;
  - b. Provide sidewalks as specified in the subdivision standards or an off-road system of pedestrian and bicycle trails of greater than six (6) feet in width;
  - c. Reduce the number of access points onto an arterial or collector street;
  - d. Minimize adverse impacts on any existing or planned residential uses;
  - e. Improve pedestrian or vehicle safety within the site and exiting from it;
  - f. Create pocket parks or green spaces that are accessible to the public and at a minimum provide seating and landscaping; and
  - g. Minimize unused or unusable public or private areas in the side and rear yards in new development.
- (3) Parking and loading areas for all uses must be paved and screened from view, by the use of either fences or landscaping.
- (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.

(5) Public sanitary sewer and centralized water shall be required.

~~(5)~~(6) A central system for sewage treatment shall be provided, designed, and built in a manner approved by the state health department and Palmer Lake Sanitation District.

~~(6)~~(7) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.

~~(7)~~(8) All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas.

~~(8)~~(9) Design standards for building form and siting are set forth in Section 17-3-X.

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**17.2.140 Village Mixed Use (V-MU)**

- (a) Intent. The intent of this district is to provide goods and services for surrounding neighborhoods and to create a pedestrian-friendly, mixed-use node that strives to integrate two or more land uses, such as residential, commercial, and office on one lot or within a subdivision, with a defined pedestrian orientation. The commercial area should include well-planned attractive clusters or nodes of commercial development that complement each other. This zone district is characterized by the ability to walk or drive and park to access several complementary service and retail uses with limited shared access points off major roads such as Highway 105 or County Line Road. The development contains pedestrian connections and amenities that are complementary to surrounding neighborhoods and open spaces, thereby promoting one-stop shopping in a pedestrian environment.
- (b) Use Regulations



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- (1) Principal Permitted Uses.
- a. Eating and drinking establishments
  - b. Micro-brewery, Micro-distillery or Micro-winery.
  - c. Financial Institutions.
  - d. Offices.
  - e. Personal or Business Services.
  - f. Small businesses that provide services and limited and specialty retail establishments on the ground floor level.
  - g. Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices.
  - h. Public parks, recreation, trails and open space.
  - i. Public schools for primary education.
  - j. Retail sales.
  - k. Vehicle fuel sales.
  - l. Light equipment sales and repair.
  - m. Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.
  - n. Light assembly of prefabricated parts; or arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.
  - o. Medical and dental clinics.
  - p. Utility Facility, Minor.
  - q. Wireless Communication Facilities (WCF).
  - r. Live/Work.
  - s. Mixed, residential dwelling and commercial uses occurring in the same building.
  - t. Daycare center, Adult or child.
- (2) Permitted Accessory Uses and Structures.
- a. Dwelling units subordinate in size to the principal use and located on the second floor of a permitted principal use or in the rear of a permitted accessory uses.
  - b. Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot.
  - c. Home-based businesses in any dwelling unit as specified in Chapter 17.X.XX.
  - d. Solar energy systems– accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Any permanent accessory structure that exceeds 720 square feet per lot.
  - b. Accessory dwelling unit of **at least 500** square feet.



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- c. Outdoor storage.
  - d. Mini-warehouses and storage rental spaces.
  - e. Light manufacturing.
  - f. Any establishment with a drive-thru facility.
  - g. Emergency services including Ambulance services.
  - h. Multi-family residential, density greater than 12 units per acre
  - i. Animal hospitals.
  - j. Nursing homes, assisted living
  - k. Type I manufactured homes.
  - l. Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks.
  - m. Wholesale operations provided that traffic impacts can be mitigated.
  - n. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
  - o. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Article 3 Parking.
- (c) Dimensional Requirements
- (1) Minimum lot size: 6,600 square feet.
  - (2) Lot width: 35-foot street frontage.
  - (3) Minimum front yard setback from property line: 20 feet.
  - (4) Minimum side yard setback from property line: No side yard setback shall be required provided the building's side wall is constructed of at least four-hour fire resistance. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required.
  - (5) Rear yard setback from property line: 25 feet.
  - (6) Maximum impervious coverage: 65%.
  - (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
  - (8) Maximum building height: 30 feet.
  - (9) Minimum Distance between structures: fifteen (15) feet.



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(10) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.

(d) Development Standards.

(1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.

(2) All development including buildings, walls, and fences shall be so sited to:

- a. Complement the scale and location of existing development;
- b. Provide sidewalks as specified in the adopted road standards or an off-road system of pedestrian and bicycle trails greater than six (6) feet in width;
- c. Reduce the number of access points onto an arterial or collector street;
- d. Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level;
- e. Minimize adverse impacts on any existing or planned residential uses;
- f. Improve pedestrian or vehicle safety within the site and exiting from it;
- g. Create pocket parks or green spaces that are accessible to the public and at a minimum provide seating and landscaping; and
- h. Minimize unused or unusable public or private areas in the side or rear yards.

(3) Parking and loading areas for all uses must be paved and screened from view through the use of either fences or landscaping.

(4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.

(5) Public sanitary sewer and centralized water shall be required.

~~(5)~~(6) A central system for sewage treatment shall be provided, designed, and built in a manner approved by the state health department and the Palmer Lake Sanitation District.

~~(6)~~(7) All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas.

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**17.2.150 Downtown Mixed Use (DMU)**

(a) **Intent.** The Downtown Mixed Use zone district is intended to promote Palmer Lake’s historic downtown area district for retail, service commercial, recreational, institutional, and secondary residential uses and to enhance the visual character, scale, and vitality of the downtown by allowing for specialized business and other services for area residents and visitors. The district is designed to encourage a broad mix of uses within a compact pedestrian-oriented environment and facilitate small business development and vitality. This district limits direct approaches onto Highway 105 unless a permit is granted by CDOT and pedestrian movement is not curtailed.

(b) **Use Regulations.**



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- (1) Principal Permitted Uses.
- a. Eating and drinking establishments.
  - b. Small businesses that provide services and limited and specialty retail establishments on the ground floor level.
  - c. Offices.
  - d. Personal or Business Services.
  - e. Micro-brewery, Micro-distillery or Micro-winery.
  - f. Financial Institutions.
  - g. Light assembly including arts/crafts shops such as woodworking, pottery, jewelry, or other craft-based industries.
  - h. Bed and breakfast establishments.
  - i. Recreation and cultural facilities, public or non-public.
  - j. Retail sales.
  - k. Small inns and lodges ranging from five (5) to twenty (20) rooms only if located above ground floor of nonresidential uses.
  - l. Live/work residences.
  - m. Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices.
  - n. Public schools for primary education (K-12).
  - o. Public parks, recreation, trails and open spaces.
  - p. Medical and dental clinics/offices.
- (2) Permitted Accessory Uses and Structures.
- a. Dwelling units subordinate in size to the principal use and located on the second floor or in the rear of a permitted principal use.
  - b. Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot.
  - c. Home-based businesses as specified in Chapter 17.X. XX.
  - d. Solar energy systems– accessory and small.
- (4) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified.
- a. Any permanent accessory structure that exceeds 720 square feet per lot.
  - b. Accessory dwelling unit of **at least 500** square feet.
  - c. Commercial accommodations only if parking can be provided onsite.
  - d. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted



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if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.

- e. Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks.
- f. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.
- g. Residential dwelling not to exceed four (4) total dwellings per lot.
- h. Commercial accommodations only if parking can be provided onsite.
- i. Any establishment with a drive-thru facility.

**(c) Dimensional Requirements.**

- (1) Minimum lot size: 6,600 square feet.
- (2) Lot width: 35-foot street frontage.
- (3) Minimum front yard setback from property line: All buildings shall be placed within the build-to zone. This zone is defined as the area that is a minimum of 0 feet from the back of the sidewalk to a maximum of 10 feet from the back of the sidewalk. The area between the buildings and the sidewalk shall be either landscaped or shall be a continuation of the sidewalk surface. If no sidewalk exists, a concrete sidewalk shall be installed that conforms to the requirements of the town's adopted public works standards manual. Parking is not permitted in the build-to zone. [NOTE: a maximum of 10 feet back from sidewalk to building face may limit front patio seating for restaurants and food / drink establishments, do front patio seating areas need to be considered in the front setback limitation?]
- (4) Minimum side yard setback from property line: No side yard setback shall be required provided the building's side wall is constructed of at least four-hour fire resistance. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required.
- (5) Rear yard setback from property line: 10 feet from any public ROW.
- (6) Maximum impervious coverage: No maximum.
- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- ~~(8) Maximum building height: 30 feet, 32 feet with 3<sup>rd</sup> story stepped back.~~
- (9) Minimum Distance between structures: five (5) feet.

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**(d) Development Standards.**

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) All development including buildings, walls, and fences shall be so sited to:
  - a. Complement the scale and location of existing development.



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- b. Provide sidewalks as specified in the adopted road standards or an off-road system of pedestrian and bicycle trails greater than six (6) feet in width.
  - c. Reduce the number of access points onto an arterial or collector street.
  - d. Minimize adverse impacts on any existing or planned residential uses.
  - e. Improve pedestrian or vehicle safety within the site and exiting from it.
- (3) Street Appeal. All developments shall provide at least three or more of the following design features as a condition of development approval.
- a. Public or private outdoor seating.
  - b. Usable public space or sidewalk extended.
  - c. Pathways to civic uses and amenities.
  - d. Primary structure built to the sidewalk.
  - e. Public art and/or public plaza.
  - f. Parking placed totally behind the primary structure.
  - g. Landscape planters.

**Sec. 17.72- Planned Development (Adopted)**

g-

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ARTICLE 3 FINAL DRAFT BASED ON JULY 16 PC WORKSHOP CORRECTIONS  
JULY 20TH with SPK and GMS additions or corrections

## ARTICLE 3: General Standards Applicable to All District

### Drafting notes:

- **Items in purple typeface** have been resolved by the Planning Commission members. This includes several landscaping amendments sent to the Planning Commission on July 1, 2025 (see below).
- GMS comments have been inserted and show as tracked changes in **dark blue**
- **Landscaping-** Currently, the Town has NO landscaping requirement. A Planning Commissioner suggested that the Town use the EPCO landscape requirements, which are currently found in the County's Landscaping and Planting Manual, not Appendix D, which CMI incorrectly cited. This manual is only a supplement to the County's Land Development Code and provides rules as well as suggestions. CMI has utilized a portion of this manual, but the amount of landscaping required has also been derived from landscape requirements adopted by both Manitou Springs and Monument, two jurisdictions with which CMI has consulted.

- (1) Items **in blue are from Bill Fisher's additions** as emailed on July 1 to the Town Clerk and distributed to the Planning Commission at their workshop.
- (2) There are a few minor areas where CMI is uncertain what the PC prefers. I have tried to flag those items. We are at the point in the process where the Reviewers need to direct CMI on exactly what they want. We can hopefully turn it around in one day for the PC meeting (see below).
- (3) After reflecting on lighting comments, and doing more research, I am recommending that the town require the following: All exterior lighting shall utilize fixtures that are fully shielded, emitting 0 lumens above 90 degrees from nadir, and have a BUG upright rating of UO, as defined by the Illuminating Engineering Society (IES), and shall be installed and maintained to minimize light pollution, light trespassing, and skyglow.
- (4) As you review, especially with some additions, please ensure that we have no competing rules or standards.

**Commented [BC1]:** IES dropped the North America- this is the proper citation. Per numerous comments, this is a stricter standard than the IES full cut off as it addresses the issue of skyglow.

### Sec.17.3.100 General provisions.

- (a) Applicability. All development applications and building permit applications must comply with the applicable standards contained in this Article.
- (b) Relation to Zone District Standards (Article 2). In the event of a conflict between a standard or requirement contained in Article 2 and this Article, the more restrictive shall prevail.



## ARTICLE 3 FINAL DRAFT BASED ON JULY 16 PC WORKSHOP CORRECTIONS

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- (c) This Article includes all standards related to how development is sited, designed, and serviced to create vital, cohesive, and well-designed developments that enhance the small-town character and conforms to the adopted Community Master Plan.

### **Sec. 17.3.210. Intent.**

Off-street parking, stacking, and loading requirements lessen congestion upon the public streets of the town by requiring the owners and operators of land, structures, and uses to provide parking on their premises in accordance with the demand generated by such land, structure, or use.

### **Sec.17.3.220. Parking Requirements**

- (a) In all zone districts, off-street parking facilities for the storage of vehicles for the use of occupants, employees, and patrons of the building or structure hereafter erected, altered, or extended must be provided and maintained as herein prescribed.
- (b) At the time a property changes use, the applicant must demonstrate that the existing parking is adequate to serve the proposed use. It shall be the responsibility of the new user to provide additional parking if the existing parking does not meet the needs of the proposed use.
- (c) All parking and driveway areas and primary access to parking facilities shall be graded and surfaced to be dust-free and properly drained. Non-residential spaces shall be surfaced with asphalt, concrete, or similar materials. Except within the right-of-way, the planning commission may approve grass-crete or similar pervious pavement that is similar to the other materials listed in this section if function, durability, maintenance, and appearance are met.
- (d) Location. Except in the Downtown Mixed-Use District, the required off-street parking space shall be located on the same legal lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway except in residential zones shall be closer than 25 feet to a residential zone lot line.
- (e) All off-street parking spaces shall be unobstructed and free of other uses.
- (f) Vehicles parked on private property shall be parked within or upon a paved or graveled driveway.
- (g) Any off-street parking area must be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas must be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- (h) Circulation areas must be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.



ARTICLE 3 FINAL DRAFT BASED ON JULY 16 PC WORKSHOP CORRECTIONS  
JULY 20TH with SPK and GMS additions or corrections

- (i) All exterior lighting shall utilize fixtures that are fully shielded, emitting 0 lumens above 90 degrees from nadir, and have a BUG upright rating of U0, as defined by the Illuminating Engineering Society (IES), and shall be installed and maintained to minimize light pollution, light trespassing, and skyglow.
- (j) Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists. Parking lot lighting levels shall not exceed 0.1 footcandles at the edge of the property. For additional lighting requirements, see Section 16.3.05 Lighting.
- (k) Unless the outdoor light is used to illuminate the entry or exits of the structure, parking areas, or driveways, or is on a motion sensor that shuts off after five minutes of activation, all outdoor lights must be extinguished as soon as there are no longer people present in exterior areas.
- (l) If there are more than five parking spaces, the spaces shall be marked and maintained on the pavement, and any other directional markings or signs shall be installed as permitted or required by the town to ensure the approved utilization of space, direction of traffic flow, and general safety.
- (m) Loading and unloading facilities shall be located in the rear or side of buildings and shall be screened from public view.
- (n) Storage and refuse containers must be screened with impervious fencing or plantings and shall not front onto any street. Refuse storage and pickup areas shall be combined with other service and loading areas.
- (o) To promote a pedestrian scale and encourage a perception of safety in the Downtown Mixed-Use District, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreement(s) must be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements as outlined in Section 17-3-X Joint Use and in Section 17-3-Y Downtown Parking.

**Sec. 17.3.230. Parking Lot Standards.**

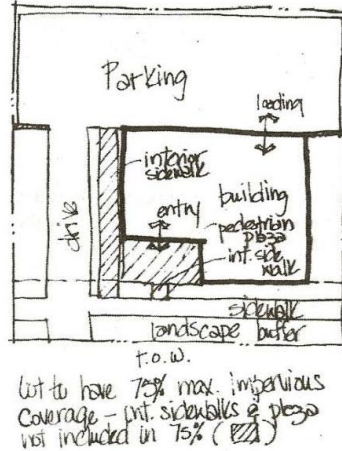
- (a) Parking Space and Access Drive Requirements. Except as may be provided for compact cars elsewhere in this Section, the minimum size of off-street parking space and parking lot drives shall be in accordance with the following:
  1. Minimum stall size: Nine (9) feet by nineteen (19) feet.
  2. Minimum access drive width: Twelve (12) feet per lane for non-residential uses; ten (10) feet wide for any single-family or two-family dwellings.
  3. Minimum backing area width for non-residential uses and multi-family dwellings: Twelve (12) feet to twenty-four (24) feet (two [2] drive lanes).
  4. Angled parking spaces: See 17.3.270.



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(b) Location and Design of Parking Areas.

1. All parking areas shall be set back a minimum of ten (10) feet from any public rights-of-way.
2. Parking lots shall be so designed as to appear as an accessory use to the principal use. Where a parking lot faces an arterial or collector street, parking lots shall be screened from view by low walls, fences, trees & shrubs, berms, and other landforms that effectively conceal parked cars.
3. In all newly developed and redeveloped nonresidential areas and multi-family residential developments, all off-street parking areas must be accessed by a defined access lane off the main public right-of-way. This access lane must be separated from the traveled portion of the roadway by at least a seven-foot setback. Backing parked cars into public road drive lanes from off-street parking areas is not allowed.
4. All parking areas shall be provided with adequate drainage to accommodate increased runoff from the site and shall be designed to comply with the town's adopted MS-4 standards.
5. A twenty-five-percent allowance for compact cars may be applied to commercial, cultural, and civic uses in any district. These spaces shall be properly marked and grouped within the overall parking plan. Space size shall be a minimum of eight (8) feet by sixteen (16) feet.
6. All parking areas shall be maintained.
7. Parking lot setbacks, islands, and other open spaces shall be landscaped to the greatest extent possible. [NOTE: promote xeriscape landscape principles for low water usage and overall water conservation] Landscaped areas may also be used for snow storage as long as they are maintained and vegetation is replaced when necessary.
8. Parking areas may not be used for the dismantling of vehicles, storage of nonworking vehicles, or storage of commodities. Sales of commodities from parking lots are not allowed except with a valid peddler's license issued by the town clerk or for special events, which are approved by the town.
9. Layout. Parking lots should provide well-defined circulation for both vehicles and pedestrians.





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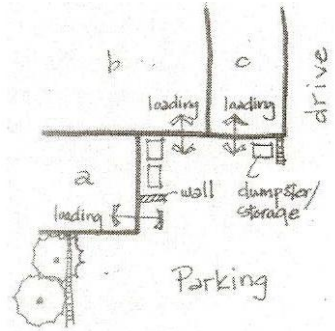
10. Vehicles shall not overhang any public property, pedestrian access, including sidewalks, or landscaped area. **Curbs or barriers shall be installed to prevent the parked vehicle from extending over any lot lines.**
11. Standard traffic control signs shall be used to direct traffic where necessary within a parking lot.
12. Entrance drives shall be readily observable to the first-time visitor. Parking lot entrances, the ends of parking aisles, and the location and pattern of primary internal access drives shall be well-marked by signs or landscaped islands with raised curbs or other defined edges.

(c) Parking Lot Landscaping and Lighting.

- (1) Any parking lot accommodating ten or more spaces shall have:

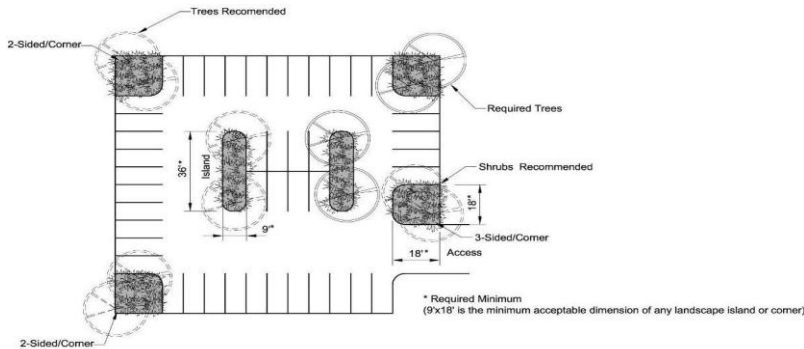
- a. Landscape areas with low water demand vegetation, including both trees and shrubs.
- b. 10' min. landscape area strip at an arterial or collector street frontage and on ~~commercial~~ non-residential property adjacent to residential uses.
- c. A 10 foot minimum landscape area is required ~~at~~ around the entire parking lot perimeter, excluding the entrance drive.
- d. Screening: All off-street parking and loading areas associated with non-residential uses or structures shall be screened from view from arterial or collector streets and adjacent residential uses. The minimum height of the screening shall be 4' using new and existing trees, shrubs, berms, and landforms in a manner that effectively conceals parked cars. Screening shall cover 80% of the street and residential edges and comply with the El Paso County Landscaping and Planting Manual. **Screening shall be properly maintained so as to not interfere with visual sight lines for vehicles and pedestrians, or otherwise create unsafe conditions for vehicular or pedestrian movements.**

- (2) The interior of a parking lot is considered to be the traffic islands and areas around the actual parking spaces; it does not include the required perimeter treatment. All parking lots shall be landscaped with low water demand vegetation and include both trees and shrubs. A minimum of five percent (5%) of the interior area of a parking lot accommodating ten (10) or more spaces must be planted.
  - a. Landscaped areas within new and redeveloped parking lot interiors shall include islands and fingers located in a manner to divide and break up expanses of paving and long rows of parking and create a canopy effect over the parking lot.
  - b. There shall be no more than fifteen (15) parking spaces in a continuous row on one (1) side without being broken by a landscape island.





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- c. Landscaped islands that have parking on both sides may be permitted as an alternative to individual landscape islands, as long as no more than fifty percent (50%) of the required islands and the equivalent area of said islands are incorporated into landscaping aisles.

(3) The type of landscape materials that is required can be found in Section 17.3.3xx.

(4) Parking and loading areas for all non-residential uses must be paved and, if located adjacent to residential and educational properties, screened from view. Parking areas within the Open Space and Recreation District are exempt from this requirement.

(5) The pedestrian crossings shall be clearly differentiated from the rest of the parking surface.

(6) Screening. All off-street parking and loading areas associated with non-residential uses or structures shall be screened when the parking spaces or area abuts a residential use through the use of landscaping and fencing. The minimum height of the screening shall be 4' feet and may be accomplished by using new and existing trees, shrubs, and landforms. 80 % of the parking lot perimeter shall be screened. All parking lot screening shall comply with the El Paso County Landscaping and Planting Manual, as may be amended. Screening shall be properly maintained so as to not interfere with visual sight lines for vehicles and pedestrians or otherwise create unsafe conditions for vehicular or pedestrian movements.

(7) Landscaping shall be designed and maintained to meet the minimum sight visibility triangle requirements.

(8) All lights used to illuminate parking spaces, driveways, or maneuvering areas shall be designed, arranged, and screened to minimize light spillage on adjoining lots or streets. Light trespass on adjoining lots and streets shall be a maximum of 0.1 Fc at the property line and shall comply with Section 17-3-X Lighting.

(9) Parking Lot light intensity shall not unreasonably disturb adjacent properties and shall be a maximum of 5 Fc at all areas.

(10) No parking lot lighting shall be installed above a maximum height of sixteen (16) feet.

Commented [WF2]: Parkland parking need not be paved. Remove screening language here. THIS STAYS added note about open space district.



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**Sec. 17.3-240 Parking, Stacking, and Loading Requirements.**

- (a) General. For every building hereafter erected or structurally altered, off-street parking spaces, spaces for loading and unloading, vehicle stacking, and proper ingress and egress shall be provided. Parking requirements shall apply to all districts unless specifically exempt and are considered a required use associated with a principal use. All required off-street parking, stacking and loading spaces shall be maintained in the manner herein set forth.
- (b) Minimum Parking Requirements. The minimum off-street parking requirements for all uses in all districts are enumerated in the following table. In no instance shall a parking space be used for the storage of vehicles. All parking spaces must be used for vehicles that can be driven unless otherwise noted in this Article.
- (c) Table of Parking Requirements

<b>Table 17-3-1: Number of Spaces Required by Use</b>	
<b>Use</b>	<b>Number of Spaces Required</b>
<b>Residential Dwelling units/structures</b>	
Studio or 1-bedroom	1.5 spaces per dwelling unit/structure
2- or more bedrooms In addition, multi-family dwellings	2 spaces per dwelling unit/structure plus 1 guest space per 5 dwelling units/structures
<b>Group Living</b>	
Assisted living facilities for the care of the elderly or infirmed, includes nursing homes	1 space per 4 beds plus 1 space per 2 employees
Group homes (up to 8 residents)	2 spaces per group home, plus 2 spaces per 3 employees
Congregate living facilities	1 space per bed
Commercial accommodations, including bed and breakfast, hotel/motel units regardless of how owned and managed, and timeshare units. On-site services (restaurants, public meeting areas, etc.) require additional parking	1 space per individual exit of accommodations unit plus 1 space per employee on the largest shift plus 1 space per 400 sq. ft. Gross Floor Area of public meeting area and restaurant
<b>Automobile Service, Repair and Sales</b>	
Gas station	2 spaces per service bay plus required stacking spaces



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Service station, auto lube center	2 spaces per service bay plus required stacking spaces
Auto repair or body shop	2 spaces per service bay, spaces for each bay may park tandem
Auto, truck, boat, RV, motorcycle repair, sales and rental	1 space per 400 sq. ft. Gross Floor Area of showroom, office, vehicle repair and parts sales areas, plus 1 space per 1,000 sq. ft. Gross Floor Area for outdoor display
Car wash, self-service	2 stacking spaces in front of each bay, plus parking for employees if any
<b>Retail, Entertainment, Office, and Professional Service</b>	
Bank (including branch and drive-through)	1 space per 300 sq. ft. of Gross Floor Area plus required stacking space for drive-through
Bowling alley	5 spaces for each alley
Convenience store	1 space per 200 sq. ft. of Gross Floor Area plus stacking for drive-up window
Convenience store with gas sales	1 space per pump island, plus 1 space per 150 sq. ft. of Gross Floor Area plus, plus 2 spaces per 3 employees
Restaurants, eating and drinking establishments	1 space per 150 sq. ft. of dining and waiting area (including private clubs, restaurants)
If dancing and/or entertainment is provided	1 space per 50 sq. ft. of dining, waiting and entertainment area
General retail sales including sale, rental and repair	1 space per 300 sq. ft. of Gross Floor Area, including storage areas
Health and athletic club, aerobics, recreational amusement and entertainment facility	1 space per 125 sq. ft. of Gross Floor Area, excluding storage areas
Medical and dental office, clinic	1 space per 250 sq. ft. of Gross Floor Area
Office (including finance, real estate, business professional offices and telecommunication facilities with employees but not medical or dental)	1 space per 300 sq. ft. of Gross Floor Area



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Personal service shop (examples include beauty, barber, tanning and nail salons, spas, massage therapists, shoe repair)	1 space per 300 sq. ft. of Gross Floor Area
Rental service; equipment, small tools, home furnishings, supplies	1 space per 300 sq. ft. of Gross Floor Area
Theater	1 space per 40 sq. ft. of Gross Floor Area in the main assembly area
Office Warehouse with storage	1 space per 1,000 sq. ft. for the first 10,000 sq. ft., then 1 space per 10,000 sq. ft. for the remaining area
Public, Quasi-Public, and Institutional	
Community service facility (e.g., post office, courts, community health building). All other community service facilities shall be determined by the Town Administrator based on an analysis of parking requirements for similar uses or on anticipated parking demands.	1 space per 250 sq. ft. of Gross Floor Area
Childcare facility, preschool	1 space per 8 students, plus 1 space per employee
Group Living Facilities	1 space per 5 beds
Library, museum or gallery	1 space per 300 sq. ft. of Gross Floor Area
Religious institutions	1 space per 4 seats in primary meeting room or 1 space per 300 sq. ft. whichever is greater
Public assembly and civic association hall (includes all facilities used for receptions and conventions)	1 space per 40 sq. ft. of Gross Floor Area in the primary meeting room or assembly area
Schools:	
Through junior high	2 spaces per classroom
High schools and colleges	10 per classroom
School auditoriums	1 space per 3 seats in auditorium



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Repair, Manufacturing and Industrial	
Utilities	1 space per 300 sq. ft. of Gross Floor Area plus 1 for each company vehicle
Contractor yard, business service	1 space per 500 sq. ft. of Gross Floor Area
Laboratory and research and development	The greater of 1 space per 300 sq. ft. of Gross Floor Area or 1 space per employee on maximum shift
Manufacturing, processing or assembly:	
20,000 sq. ft. or less Gross Floor Area	1 space per 2,000 sq. ft. of Gross Floor Area
More than 20,000 sq. ft.	10 spaces plus 1 space per 4,000 sq. ft. of Gross Floor Area above 20,000 sq. ft.
Self-service storage facility	1 space per 5,000 sq. ft. of Gross Floor Area
Warehouse with freight movement	1 space per 1,000 sq. ft. of Gross Floor Area
Wholesale Trade	
Builders' supply office and yard - wholesale	2 spaces per 3 employees
Market showroom (furniture, apparel, etc.)	1 space per 2,000 sq. ft. of Gross Floor Area
Wholesale uses:	
10,000 sq. ft. or less of Gross Floor Area	1 space per 1,600 sq. ft. of Gross Floor Area
10,001 sq. ft. to 100,000 sq. ft.	16 spaces plus 1 space per 800 sq. ft. area between 10,000 sq. ft. and 100,000 sq. ft. of Gross Floor Area
More than 100,000 sq. ft.	128 spaces plus 1 space per 1,000 sq. ft. of Gross Floor Area above 100,000 sq. ft.

(d) Determination of Requirements for Uses Not Listed. Requirements for types of buildings and uses not specifically listed in this Article shall be determined by the planning commission, after study and recommendation, which should include all relevant factors, including but not limited to:

1. Vehicle occupancy studies.



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2. Comparable requirements from other similar municipalities.
3. Requirements of comparable uses listed in this Article.
4. Suitable and adequate means will exist for provision of public, community, group, or common facilities.
5. Provision of adequate loading facilities and a system for the distribution and pickup of goods.
6. The use is in the interest of the area to be affected and in the interests of the town at large.
7. The use will not be detrimental to adjacent properties or improvements in the vicinity of the area.
8. The proposed use will not confer any special privilege or benefit on the properties or improvements in the area, which privilege or benefit is not conferred upon similarly situated properties elsewhere in the town.

(e) Calculation of Parking Space Requirements.

1. Number of spaces. Separate parking spaces shall be provided for each use.
2. Where parking facilities are combined and shared by two (2) or more uses, the off-street parking space required for two (2) or more uses having different standards for determining the amount of required off-street parking space shall be the sum of the standards of all the various uses.
3. When any parking calculation results in a required fractional space, such fraction shall be rounded up to the next whole number.
4. Measurement of floor area. Floor areas used in calculating the required number of parking spaces shall be the gross floor area of the building calculated from the exterior outside wall without regard to a specific inside use unless specifically exempt. In mixed-use facilities:
  - a. Calculations shall be based on the ~~gross~~ net square footage of each identifiable use within the building, and the total square footage of each identifiable use shall be the same as the gross floor area calculated from outside wall to outside wall.

**Sec. 17.3-250 Downtown Mixed Use (D-MU) District Parking Requirements.**

- (a) In the historic Downtown Mixed-Use District, it is the intent of the town of Palmer Lake to encourage the development of a pedestrian-oriented commercial shopping environment oriented along Highway 105 and along all streets within the Downtown Mixed-Use District. To do so, the town anticipates developing public parking areas in the district. Therefore, applicants in this district may reduce their off-street parking requirements at the time of site plan approval using one or more of the following options. In addition to



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relaxed parking ratios within this district, parking requirements in this district may also be satisfied by:

- a. Allowance to provide off-street parking off-site as long as the alternative parking lot is within the Downtown Mixed-Use district.
  - b. Payment in lieu of fee for parking.
  - c. On-street parking credits on streets within the downtown mixed-use district, exclusive of alleys and alleyways; and/or
  - d. Tuck-under parking.
- (2) Off-Site Parking. Fifty (50) percent of the commercial parking requirement may be met off-site as long as such parking is within the Downtown Mixed-Use district.
  - (3) Use of the off-site parking provisions as provided for in this subsection shall be granted upon the approval of the board of trustees. An approved site plan showing the location and layout of the parking spaces is required.
  - (4) Once approved by the board of trustees, the property owner, using this provision, shall give the town a revocable easement for the off-site parking lot with the only cause for revocation being agreement of the parties. The off-site parking lot parking space count shall be based upon the square footage of the easement given to the town, with the number of spaces for which credit shall be given being equal to the square footage of the easement divided by 200 square feet (the standard size of a parking space accounting for access), excluding required drive aisles.
  - (5) The snow storage is required pursuant to this section shall be provided in the easement.
  - (6) The easement agreement, and the terms for satisfying the required off-site parking under this subsection in each particular case, shall be recorded as set forth in this section.
  - (7) No building permit shall be issued without proof that the revocable easement has been recorded.
  - (8) Payment of Fees in Lieu of Providing Parking. These payments are to be made to the town or by participation in other alternative parking programs being implemented by the town at the time of application.
  - (9) Fees in lieu of parking payments will be made to the town and deposited in the town parking fund reflecting the number of spaces reduced from the off-street requirement for each use class. Fees will be calculated using a formula established by the town.
  - (10) Fees in lieu of parking may be made for up to 100 percent of the required off-street parking for all business and office uses. Fees in lieu of parking will not be allowed for residential uses; all parking must be provided on site. The percentage of buy-out will be negotiated with the town subject to the following criteria:
    - a. Type of use.



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- b. Degree of need for auto access.
  - c. Distance from public parking facility.
  - d. Relation to surrounding land area.
  - e. Site constraints in relation to existing land use.
  - f. Other criteria deemed appropriate.
- (11) Any reduction in parking requirements as provided for in this subsection shall be granted upon the approval of the board of trustees and payment of the required in-lieu-of fee. No building permit shall be issued without proof that said in-lieu-of fee has been paid.
- (12) On-Street Parking Credit. An on-street parking credit may be issued to a property owner to utilize the public right-of-way adjacent to the owner's property to meet the minimum nonresidential parking space requirements in the D-MU zone district. If all the following conditions are satisfied, the property owner may develop said parking spaces and associated improvements in the public right-of-way to reduce the parking requirements of a downtown development. On-street parking may not be used to meet residential parking requirements.
- a. The right-of-way immediately adjacent to the subject property allows for and can accommodate on-street parking.
  - b. The subject property has a minimum lot width or length of 30 feet adjacent to the street containing the on-street parking spaces.
  - c. If there is no existing on-street parking on the street immediately adjacent to the property, the property owner must construct the parking spaces on the adjacent street to be credited for on-street parking, provided all standards found in the public works manual are met. If the parking space to be provided is on Highway 105, CDOT approval is also required.
  - d. The scope, scale, and other characteristics of the proposed use(s) are such that counting on-street parking toward the minimum off-street parking requirement would not create a traffic hazard and is approved by the town engineer, and CDOT if on Highway 105.
  - e. The parking credit shall be one space per 20 feet of linear frontage for parallel spaces fronting on a public right-of-way. Head-in spaces shall be granted for every 10 feet of width. Angle parking credits shall be credited based on the angle of the space as shown on the parking plan. When any parking calculation results in a required fractional space, such fraction shall be rounded down to the next whole number.
  - f. Use of On-Street Parking. On-street parking spaces shall be used only for vehicle parking. No sales, rental, storage, repair, servicing of vehicles,



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equipment, or materials, dismantling, or other activities shall be conducted or located in such areas. On-street spaces cannot be designated as private or reserved for adjacent uses.

- g. On-Street Parking Credit Submittal Requirements. Any request for on-street parking credit shall be included as part of the project statement and shown on a new or amended site plan. The request for on-street parking credit shall provide the following information:
  1. A written project statement detailing the request and addressing how the site meets the applicable conditions.
  2. A parking plan that shows the calculations of the required number of parking spaces including the on-street parking spaces, dimensions, locations of all on-site parking spaces including drive aisles, any abutting alley width, and required alley setbacks if applicable, and an on-street parking analysis that describes local on-street demand.
  3. Use of on-street parking to meet parking requirements under this section shall be approved by the board of trustees, after review and comment by the planning commission.
  4. Any owner utilizing this subsection shall enter into an improvements agreement which shall obligate the owner to install or cause to be installed all parking spaces and related improvements. No building permit shall be issued without approval by the board of trustees of an improvement agreement related to the on-street parking improvements.
  5. Tuck-Under Parking. Each two on-site tuck-under parking spaces shall count as three off-street parking spaces toward satisfying the minimum required off-street parking. Tuck-under parking must be located in the rear of the lot and adjacent to an accessible alley.

(b) The parking requirements for the following uses in the Downtown Mixed Use (D-MU) have been reduced as follows:

Restaurants and eating and drinking establishments	1/ <del>450</del> 250 square feet of gross floor area OR 1/ <del>250</del> 300 square feet of gross floor area if mixed use
Carryout restaurant	1/300 square feet with no more than 8 seats, indoors or outdoors. An establishment with more than 8 seats (and without a drive-through) constitutes a restaurant
If no seating or dining area provided	1/350 square feet of building area, plus required stacking spaces for drive-through facility



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General retail sales including sale, rental, and repair	1/400 square feet of gross floor area 1/1,000 square feet of gross floor area for appliance and furniture stores
Office, business, personal, and professional services	1/450 square feet of gross floor area, or portion thereof 0.0 if not located on the ground level or street level floor
Commercial accommodations, including bed and breakfast, lodging, and short-term rentals	1/guestroom or bedroom
All other uses in the D-MU zone	Refer to subsection (c) of this section, Parking, stacking, and loading requirements, for all other uses

(f) Joint Use of Parking Facilities or Shared Parking. When two (2) or more businesses, structures and/or uses are served by the same parking area, the applicant may apply for special parking approval. The off-street parking area or shared parking facilities shall not exceed twenty percent (20%) of the required parking. Applicants wishing to utilize joint or shared parking facilities or areas shall provide satisfactory legal evidence to the town Administrator in the form of deeds, leases or contracts to establish joint use or shared parking. Upon submission of documentation by the applicant of how the project meets the following criteria, the town Administrator may approve reductions of up to and including twenty percent (20%) of the parking requirements upon approval of the planning commission, if the planning commission finds that:

1. The parking needs of the use will be adequately served.
2. A mix of residential uses with either office or retail uses is proposed, and the parking needs of all uses will be accommodated through shared parking.
3. If joint use of common parking areas is proposed, varying time periods of use will accommodate proposed parking needs.
4. The applicant provides an acceptable proposal for a transportation demand management program, including a description of existing and proposed facilities and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an ongoing basis.



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**17.3.250 Handicap Parking Requirements.**

The required number of parking spaces for the disabled for all land uses shall be provided in accordance with federal and state law. Each parking space for the disabled shall be in conformance with applicable requirements of the Americans with Disabilities Act (ADA) and American National Standards Institute (ANSI) ICC 117.1-2017.

**Sec. 17-3-260 Stacking Space Requirements.**

- (a) Intent of stacking space. A stacking space is an area for motor vehicles to line up in while waiting to go through a drive-through facility, or within a designated drop-off or pickup zone. The purpose of stacking space requirements is to promote public safety by alleviating on-site and off-site traffic congestion that might otherwise result from the operation of such a facility.
- (b) *On a case-by-case basis, the Planning Commission will consider stacking space requirements if a drive-thru business is proposed. If the stacking spaces require access to Hwy 105 or I-25, a CDOT Access Permit is required.*

**. Sec. 17.3.270 Loading Space Requirements.**

- (a) Off-Street Loading Requirements. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this Section to accommodate the delivery or shipment operation in a safe and convenient manner.
- (b) Space requirements and standards for loading berths.
  - (1) Width and clearance: Each loading berth shall not be less than ten (10) feet in width and shall provide not less than fourteen (14) feet of vertical clearance.
  - (2) Length: Each loading berth shall be at least forty-five (45) feet in length and shall not extend beyond the property line.
  - (3) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the use and development.
  - (4) Number of loading spaces required for nonresidential uses:

Table 17-3-3: Loading Spaces for Nonresidential Uses	
Gross Floor Area of Building	Number of Spaces
1,000—19,999	1



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20,000—79,999	2
80,000—127,999	3
128,000—191,999	4
192,000—255,999	5
256,000—319,999	6
320,000—391,999	7
392,000 or more	7 plus 1 for every 72,000 sq. ft. or fraction thereof

(c) Location. Loading and unloading areas shall be located and designed so vehicles intended to use them can maneuver safely and conveniently to and from the street right-of-way and complete their operations without interfering with any public rights-of-way, parking space or parking lot aisle.

**Sec. 17-3-270 Location of residential parking spaces.**

- (a) Tandem parking is not allowed to meet required off-street parking requirements.
- (b) Garages or required off-street parking spaces shall be set back twenty-two (22) feet from the back of any sidewalk or public right of way.

**Sec. 17.3.280 Minimum Standards Parking Space and Aisle Dimensions.**

Standard parking spaces and aisles shall meet the dimensional requirements in Table 17.3.4

**Table 17.3.4 Parking Space Dimensional Requirements**

Parking Angle <sup>1</sup>	Width of Space	Depth <sup>2</sup> of Space	Aisle Width <sup>3</sup> 2-Way	Aisle Width 1-Way	Depth of Interlocking Space <sup>4</sup>	Overhang <sup>5</sup>
0° (parallel)	9 feet <sup>6</sup>	24 feet	24 feet	12 feet	24 feet	0 feet
45°	9 feet	19.1 feet	20 feet	12 feet	31.9 feet	1.5 feet
60°	9 feet	20.1 feet	20 feet	16 feet	22 feet	2 feet
75°	9 feet	19.9 feet	22 feet	18 feet	15 feet	2 feet
90°	9 feet	18 feet	24 feet	24 feet	9 feet	2 feet

<sup>1</sup> Parking angle is measured as the angle defined by the line of travel of a drive aisle and the line of the longest side of a parking space.

Commented [BC3]: FROM GMS- table updated by GMS



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- <sup>2</sup>Depth of space dimensions given are perpendicular to the curb line which accommodate a vehicle space of 18’ with 0’ overhang
- <sup>3</sup>Unless otherwise depicted above, the drive-aisle shall be a minimum of 24 feet. In the instance where the fire department standards are greater than dimensions depicted above, the fire department standards shall be applied.
- <sup>4</sup>Depth of interlocking space is measured along the curb line across opposite lines of one space
- <sup>5</sup>Overhang design shall be 0’ for a vehicle space 18’. Dimensions depicted above are maximum allowable if area cannot accommodate 0’ overhang for a vehicle space 18’. If overhang is greater than 0’, the overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block or impede pedestrian movement.
- <sup>6</sup>Width of space may be reduced to 8’ along local streets if approved by the Town
- <sup>7</sup>Refer to graphic for layout of table dimensions

**Sec. 17-3-290 Parking restrictions for commercial vehicles.**

It is unlawful to park any vehicle with prominent commercial advertising, logos or insignia (more than half the vehicle's surface is fully covered with design) for longer than a total of seventy-two (72) hours in any thirty-day period in a driveway or on private property, in any area zoned residential.

**Sec. 17-3-295 Parking restrictions for vehicles displaying a for-sale-type sign.**

It is unlawful to park a vehicle displaying a "For Sale" sign on any public roadway, right-of-way, parking area or alley. It is similarly unlawful to park on private property any more than two (2) vehicles displaying "Vehicle for sale" signs.

**Sec. 17.3.300 Landscaping, Buffering, Fence and Wall Standards**

- (a) The purpose of this section is to provide landscaping standards for sites undergoing development and for the continued maintenance of landscaping in non-residential areas. It is the town's goal that landscape design improve the general appearance of the community and enhance its aesthetic appeal. Landscaping should complement both the built and natural environments while retaining the integrity and character of the surrounding mountain environment. These landscaping standards are intended to promote quality landscape design that:
1. Reinforces the identity of the community and each neighborhood.
  2. Provides adequate buffers between potentially incompatible uses.
  3. Reduces impervious coverage to improve water quality and reduce runoff.
  4. Preserve existing significant trees and existing vegetation on a site and protect significant existing trees and vegetation during the construction process.

**Commented [BC4]:** Portions of this section have been renumbered- b, c and d.



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5. Improves air quality by preserving and providing adequate tree canopy.
6. Conserves water by requiring landscaping plans to utilize xeriscape concepts thereby promoting the efficient use of water and reduces water waste.
7. Conserves water resources by using sustainable design and maintenance techniques and plant species that are low water-use and regionally appropriate.
8. Recognizes and implements defensible space requirements to mitigate wildfire hazards around homes and structures.
9. Enhances and restores valuable habitat.
10. Maximizes the use of native species in landscape design, so that native species continue to dominate the environment.
11. Mitigates the impacts of site development with landscape designs that will buffer or screen the development from abutting properties and from the public right of way.
12. Ensures that buffering and screening features are designed so they complement the existing natural character and context of the site and blend with the setting.

**(b) Applicability.**

- (1) Landscaping plans shall provide for the installation of plant materials consistent with the purpose and intent of this section and the revegetation of any disturbed areas that will be left in an unimproved state.
- (2) Detached single-unit dwellings and duplex dwellings shall be exempt from the standards in this section, except that landscaping for such dwellings shall comply with the maintenance requirements, and the fence and wall standards in this section.
- (3) The standards in this section apply to all new developments. New development includes the construction of new structures on a currently vacant lot, the reconstruction of structures that have been razed, and the reconstruction of structures that have been damaged.
- (4) Except for existing single-family and duplex dwellings, the standards in this section apply to renovations, additions, and expansions of any use or structure requiring an amended or new site plan, approval of a conditional review use, or an amendment of an existing Planned Development.

**(c) Landscaping evaluation procedures.**

Landscaping submittal requirements and evaluation procedures are listed in Article 6: "Types of Approval Required."

**(d) Amount of landscaping required for new development or redevelopment.**

- (1) Existing landscaped areas that conform to the landscaping standards in this Section may be counted towards satisfying the landscaping requirements, except that preservation of existing trees must comply with Section 17-3-XX and applicable development standards in each zone district.



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- (2) Specific requirements for parking lot landscaping can be found in Section 17.3.230.
- (3) All landscaped areas shall consist of one hundred percent (100%) ground coverage in living vegetation (trees, ground covers, perennials, wildflower mix, shrubs, ornamental grasses, bulbs, and grass mixes, organic mulch, or rock mulch per the following specifications:
- A perimeter zone with a minimum width of five (5) feet shall be protected around any permanent principal or accessory structure and remain free of organic mulch and living vegetation.
  - At least seventy-five percent (75%) of each landscaped area shall be covered in living vegetation, which may include trees, ground covers, perennials, wildflower mix, shrubs, ornamental grasses, bulbs, and grass mixes; and
  - The tree canopy shall not be counted in the seventy-five percent (75%) calculation of vegetative cover.
- (4) Up to twenty percent (20%) of required trees may be substituted with shrubs or large ornamental grasses at a ratio of ten (10) shrubs or twenty (20) ornamental grasses per one (1) tree.
- (5) Minimum planting sizes on all required landscaping shall be as follows:

**Sec. 17.3.310 Size of Plant materials.**

- (a) Minimum tree and shrub planting sizes shall be as follows measured six (6) inches off the ground:
- Deciduous Canopy Trees: two-inch (2") caliper
  - Deciduous Ornamental Trees: one-and-one-half-inch (1.5") caliper
  - Evergreen Trees: six-foot (6') tall
  - Shrubs and Large Ornamental Grasses: five (5) gallon size
  - Perennials and Small Ornamental Grasses: one (1) gallon size
- (b) Plant selection shall include those with low fuel volume and/or low flammability.
- (c) All plants shall conform to standards for measurements, grading, branching, quality, ball, and burlapping as stated in the American Standard for Nursery Stock, American Association of Nurserymen, Inc. (AAN-ASNS), and the Colorado Nursery Act of 1965 (CNA), as amended.
- (d) Native grass seed mixes shall be certified as weed-free.
- (e) Trees shall not be located within five (5) feet of underground electric and cable lines, within six (6) feet of underground gas lines, and nor within ten (10) feet of underground water and sewer lines.

**Commented [BC5]:** Fire safety

**Commented [BC6]:** This section was 17.3.370- it has been moved for better placement.



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- (f) All planting areas shall be mulched. Mulch shall be contained in the planting bed. Organic mulch shall not include a weed-control barrier under the mulch.
- (g) All irrigation systems shall consist of water-efficient equipment.
- (h) Guarantee of installation. Required landscape improvements shall be installed within one year of completion of site construction. If the construction is phased, landscape improvements associated with each phase shall be installed within one year of completion of the associated phase of construction.
- (i) Financial Surety. A financial surety shall be collected and held for the cost of materials and labor associated with the landscape and irrigation improvements if Certificates of Occupancy are sought before installation. The financial surety shall be released upon complete installation of such improvements.
- (j) Maintenance. To provide for the ongoing health and appearance of landscape improvements, all landscaping and irrigation shall be maintained and replaced by the landowner or occupant as necessary. All property owners or occupants shall be responsible for the maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property unless the Town has specifically agreed in a development agreement to take over maintenance.

**Sec. 17.3.330 Flexibility in Landscape Standards- Alternative Methods of Compliance**

- (a) The standards in this subsection provide measures for development that, if complied with, will be deemed sufficient proof that the design standards of this section have been met. However, these standards may not be the only method by which the town's landscaping objectives can be achieved. It is the town's intent to provide flexibility to applicants in landscape design in order to avoid landscaping requirements that are inconsistent with the natural environment. By way of example, development in a sage meadow may not necessitate the planting of trees when no trees existed in the meadow prior to development of the site but may necessitate the planting of alternative vegetation more reflective of the natural environment. Applicants may propose, and the town may approve, alternative methods for landscaping a site, provided the applicant can demonstrate, and the planning commission determines, that the alternative will meet or exceed the level of design that is expressed in the objectives listed above while complying with all applicable defensible space requirements unless waived by the planning commission when the specific conditions and individual circumstances (i.e. slope, aspect, vegetation types, availability of firefighting infrastructure, and other relevant factors as identified in the Palmer Lake Community Wildfire Protection Plan (CWPP), of a given project do not warrant imposition of this standard.

**Sec. 17.3.340 Landscaping required for buffering and screening**

- (a) Landscaping required for buffering and screening new development or redevelopment shall meet the following minimum planting requirements:

**Commented [BC7]:** Sorry for the incorrect reference- these requirements were updated by EPCO in November of 2023. These can be found in the El Paso County Landscape and Planting Manual. These are only the planting requirements for buffering.



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- (1) Buffering plants between non-residential and residential zones or between multi-family residential uses and single-family or duplexes.
  - a. Minimum buffer width: 15 feet.
  - b. 1 tree per 15 feet of road frontage or 1 tree per 25 ft of common lot line
- (2) Plantings shall be clustered to reflect the patterns found in nature, as opposed to being thinly distributed throughout the site.
- (3) Buildings often have the strongest visual impact on a site and often are the visually dominant vertical element. Plantings around buildings shall be used to soften their appearance, tie them to the site, and reduce their perceived bulk and mass. The planning commission may require taller trees adjacent to buildings to soften their appearance, tie them to the site and reduce their perceived bulk and mass.

**Sec. 17.3.350 Preservation of Significant Trees.** *(also see Stormwater Quality Control 17.3.600)*

- (a) For sites where there are trees present, a site survey shall be conducted to inventory the significant trees. For the purposes of this Code, significant trees are defined as conifers with a caliper of eight (8) inches or greater and deciduous trees with a caliper of four (4) inches or greater. In no event is any developer expected to survey trees on an adjoining parcel. The survey of existing significant trees shall be depicted on an existing condition plan that shows the site's topography, property lines, and other existing features as required by the site plan review process. The Town Administrator or designee may reduce the amount of area to be surveyed for large development sites.
- (b) Every effort shall be made to preserve all significant trees on any property outside the building footprint, as identified on the Forested Land Map in the adopted Community Master Plan.
- (c) Vegetation to be preserved shall be protected by the following methods:
  - (1) During construction, significant trees that are to be preserved shall be protected for an area two (2) feet beyond their drip lines (i.e., the area the branches spread). Adequate protection devices shall be installed to ensure that trunks, branches and root structures are not damaged by construction equipment.
  - (2) No equipment shall be driven or parked within the vegetation to be preserved or within two (2) feet of the dripline of trees to be preserved.
  - (3) Vegetation to be preserved shall also be protected by temporary fencing that is maintained throughout the construction process.
  - (4) If a significant tree that has been identified for preservation is damaged or destroyed during construction or does not survive during the 24 month warranty period following completion of the landscaping improvements, it shall be replaced with a tree of comparable (though not necessarily identical) size based on a caliper-for-caliper basis



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(e.g. a 24 inch caliper tree is replaced with three (3) eight (8) inch caliper trees). The new trees shall be planted in the same location as the damaged tree if the town determines that the new trees can survive in this location.

- (5) If vegetation to be preserved is damaged or destroyed, such damaged or destroyed area shall be replanted to a natural state.
- (6) No vegetation or tree removal can occur on a lot until the planning commission reviews and approves of such removal in accordance with these regulations except that dead or diseased trees, such as those infested with the Mountain Pine Beetle, may be removed without prior town approval.
- (7) If required by the Fire Department, a forest management/fuels reduction plan shall be submitted for any project that has significant areas of trees or forested areas to be preserved, as determined by the planning commission. It is the intent of this requirement to ensure that diseased trees are removed, and trees are thinned to ensure a healthy growing condition and to ensure adequate fire mitigation measures are implemented on site in a timely manner. The forest management/fuels reduction plan shall identify forest management practices in accordance with the defensible space zones as set forth in the town's adopted Building Code and shall include a phasing plan for implementing the recommendations of the forest management/fuels reduction plan. The obligation to carry out the recommendations shall be included in a Site Plan Improvements Agreement and through a financial guarantee. Additionally, all such forest management/fuels reduction activities shall be included in any Covenants, Conditions, and Restrictions ("CC&Rs") governing the property.

### **Sec. 17.3.360 Site landscape design.**

- (a) Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of neighborhoods and shall follow these standards:
  - (1) Landscaped areas shall be configured to *maximize their interconnectivity* within the site, to natural areas, and to landscaped areas in adjacent developments. Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.
  - (2) Landscaped areas shall enhance functional open space through the *creation of outdoor rooms* appropriate to the location and purpose of the open space within the development.
  - (3) Landscape improvements in all developments shall be *consistent with the character* of the surrounding area to reinforce neighborhood identity. For example, if the prevailing character of the surrounding area and neighborhood is mountain grassland, then fewer trees will be required while more shrubs and grasses will be required for the proposed development.



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- (4) Landscape design shall enhance natural features, drainage ways, and environmental resources.
- (5) All landscape improvements shall be designed for mature landscapes and shall provide appropriate visibility for cars and pedestrians. Landscaping shall be no more than thirty (30) inches high when located in a sight distance triangle.
- (6) Preserve and frame views both into and out of the neighborhood.
- (7) Comply with the requirements of the International Fire Code, as adopted by the town, including but not limited to three (3) foot clear distance from fire hydrants.

**Sec. 17.3.365 Water efficiency in landscape design guidelines.**

- (a) Landscape improvements shall be designed and installed with water efficiency as a primary goal.
- (b) Landscapes shall use the following xeriscape design principles as a guideline to facilitate water conservation:
  - (1) Use of mulch to maintain soil moisture and reduce evaporation.
  - (2) Improvement of the soil with organic matter if needed.
  - (3) Efficient and well-maintained irrigation systems.
  - (4) Design of landscaping to help minimize steep grades and reduce water runoff.
  - (5) Plants shall be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Protection and preservation of native species and natural areas are encouraged.
  - (6) Recirculating water shall be used for decorative water features.
  - (7) Plants shall be selected to blend with the native vegetation for projects at the interface between developed areas and undeveloped land.

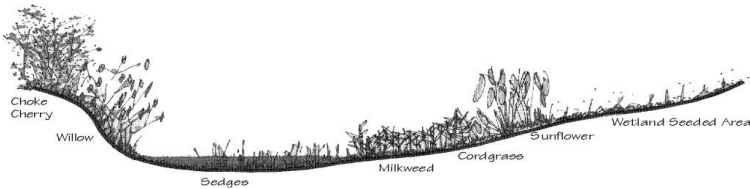
**Sec. 17.3.375 Landscaping within Storm drainage facilities. (also see Stormwater Quality Control)**

- (a) Intent. The intent of this Section is to promote innovative and effective land and water management techniques that protect and enhance water quality.
- (b) Drainage improvements must comply with the MS-4 requirements.
  - (1) Stormwater drainage facilities shall be designed, installed, and maintained to prevent erosion, minimize mosquito habitat, and improve water quality of stormwater runoff. (See Figure 3-XX below.)
  - (2) Storm drainage facilities may be allowed to function as open space for active recreation, trail corridors, or habitat enhancement areas if they are designed appropriately pursuant to the Town Engineer and the Town's Stormwater Management consultant. In making such a determination of the applicable development review procedure shall consider the



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safety of end users of such facility, potential impacts to adjacent properties, and any recommendations provided by the Town Engineer and the Town's Stormwater Management consultant.



**Figure 3-XX.** Develop storm drainage systems as landscape amenities.

- (1) Maximum slope on drainage facilities shall be 4:1, that is one foot rise for every four-foot run, and the minimum slope of the bottom of a drainage facility shall be one-half percent (0.5%).
- (2) Landscape improvements shall be designed to enhance the function of the facility. Areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.
- (3) Habitat and water quality enhancement, including wetland plantings in low wet areas, is encouraged.

**Sec. 17.3.380 Landscape Low-impact development (LID) practices**

(a) Purpose and incentives.

- (1) The town encourages the use of low-impact development (LID) practices as part of an integrated water management strategy to promote infiltration, remove pollutants, regenerate the groundwater supply, and encourage the use of native plants.
- (2) Applicants proposing LID options as part of a development may be eligible for a reduction in the number of required parking spaces by up to ten percent (10%), following a case-by-case review by the planning commission.

(b) Disconnecting drainage from impervious surfaces. Drainage from buildings (through gutters and downspouts) may be disconnected from piped infrastructure to prevent draining onto impervious surfaces without first passing through a green infrastructure option, as listed below.



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- (1) Bioswales. Bioswales are vegetated swales planted with wet tolerant species of plants or ornamental grasses. They transport, store, and allow infiltration of water, and can be designed as a landscape feature. Bioswales are not grassed but are planted with a variety of plant species that can withstand occasional water inundation for short periods of time. (See Figure 3-XX below.)

*Figure 3-XX. Example of a bioswale within a parking area.*



- (2) Grassed swales. Grassed swales are designed conveyance devices used to transport water over the surface of the ground to a point of disposal that may be a catch basin, ditch, or water body that will filter, infiltrate, evaporate, and clean water of total suspended solids, and other pollutants. Swales are often appropriate along property lines, public streets, and around buildings.
- (3) Rain Gardens. Rain gardens are small shallow depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality. Rain gardens are generally small collections of water-loving plants planted on a low-site area to collect rainfall.
- (4) Sand filters. Sand filters are filtering or infiltrating systems that consist of a surcharge zone underlain by a sand bed with an underdrain system (when necessary). Examples may include depressions, trenches, barriers, or sand lenses constructed of porous mineral matter that improve groundwater recharge to filter, clean, and trap waterborne pollutants.
- (5) Other options. In addition, other LID standards include extended detention basins that may be used in open space tracts to treat the runoff from multiple lots, roads, trails, and pathways.
- (6) Other LID options may be allowed as approved by the town.



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**Sec. 17.3.385 Installation and Maintenance of Landscape Improvements.**

- (a) General installation standards.
- (1) Required landscape improvements shall be installed prior to issuance of a certificate of occupancy. If required installation falls outside the planting season, the town administrator or designee may authorize a deferred landscaping installation to the next planting season with posting of a sufficient financial security for the improvements. Such financial security shall be released upon installation, inspection, and approval of the landscaping. All required landscaping shall be installed within one (1) year of issuance of a certificate of occupancy.
  - (2) All landscaping shall be installed and maintained pursuant to an approved landscape plan and the standards in this Article. Property owners/occupants shall be responsible for the maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.
  - (3) All landscaping shall be installed to comply with required sight distance triangles, as defined in the adopted Town of Palmer Lake Public Works Standards.

**Sec. 17.3.390. Wildlife and Natural Areas.**

- (a) Intent. The intent of this Section is to ensure that new development limits and mitigates its impact to wildlife and wildlife habitat.
- (b) Protection of Wildlife and Natural Areas.
- (1) New development shall minimize impacts on wildlife and natural areas by incorporating buffer zones, designing with ecological sensitivity, and mitigating any environmental disturbances. Buffer sizes shall be determined with input from wildlife experts, including Colorado Parks and Wildlife (CPW), and may be adjusted in cases of undue hardship. Limited activity may be allowed in natural areas for specific purposes such as restoration, public safety, or habitat enhancement.
  - (2) To the maximum extent practical, development shall be designed to ensure that disturbances that occur to any natural area as a result of development shall be minimized. If any development materially disturbs a natural area, the development project shall mitigate such lost natural resource either on or off-site. Any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance.
  - (3) Developments in areas with known wildlife presence shall include measures to reduce conflicts, with review by appropriate wildlife agencies when deemed necessary by the Planning Commission.

**Sec. 17.3.395 Buffering and Screening.**

- (a) Landscaped buffers and fences or walls shall be provided to buffer non-residential uses from residential uses or multi-family development. ~~or screen development from abutting properties and the public right of way.~~ Such buffers or screens shall be designed to



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complement the natural character of the site by using natural materials and landforms that follow the natural undulations or other natural forms of the land. The scale and density of any buffers and screens that are provided shall have an appropriate relationship to the building and its setting.

- (b) Buffering. Landscaped buffers shall be designed to soften the view and edge of a site, so that it blends into its surrounding context. The specifications for landscaped buffers are provided below. Such buffers shall be installed in the following areas:
- (1) At the edges (perimeter) of a parking lot and between parking lots.
  - (2) Between building development and recreational trails or open space.
  - ~~(3) Between multi-family development and a roadway or adjacent single-family or duplex development. a road or other public spaces.~~
  - (4) Between industrial uses and residential or commercial uses.
  - (5) Between commercial and residential areas.
  - (6) The following represent three (3) acceptable buffering standards to ensure compliance:
    - a. One (1) deciduous tree with a minimum caliper of one and one-half (1 ½) inches for every two (2) lineal feet of buffering; or,
    - b. One (1) collected or nursery-grown conifer with an average height of eight (8) feet for every six (6) lineal feet of buffering; or,
    - c. One (1) nursery-grown conifer with an average height of eight (8) feet for every ten (10) lineal feet of buffering.
- (c) Screens shall be installed around the following areas:
- (1) Service areas, including dumpsters.
  - (2) Parking lots
  - (3) Storage areas.
  - (4) Utility boxes and gas meters provided such landscaping meets any written utility provider requirements.
  - (5) Service entrances; and,
  - (6) Ground-level heating, ventilating, and other related equipment.
- (d) Any fence or wall installed as a screen shall:
- (1) Be built of natural or naturally appearing materials and be constructed of durable materials, such as stone, masonry, wood, or non-reflective metal.
  - (2) Have muted colors that blend in with the natural environment.



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- (3) Incorporate architectural treatments on the side(s) of the fence that abuts a public right-of-way, recreational pathway, or other access way. Architectural treatments may include, but are not limited to stamped concrete, stucco, or natural or cultured stone.
- (4) Incorporate columns and offsets to break up long expanses.
- (5) Not exceed eight (8) feet in height when screening a dumpster, provided that this height limit may be exceeded, to a maximum height of 16 feet, if the screening device is a roofed structure

### Sec. 17.3.395. Fences and walls.

- (a) Intent. The intent of this section is to ensure that walls and fences are attractive and in character with the neighborhood.
- (b) General provisions.
  - (1) A fence permit is required by the Pike Peak Regional Building Department for any fence over seven (7) feet.
  - (2) Compatibility.
    - a. Walls and fences shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot.
    - b. Fences and walls along collector and arterial streets shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings or through similar techniques.
    - c. Fences used in front yards and adjacent to public streets, open spaces, or parks along a side or rear yard shall be at least fifty percent (50%) open. Allowable fences are split rail, wrought iron, picket, or other standard residential fences of a similar nature approved by the town Administrator or designee.
  - (3) Solid fences shall be constructed to meet the wind design criteria of the adopted Building Code.
  - (4) Prohibited materials. Security fencing such as concertina or razor wire, barbed wire, or electrically charged fences, is prohibited unless specifically allowed by the board of trustees. *Chain link fencing is allowed for sporting courts and in certain non-residential zone districts as a conditional review use.*
- (c) Retaining walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property. Any retaining wall greater than forty-eight (48) inches in height, *tiered walls with a cumulative height greater than forty-eight (48) inches, or any wall that supports a surcharge load*, shall be engineered and allowed only with prior approval from the town Engineer.



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- (d) Maintenance. Fencing shall be maintained in an acceptable appearance. Missing and broken segments of the fence shall be repaired promptly. Dilapidated, unsightly, or dangerous fences shall be removed or repaired when so ordered by the town.
- (e) Fences, walls, and hedges shall comply with International Fire Code requirements, as adopted by the town, as they relate to maintaining unimpeded access to existing and proposed fire hydrants.
- (f) Fences, walls, and hedges may be required to have a reduced height in order to comply with applicable sight-visibility regulations such as sight triangle requirements at intersections.
- (g) Warranty period. The warranty period for perimeter fences along arterial and collector streets shall be two (2) years. Provision for compliance shall be as outlined in the warranty section of the subdivision improvement agreement or development agreement.

**Sec. 17.3.500. Water, sewer, and drainage improvements.**

Offsite and onsite water, sewer, and drainage improvements must comply with the town of Palmer Lake Public Works Standards and Section 16.40.020 Engineering design standards

**Sec. 17.3.510. Lighting.**

- (a) Intent. All new development shall utilize lighting techniques that minimize the impact of lighting on the night sky. Exterior lighting shall be used for purposes of identification, security, and safety, and illumination in areas of pedestrian circulation and vehicular traffic. These standards apply to all development within the town. The purposes of the lighting standards are as follows:
  - (1) Promote safety and security.
  - (2) Reduce the escalation of nighttime light pollution.
  - (3) Reduce glaring and offensive light sources.
  - (4) Provide clear guidance to builders and developers.
  - (5) Encourage the use of improved technologies for lighting.
  - (6) Conserve energy.
  - (7) Prevent inappropriate and poorly designed or installed exterior lighting.
  - (8) To minimize up-lighting, spill-lighting, glare, and unnecessary diffusion onto adjacent property.
  - (9) Minimize interference with the use or enjoyment of property through unnecessary nighttime illumination and the loss of scenic night sky views due to increased urban sky-glow.
  - (10) Maintain the safety and security of people and wildlife.
  - (11) Maintain the view of the stars in the night sky.



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- (b) Exemptions. The provisions of this section shall not apply to the following:
- (1) Emergency lighting.
  - (2) Holiday lighting: Temporary holiday lighting is permitted conditioned on such lighting not blinking all at once, flashing, or rotating, or creating a hazard or nuisance from glare.
  - (3) Lighting of the Star on Sundance Mountain: The historic star is lit between Thanksgiving and New Year's Day, on designated holidays, and for special acknowledgement as determined by the Town Board of Trustees.
  - (4) Landscape lighting: Lighting used on trees, gardens and other landscaping features that does not trespass on property other than that for which it is intended
  - (5) Lighting of Flags: The lighting of national, state, or local municipal flags is permitted when lit with a maximum of two fixtures of not more than eighty watts each. This exemption shall not apply to any other type of flag.
  - (6) Lighting of Public Art: The lighting of public art is permitted with a maximum of two fixtures of not more than sixty watts each.
  - (7) Architectural Accent Lighting: Lighting to accent an architectural element that is aimed or shielded to prevent lighting of the night sky with a maximum of one fixture of not more than 40 watts.
  - (8) Sign Lighting: The lighting of a sign when done in accordance with the requirements of the sign standards contained in this Article.
- (c) Prohibited Lighting. The following are prohibited within the Town:
- (1) Unshielded fixtures or lamps for outdoor lighting.
  - (2) Searchlights.
  - (3) Laser lights, and
  - (4) Semi-opaque or transparent backlit canopies or awnings.
- (d) Lighting Standards
- (1) Neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, nor may colored lights be used in such a way as to be confused or construed as traffic control devices. Background spaces, such as parking lots and circulation drives, shall be illuminated to be as unobtrusive as reasonably possible while meeting the functional needs of safe circulation and of protecting people and property.
  - (2) All exterior lighting shall utilize fixtures that are fully shielded, emitting 0 lumens above 90 degrees from nadir, and have a BUG uplight rating of U0, as defined by the Illuminating Engineering Society (IES), and shall be installed and maintained to minimize light pollution, light trespassing, and skyglow.
  - (3) Light sources must minimize contrast with the light produced by surrounding uses and must produce an unobtrusive degree of brightness in both illumination levels and color rendition. Lamps shall be color corrected to be less than ~~3500~~ 3000 Kelvin color temperature, *except for seasonal lighting*.



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- (4) Light fixtures shall be arranged and positioned such that the light sources are concealed and fully shielded so that no direct light or reflection creates a nuisance or hazard to any adjacent ownership or right-of-way and that up-light, spill-light, glare, and unnecessary diffusion are minimized. Full cut-off fixtures may not be tilted or aimed in a manner that results in light distribution above the horizontal plane. Glare shields may be required to meet footcandle (Fc) limits.
- (5) Maximum on-site lighting levels shall not exceed five (5) foot-candles, except for loading and unloading platforms. For reasons of security, a maximum of one and one-half (1.5) foot-candles at entrances, stairways, and loading docks is permitted unless required by any federal, state, or local jurisdiction.
- (6) Light levels measured at the property line of the development site onto adjacent residential uses or public rights-of-way shall not exceed one-tenth (0.1) foot-candle as a direct result of on-site lighting.
- (7) Light fixtures associated with canopies, including but not limited to fuel islands, seasonal outdoor sales areas, shopping areas, theaters, bank drive-thrus, and commercial accommodations, shall be full cutoff or mounted so that the bottom of the lens is recessed or flush with the bottom surface of the canopy. All light emitted from the canopy shall be substantially confined to the ground directly beneath the perimeter of the canopy. No lighting of any kind, except as permitted by sign regulations, shall be allowed on the top or sides of a canopy. The design of the canopy in terms of height above grade and the spacing between the fixtures within the canopy shall be such that the illuminance level under the canopy does not exceed 20 foot-candles.
- (8) Photometric plan of estimated foot-candle levels with maximum and average illumination are required for parking lots with ten or more parking spaces. Emitted light shall not be greater than 0.1 (zero point one) foot-candle at the property line, except at site entry points if determined by the Planning Commission to be necessary for safety. Cutsheets for all exterior light fixtures shall also be submitted with the photometric plan.
- (9) Hours of Lighting Operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.
- (10) Height and Material Standards for Lighting.
  - a. Residential Zone Districts. Light fixtures shall be mounted on concrete, fiberglass, or painted metal poles no higher than fifteen (15) feet from the ground. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high.



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- b. Nonresidential Zone Districts. Light fixtures shall be mounted on concrete, fiberglass, or painted metal poles no higher than 16 feet from finished grade the ground, unless a greater height, not to exceed the maximum building height in the applicable zone district, is recommended by the planning commission and approved board of trustees through a development application review process.
- c. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high. Streetlights are exempt from this requirement.
- d. Pedestrian pathways: 10 ft.
- e. Upper-Story Decks 7 feet above deck
- f. Lighting Standards for Specific Uses.
- g. Security lighting: Security lighting should use the lowest possible illumination to effectively allow surveillance, be shielded, and directed downward toward designated areas. The use of motion sensors, timers, photocells, or other means to activate lighting during times when it is needed is encouraged to conserve energy and provide safety and promote compatibility between different land uses. However, photocells are permitted only at primary entrances and where the light source is fully shielded. Security light intensity shall be a maximum of ten footcandles. Security lights are not exempt from the light trespassing rules as defined in this ordinance.
- h. Architectural accent lighting: Fixtures must be fully shielded and downcast. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping or art shall be located, aimed and shielded so that light is directed downward onto those features. Up-lighting is permitted if the illumination is effectively contained within an overhanging architectural element and is no more than forty (40) watts.
- i. Recreational facilities: Lighting for fields, courts or tracks shall not exceed maximum luminance criteria as defined by the Illuminating Engineering Society of North America. Exterior sports arenas with exterior luminaries for the playing area shall be extinguished by 10:00 p.m. or within one half hour after the conclusion of the final event of the day, whichever is later. The remainder of the facility lighting, except for reasons of security, shall be extinguished at 10:00 p.m. or within one hour after the event, whichever is later.
- j. Signage illumination: All signage shall comply with Chapters 14.50 of the Town Code. Signage utilizing lighting shall have fixtures mounted to the top of the Signel structure aimed downward onto the sign from above. Fixtures shall be fully shielded so that light is directed only onto the sign facade and not aimed at the sky, adjacent streets, roads or properties.



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- k. Exemption for Outdoor Recreational Uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, playing fields, tennis courts, pickle ball courts, and other similar outdoor recreational uses (both public and private), unless otherwise restricted by the board of trustees, shall be exempt from the general provisions of this Section. However, exterior lighting for such uses shall be extinguished no later than 11:00 p.m.

(10) Blinking, flashing, or changing intensity lights are prohibited; except for temporary holiday displays or lighting required by the FAA.

(11) Up-lighting is prohibited except for the up-lighting of flags within nonresidential projects and with a limit of two (2) fixtures per flagpole with a maximum of one hundred fifty (150) watts each. The fixtures must be shielded.

**17.3.610. Slope and Stormwater Quality Control Ordinance.**

This chapter shall be known as the "Slope and Stormwater Quality Control Ordinance of the town of Palmer Lake."

**17.3.620. Purpose.**

The purpose of this Section is to protect the health, safety and welfare of the citizens of the town by:

- (a) Ensuring that the development of each site occurs in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and similar hazards as well as visually unpleasant relationships.
- (b) Ensuring that the planning, design and construction of a development will be done in a manner which provides both maximum safety and human enjoyment, while making it as unobtrusive in the natural terrain as possible.
- (c) Ensuring, insofar as practical in permitting reasonable development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other similar hazards and to aid in preservation of natural scenic qualities of the town.
- (d) Reducing air pollution caused by dust blown from areas under development.
- (e) Implementing the control measure requirements of, and ensuring compliance with, the town's municipal separate storm sewer system (MS4) permit to protect water quality.

(Code 1973, § 17.50.020; Ord. No. 2-1986, § 2, 1986; Ord. No. 3-1989, § 1, 1989; Ord. No. 04-2020, § 14, 6-11-2020)

**17.3.630 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Commented [BC8]:** This section is outdated and will need to be updated by John Chavez. Town's stormwater quality control and MS4 permitting consultant.



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**Applicable construction activities** means construction activities that result in a land disturbance of greater than or equal to one acre or that is less than one acre, but is part of a larger common plan of development or sale that would disturb, or has disturbed since March 2, 2001, one acre or more, unless excluded in subsection (1) or (2) of this definition or the disturbed areas have been finally stabilized.

- (1) Construction activities with an R-factor waiver approved by the water quality control division are excluded from the definition of applicable construction activities.
- (2) Facilities associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activity. These facilities might still be covered under the state general permit for stormwater discharges associated with construction activity.

**Average slope** means a slope that shall be computed as follows:

$S = 100 IL/A$

I = Contour interval in feet.

L = The summation of the length of all contour lies, in feet.

A = Area in square feet of the parcel considered.

**Best management practices** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state surface waters." BMPs also include treatment requirements for and operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term BMP is used interchangeably with the term control measure, and can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices.

**Common development improvement** means improvements under the ownership or control and maintained by a private or public entity other than the town, including greenways, drainage systems and permanent stormwater management facilities.

**Construction activity** refers to ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation are considered construction activities unless they are an excluded site described in section



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16.12.020. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.

*Control measure* means any best management practice or other method used to prevent or reduce the discharge of pollutants to waters of the state. Control measures include but are not limited to best management practices. Control measures can include other methods such as the installation, operation, and maintenance of structural controls and treatment devices. The following requirements apply to all control measures:

(1) Control measures must be selected, designed, installed, implemented, and maintained in accordance with "good engineering, hydrologic, and pollution control practices" to prevent or reduce "pollution" as defined in this section.

(2) *Maintenance*. Control measures must be maintained in effective operating condition.

(3) *Inadequate control measures*. Any control measure shall be considered an "inadequate control measure" if it is not designed, implemented, or operating in accordance with the requirements of the permit, including the specific requirements in each program area in Part I.E or requirements for specific permittees in Part III.

(4) *Control measure requiring routine maintenance*. Any control measure shall be considered a "control measure requiring routine maintenance" if it is still operating in accordance with its design and the requirements of this permit but requires maintenance to prevent associated potential for failure during a runoff event.

*Cut* means removal of existing soil without replacing or backfilling the removed earth.

*Excavation* means any manual or mechanical removal of earth materials from the ground and may or may not be replaced or backfilled

*Fill* means the adding of soil to the surface without later removal.

*Final stabilization* means the condition reached when all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

*Good engineering, hydrologic and pollution control practices* means methods, procedures, and practices that:

(1) Are based on basic scientific facts.

(2) Reflect best industry practices and standards.

(3) Are appropriate for the conditions and pollutant sources.

(4) Provide appropriate solutions to meet the associated permit requirements, including practice based and numeric effluent limits.



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**Land disturbing activity** means any activity that results in a change in the existing land surface (both vegetative and non-vegetative). Land disturbing activities include, but are not limited to clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity.

**Municipal separate storm sewer system (MS4)** means the system of conveyances owned or operated by the town designed or used for collecting or conveying stormwater, including but not limited to roads with drainage systems, inlets, catchbasins, curbs, gutters, pipes, manmade channels, ditches, detention and water quality basins, or storm drains.

**Percent slope** means the ratio of the vertical rise (or elevation differential) divided by the horizontal run (or distance) times 100 percent.

**Pollution** means manmade or man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water. See 5 CCR 1002-61.2(77).

**Waters of the state (state waters)** means any and all surface and subsurface waters which are contained in or flow in or through this state, but not including waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. This definition can include water courses that are usually dry. For the purposes of this chapter, waters of the state do not include subsurface waters.

(Code 1973, § 17.50.030; Ord. No. 2-1986, § 3, 1986; Ord. No. 3-1989, § 1, 1989; Ord. No. 5-2006, § 1, 2006; Ord. No. 04-2020, § 15, 6-11-2020)

**17.3.630 Lot coverage.**

The following percentage of the site shall remain undisturbed and in a natural state depending on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.

Percent Average Slope	Percent of Site to Remain Undisturbed in a Natural State
0—15.9	Limited to Development Standards
16—19.9	50%
20—24.9	60%



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Percent Average Slope	Percent of Site to Remain Undisturbed in a Natural State
25—29.9	70%
30 & Over	85%

**17.3.640 Merger of contiguous lots.**

Contiguous parcels under one ownership, not including parcels separated by existing improved streets, may be merged at the option of the property owner for the purpose of computing the average slope. Any lots so merged shall be permanently joined as one building site by covenant filed and recorded in the records of the clerk and recorder of county.

**17.3.650 Development standards.**

(a) Grading.

(1) No earthwork cut shall have finished slope steeper than a ratio of three horizontal to one vertical.

(2) No earthwork fill shall have a finished slope steeper than a ratio of three horizontal to one vertical.

(3) The tops of fills and the bottoms of cuts shall be separated by at least five feet of horizontal distance.

(4) The bottoms of fills and the tops of cuts shall be separated by at least five feet of horizontal distance.

(5) No cut or fill shall at any point be closer to any property line than five feet, except as provided herein relative to driveway placement.

(6) No cut or fill shall exceed eight feet in height measured vertically at the maximum distance between the original existing natural grade and the finished grade except for basements, footings, retaining walls, and utility trenches, provided that the finished grade is that required by town rules and regulations or the regional building authority.

(7) That workers and equipment be provided at the site during storms to prevent incomplete work from endangering life or property.

(8) Adequate protection shall be required of excavations, cuts or fills which would be hazardous without such protection.

(9) All organic matter and topsoil shall be stripped prior to placement of any fill material exceeding one foot.



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(10) All grading shall comply with items in subsections (a)(1) through (9) of this section and with the El Paso County Engineering Criteria Manual Chapter 3 and Appendix E.

(b) Drainage.

- (1) Initial site grading shall be done in such a manner that the drainage across the property, either historic or the approved direction is maintained. Drainage ways or channels shall be kept operational during the construction process. If the construction process causes any of the drainage ways or roadside ditches to fill with sediment, the owner/builder shall immediately reconstruct the impacted drainage ways to the preconstruction contours and shall clean out and open any culvert or conveyance device which may have been plugged. All areas outside of drainage ways which are negatively impacted shall likewise be cleaned and restored to preconstruction conditions.
- (2) The surface runoff water shall be controlled by piping, swales, ditches and control measures capable of handling the designs flows.
- (3) It must be demonstrated that excess outside flows onto the lot will not impair the suitability of the proposed construction and that the new flow patterns will not be directed onto adjacent properties in a manner that will impair those properties.
- (4) Flows from paved areas or roofs shall be directed to existing drainage easements. In the event the only alternative is to discharge directly into the town MS4, permanent downstream drainage improvements of the receiving structures shall be required for sediment and erosion control. If the location of the proposed project blocks a natural drainageway, the developer shall redirect the flows in accordance with these regulations.
- (5) All culverts whether on-site or on town right-of-way shall be sized in accordance with the drainage requirements and shall be approved for location, type and size by the town engineer or his representative. Unless otherwise approved, culverts shall be a minimum of 18 inches in diameter, shall be minimum of 20 feet in length, and shall be corrugated metal or reinforced concrete pipe and shall extend upstream and downstream a minimum of 2½ feet from the edges of the driveway and shall be placed so as not to damage the roadway and the side ditches. Cross pan driveways are generally not acceptable.
- (6) The owner shall maintain the culvert below the driveway in such a manner as to allow the passage of flows without impairment. Should the owner fail to maintain the culvert, the town will perform the necessary maintenance of the culvert and shall charge the owner for the labor and any necessary materials.
- (7) Efforts shall be made to abate the dust caused by the development of sites.
- (8) During construction of the project, it is mandatory that measures be taken to minimize any adverse effects on the neighboring properties.



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- (9) Ingress and egress to the project shall be only by way of the approved driveway, etc.
- (10) All applicable development sites shall submit a master development drainage report consistent with the criteria presented in Chapter 4 of the Drainage Criteria Manual Volume 1.

(c) Landscaping.

- (1) During construction and always thereafter, particularly prior to the establishment of vegetation, all disturbed areas not covered by structures, driveway or other hard surfaces shall be protected from erosion.
- (2) All disturbed areas shall be vegetated with erosion control grasses, shrubs and/or trees.
- (3) All required landscaping including revegetation and retaining walls shall be constructed and/or installed prior to occupancy of the premises except as Landscaping shall be provided pursuant to ~~17-3-2~~ and ~~17.68.100(e)~~.
- (4) All plans and supporting documentation shall be prepared by a Colorado Registered Professional Engineer, except as provided otherwise herein. Control measures shall be implemented prior to the start of construction activity, must control potential pollutants during each phase of construction and must be maintained through final stabilization. Appropriate structural control measures must be maintained in operational condition. For the purposes of selection, designing, installation, implementation and maintenance of control measures, the following criteria are hereby incorporated by reference:
  - a. The El Paso County Engineering Criteria Manual (ECM), latest update through Supplement No. 3 adopted July 18, 2023 as may be amended from time to time with the most current version hereby being adopted: Chapter 3 - Drainage: in its entirety; Appendix E - Checklist and Permits: Grading and Erosion Control Plan Checklist and Standard Notes; Stormwater Management Plan Checklist; the following sections of Appendix I:
    - 1. I.2: Overview.
    - 2. I.3: Adoption of Drainage Criteria Manuals by El Paso County.
    - 3. I.4.1.B: Permit Holder Responsibilities.
    - 4. I.4.1.C: Transfer of Property and Permit Holder Responsibilities.
    - 5. I.5: El Paso County Construction Site Inspections.
    - 6. I.7: Post Construction Stormwater Management.
    - 7. I.9.: Supplemental Information: Urban Drainage Flood Control District's (renamed: Mile High Flood District) Hydrology and Hydraulics Design Tools.

Commented [BC9]: This reference in the current code is incorrect and has nothing to do with landscaping.



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b. All references to "El Paso County," "county," and "un-incorporated areas of El Paso County," etc., shall correspond to "town of Palmer Lake." All references to "ESQCP" shall correspond to "Land Use Permit."

(d) Stormwater management during construction.

(1) *Applicability.* All applicable construction activities shall submit with the land use permit application a stormwater management plan (SWMP) consistent with the content requirements identified in Appendix E of the El Paso County Engineering Criteria Manual. The SWMP must locate and identify all structural and non-structural control measures for the applicable construction activities. The SWMP must contain installation and implementation specifications for all structural control measures. A narrative description of non-structural control measures must also be included in the SWMP.

(2) Stormwater management plan. The purpose of a SWMP is to identify all possible pollutant sources from an applicable construction activity that may contribute to stormwater pollution, and to address the selection, installation, implementation and maintenance of control measures (also known as best management practices (BMPs) that, when implemented, will prevent pollution or degradation of state waters.

a. Control measures identified in the SWMP must be appropriate for the specific construction activity, the pollutant sources present, and the phase of construction. There is a wide variety of structural and non-structural control measures that can be used.

b. The SWMP shall be submitted as a stand-alone document separate from the engineering plan set submitted for review and approval. El Paso County uses a checklist to perform a completeness review of the initially submitted SWMP. Unlike the grading and erosion control plan, the SWMP is intended to be a dynamic document and must be revised as construction proceeds to accurately reflect the current conditions and control measures in use at the site. Therefore, El Paso County does not "approve" the SWMP. A copy of the SWMP review checklist can be found in Appendix E.

c. During construction, the SWMP is the responsibility of the designated qualified stormwater manager or certified erosion control inspector and shall be located on site at all times during construction and shall be kept up to date with work progress and changes in the field.

(3) *Control measure requirement.* For all applicable construction activity control measures must be selected, designed, installed, implemented, and maintained in accordance with good engineering, hydrologic, and pollution control practices. Control measures must be selected, designed, installed, implemented, and maintained to provide control of all potential pollutants, such as but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the



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MS4. At a minimum, pollutant sources associated with the following activities (if part of the applicable construction activity) must be addressed:

- a. Land disturbance and storage of soils.
- b. Vehicle tracking.
- c. Loading and unloading operations.
- d. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals.
- e. Bulk storage of materials.
- f. Vehicle and equipment maintenance and fueling.
- g. Significant dust or particulate generating processes.
- h. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils.
- i. Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and equipment.
- j. Dedicated asphalt and concrete batch plants.
- k. Other areas or operations where spills can occur.
- l. Other non-stormwater discharges including construction dewatering not covered under the construction dewatering discharges general permit and wash water that may contribute pollutants to the MS4.

(4) *Inspections.* During construction, all applicable construction activity shall be inspected according to the inspection types, frequencies and scopes identified in the El Paso County Engineering Criteria Manual Appendix I, section I.5. The purpose of inspections conducted by town inspectors is to ensure compliance with the control measure requirements in this chapter and [title 16](#).

(e) *Post construction stormwater management.* All applicable development sites, as defined in [title 16](#), shall implement post construction (permanent) stormwater quality control measures consistent with the requirements of this chapter and title. For the purposes of selection and design of post construction stormwater control measure, the criteria presented in Appendix I, section I.7 of the ECM shall be used. Control measures for new development and redevelopment shall meet one of the minimum base design standards listed in Appendix I, section I.7.C. of the ECM.

**17.3.670. Site plan.**

A map shall be prepared by a registered professional engineer, registered architect, or licensed surveyor licensed in the state which is drawn to the scale of at least one inch to 20 feet and shows contours at intervals of no more than one foot. The map shall contain the location, height,



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and dimensions of existing and proposed structures and uses in relation to natural water courses, proposed landscaping, revegetation and publicly dedicated streets.

**17.3.680. - Grading and erosion control plan.**

A grading and erosion control plan shall be prepared by a Colorado registered professional engineer and shall be based on the criteria included in Chapter 3 of the El Paso County ECM and shall include the content identified in the grading and erosion control plan checklist provided in Appendix E of the ECM. Any revisions to a grading and erosion control plan approved by the town engineer, which effect hydrology or hydraulics of any component of the approved plan, shall require review and approval of the proposed changes prior to implementation.

**17.3.690 Exceptions.**

- (a) A driveway and its related cut or fill slopes necessary for the construction of the driveway may extend to the front or closest street property line, provided that it meets engineering design requirements and is designed by a registered engineer.
- (b) A temporary occupancy permit may be issued by the zoning officer if in his opinion the season will not permit construction/installation of retaining barriers or revegetation required. Such temporary occupancy permit shall run for six months or through one full growing season.
- (c) The provisions relating to the dedication of land, payment of fees or both (as described in the town ordinances) shall be applicable to land affected by this chapter.
- (d) In computing the "average slope" for any parcel placed in the town, any average slope not meeting the requirements of this chapter may be modified by elimination from the calculation of "average slope" that portion of the parcel placed by the lot owner in a conservation easement in favor of the town as contemplated by C.R.S. title 38, art. 30.5, provided that the conservation easements is accepted by the town. Said easement remains the sole responsibility of the property owner.
- (e) No construction shall commence until the land use permit and associated required plans are reviewed and approved by the town engineer. A "notice to proceed," will be provided in writing by the planning commission upon successful completion of an initial inspection.

**17.3.710. - Submittal requirements.**

- (a) All project plans shall be submitted to the planning commission and conform to the requirements of this chapter and shall show the following:
  - (1) Name, address, legal description, and street address of applicant and professional designer.
  - (2) Plans shall be drawn at a scale of at least one-inch equals 20 feet or scale approved prior to submittal by the zoning officer.
  - (3) Sheet size.



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- a. Minimum: 8½ by 11 inches. Project plans and plan elements may be shown on one or more sheets.
  - b. Maximum size: 36 inches by 48 inches.
- (4) Lot size. Show square footage of property if less than one acre. If more than one acre, show acreage to two decimal places.
  - (5) Setback dimensions clearly show the distance from the proposed structure to the property lines, as well as setback dimensions of any existing structures (measurements to be made perpendicular to the lot lines).
  - (6) Structure location, existing and proposed.
  - (7) Driveway location, width, grade and surfacing material.
  - (8) Culvert size, material and location.
  - (9) Sewer line. Location, material and size of main and house connection.
  - (10) Water line. Location, material and size of main and house connection.
  - (11) Easements. Show and identify all easements affecting the property.
  - (12) Grading. Show all contours at a minimum interval of one foot plus all other necessary information in accordance with the requirements of this chapter.
  - (13) Drainage. Show necessary information in accordance with the requirements of this and other ordinances.
  - (14) Parking. Show minimum required by ordinance and actual quantity shown on plan.
  - (15) Average lot slope calculation
  - (16) Percentage of lot coverage not permanently disturbed.
- (b) At a minimum, the following documents shall be submitted for applicable construction activity and applicable development sites.
- (1) *Applicable construction activity.* All applicable construction activity occurring within the town jurisdiction shall obtain a land use permit prior to the start of construction. The following shall be submitted for review and approval by the planning commission prior to the start of construction.
    - a. Completed land use permit application.
    - b. Grading and erosion control plan.
    - c. Stormwater management plan.
  - (2) *Applicable development site.* All applicable development sites within the town shall obtain a land use permit prior to the start of construction.
    - a. Completed land use permit application.



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- b. Grading and erosion control plan.
- c. Master development drainage plan.
- d. Stormwater management plan.
- e. Design details for all structural post construction stormwater management control measures.
- f. A narrative reference for all non-structural control measures.
- g. Documentation of operation and maintenance procedures to ensure the long-term observation, maintenance and operation of permanent control measures.
- h. Documentation of easements or other legal means for town access of the control measure site for operation, maintenance and inspection of each control measure.

**17.3.720. - Enforcement.**

(a) No permit shall be issued for the construction, erection or moving of any building or structure in the town unless the provisions of this Code are followed. It is a violation of this title not to follow the site plan, grading and erosion control plan, stormwater management plan and drainage plan as approved by the town. The town is required by its MS4 permit to have an enforcement process and sanctions designed to minimize the occurrence of violations and obtain compliance from chronic and recalcitrant violators of stormwater control measure requirements. Escalation of enforcement must occur as necessary based upon the severity of the violation and/or the recalcitrance of the violator to ensure that violations of a similar nature are enforced consistently. As a general outline, the following process will be followed up to the point where an adequate response to non-compliance is obtained:

- (1) Documented inspection.
- (2) Verbal warning of noncompliance (documented in inspection report).
- (3) Letter of noncompliance.
- (4) Stop work order.
- (5) Revocation of permit.
- (6) Performance of remedial work.
- (7) Court order.

(b) The town retains its right, however, to exercise its discretion in applying enforcement mechanisms as circumstances warrant. Any individual or person acting as a subcontractor or as an agent for a subdivider who is found guilty of violating any of the provisions of this title is guilty of a misdemeanor and shall, upon conviction, be punished according to [chapter 1.12](#). These penalties shall be in addition to any others that may be imposed.

(Code 1973, § 17.50.120; Ord. No. 2-1986, § 12, 1986; Ord. No. 3-1989, § 1, 1989; Ord. No. 04-2020, § 21, 6-11-2020)



## ARTICLE 3 FINAL DRAFT BASED ON JULY 16 PC WORKSHOP CORRECTIONS

JULY 20TH with SPK and GMS additions or corrections

### 17.3.730. - Fees.

The minimum fee for issuance of a permit under this chapter shall be as set forth in the application for land use. In addition, costs incurred by the town for review shall be as outlined in 17.12.055 Application fees and cost reimbursement agreement.

## Sec. 17.80 Home Occupations

### 17.80.010. Accessory use.

Home occupations are permitted as an accessory use in any residential zoning district, subject to the standards contained in this chapter.

### 17.80.020. - Residential use

Where a residential use is permitted or has been permitted either by conditional review use or by prior nonconforming use in a nonresidential zone, the provisions of this chapter shall apply

### 17.80.030. - No alteration.

There shall be no alteration of the structure or building to in any way accommodate the home occupation or to indicate in any way that a home occupation activity is being conducted on the premises, nor shall there be any activity conducted in connection with the home occupation that in any way alters the residential character of the neighborhood.

### 17.80.040. - No signs permitted.

No signs shall be permitted other than a house number or name plate not more than two square feet in area, which sign must be attached to the principal building. In addition, there shall be no illumination of said sign, either internally or externally. House numbers may be illuminated.

### 17.80.050. - No outside storage.

No outside storage, parking, or maintenance of materials or equipment of any type shall be permitted in connection with a home occupation.

### 17.80.060. - Activity entirely within dwelling.

The home occupation use must be conducted entirely within a structure.

**17.8.065 Licensed Family Childcare Homes.** Childcare homes are allowed in all residential districts upon receipt of a license pursuant to Section 26-6-102. Home childcare allow for care for up to six (6) children with a maximum of two (2) children under the age of 2. 17.80.070. - No exterior display. No exterior visible display shall be permitted that would indicate a use other than a residential dwelling.



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**17.80.090. - Area not to exceed one-half.**

The total area used for a home occupation shall not exceed one-half of the principal floor area of the user's dwelling unit.

**17.80.100. - No adverse effect.**

The home occupation use shall not adversely affect the principal permitted uses in the residential district.

**17.80.110. - No objectionable use.**

No home occupation shall be permitted when the same is objectionable due to expulsion of noise, dust, smoke, gas, odor or other objectionable or obnoxious causes.

**17.80.120. - No retail, wholesale or warehousing activity.**

There shall be no retail, wholesale or warehouse activity other than that which is clearly incidental to the direct provision of the home occupation activity.

**17.80.130. - No additional parking space.**

There shall be no home occupation permitted that requires additional parking spaces or causes undue vehicular traffic above that which is normally incidental to a residential use or interferes with the public use of adjoining streets or alleys or the private use of driveways.

**17.80.140. - Maximum of two employees.**

No home occupation shall be permitted which employs more than two other persons who are not residents of the premises.

**17.80.150. - Off-street parking area not to be occupied.**

A home occupation use shall not occupy the required off-street parking area of the principal use.

**17.80.160. - Business license requirements.**

In addition to the requirements of this chapter, all home occupations are required to obtain a business license from the town in accordance with the business license municipal Code of the town.

**17.80.170. - Sales tax collection and other fees.**

All home occupation uses engaged in any way in the retail sale of any product or service shall comply with the sales tax ordinance of the town regarding the collection of retail sales taxes and other particular fees related to business activity.

**17.76.010. Sign Regulations**

**Commented [BC10]:** MuniCode will take care of the proper numbering when this is codified.

**Commented [BC11]:** The sign regulations were carefully drafted by the Planning Commission and were already adopted. No changes have been made to these regulations.



ARTICLE 3 FINAL DRAFT BASED ON JULY 16 PC WORKSHOP CORRECTIONS

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(a) *Purpose.* Signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The regulations in this chapter are intended to coordinate the use, placement, physical dimensions, design, and maintenance of all signs within the town.

(1) The following regulations recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.

(2) These regulations recognize and ensure the right of those concerned to identify businesses, services, and other activities by the use of signs, and limit commercial signs to those which are accessory, and incidental to the use on the premises where such signs are located.

(3) These regulations provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of commercial signs and devices.

(4) This chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This chapter must be interpreted in a manner consistent with the first amendment guarantee of free speech and decisions by the Colorado Supreme Court and the United States Supreme Court.

(5) The intent of this chapter is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in this chapter. A sign placed on land or a building for the purpose of identification, protection, or directing persons to a use conducted is deemed to be an integral but accessory and subordinate part of the principal use of land or building.

(6) This chapter is not intended to and does not apply to signs erected, maintained, or otherwise posted, owned, or leased by the state, the federal government, or the town. This includes Colorado Department of Transportation (CDOT) tourist-oriented signs governed by C.R.S. § 43-1-420, as amended, and in accordance with all rules and regulations of CDOT. The inclusion of "government" in describing some signs does not intend to subject the government to regulation but instead helps illustrate the type of sign that falls within the immunities of the government from regulation.

(b) The intent of these regulations is:

(1) To maintain and enhance the aesthetic environment of the town.

(2) To provide a means for organizations and businesses to effectively advertise or communicate to the public.

(3) To assist in wayfinding.

(4) To lessen visual clutter caused by improper placement, excessive illumination, or animation.



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(5) To establish sign size depending on the use in relation to the scale of the lot's frontage from which the sign is viewed.

(6) To encourage signs that are responsive to the aesthetics and character of their particular locations and uses and the surrounding neighborhood and are compatible with the building's architectural design.

(7) To protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by indiscriminate placement or use of signs.

(8) To develop minimum standards to safeguard life, health, property, and public welfare by regulation of structural requirements for all signs.

(9) To bring nonconforming signs into compliance with these regulations when the use of the property changes or is discontinued, when a new business license is issued, or as a condition of approval of a land use action approved by the town, such as a rezoning, variance, or other land use action.

(10) Provide fair and consistent permitting and enforcement.

(Ord. No. 24-2023, § 1(Exh. A), 12-14-2023)

**17.76.020. General provisions and restrictions.**

(a) *Compliance required.* It is unlawful to display, construct, erect, alter, use, or maintain any sign, except in conformance with the provisions of this title. It is unlawful to alter, maintain, enlarge, use, or display any such sign erected or constructed before the enactment of this chapter, except in conformance with the provisions herein set forth.

(b) *Sign permit required.* All non-exempt signs must receive a sign permit.

(c) *Owner consent.* No sign shall be placed on private property without the written consent of the property owner or the owner's authorized agent. This applies to permitted signs as well as temporary and exempt signs.

(d) *Sign installation.* All signs shall be structurally sound and designed to resist any and all Code-specified gravity and lateral loads. Sign structures and sign faces shall be installed in compliance with all building and electrical Codes.

(e) *Signs along Highway 105 or other CDOT jurisdictions.* CDOT does not necessarily recognize the same sign standards as the town. It is the responsibility of the property owner and applicant to determine the CDOT regulations as they apply to the property and ensure compliance with those regulations.

(f) Nonconforming signs.

(1) Nonconforming signs in existence on the effective date of this chapter will be identified by the town. Owners of these signs will be notified of the existence of the regulations in this chapter and the provisions thereof.

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(2) Existing signs for which a sign permit was issued pursuant to the previous provisions of this chapter, and which have become non-conforming because of subsequent amendments to said chapter, shall be maintained in good condition and are considered legally non-conforming signs. No such sign shall be:

- a. Structurally changed or altered, except to meet safety requirements.
- b. If a sign is modified or altered beyond that allowed and noted above, the non-conforming sign shall be brought into compliance.

(3) The right to retain any legally nonconforming sign shall be terminated by any one of the following:

- a. Abandonment of the legally nonconforming sign for a continuous period of 30 days.
- b. Any dimensional changes of the legally nonconforming sign after the effective date of this chapter.

(4) Obsolete or deceptive signs are not entitled to continue in existence as legally nonconforming signs.

(5) All legally nonconforming signs must conform with sign maintenance standards.

(g) *Sign maintenance.* The owner of the sign and the owner of the premises on which the sign is located shall be jointly liable to maintain the sign, including any illumination. Signs shall be kept painted, in good repair, and in compliance with all building and electrical Codes including supporting structures. Banners shall not be torn. Repairs to signs shall be of an equal or better quality of materials and design as the original sign. The town may inspect any sign and order the painting, repair, alteration, or removal of a hazardous sign. Except in cases of health or safety hazards, which shall be addressed immediately, the sign owner and/or owner of the premises shall have 30 days to comply with the maintenance orders, or the sign shall be removed at the owner's expense. Should the owner fail to remedy a health or safety hazard, the town may, in its sole discretion, abate the health or safety hazard and bill the owner of the sign and/or the owner of the premises for such abatement.

(h) *Retail and medical marijuana businesses.* All signage associated with a medical marijuana business shall meet the standards established in this sign Code and chapter 5.20, marijuana (medical and retail), as well as any and all other applicable regulations from the federal or state level.

(i) *Sexually oriented businesses.* All signage associated with a sexually oriented business shall meet the standards established in this sign Code and chapter 5.32, sexually oriented businesses, as well as any and all other applicable regulations from the federal or state level.

(j) *Severability.* If any subsection of this sign Code is found to be invalid by a court of competent jurisdiction, all remaining provisions shall be deemed valid.

#### **17.76.030. Prohibited and exempt signs.**

(a) *Prohibited signs.* The following signs are prohibited in all zoning districts and deemed inconsistent with the purposes and standards in this chapter. Signs for which no valid permit has

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been issued by the town of Palmer Lake, and which are not exempt from this chapter are explicitly prohibited.

- (1) Distracting signs.
- (2) Animated signs.
- (3) Flashing signs.
- (4) Searchlights and revolving beacons.
- (5) Electronic signs.
- (6) Roof signs.
- (7) Inflated signs or balloons.
- (8) Any sign designed to wave, flap, or rotate including attention-getting devices, wave banners except for government and service flags as provided for in this chapter.
- (9) Visual obstructions.
  - a. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, pedestrian traffic, or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.
  - b. Any sign located in such a way as to substantially deny an adjoining property owner's visual access to an existing sign.
  - c. Right-of-way signs.
  - d. Any sign other than traffic control devices erected, constructed, or maintained within, over, or upon the right-of-way of any public road, street, or highway, except in the case of a sign for which a permit has been issued in accordance with the requirements of this article.
- (10) Off-premises signs unless otherwise permitted in this chapter.
- (11) Any sign with light sources that are not shielded such that the bulbs, floodlights, or tubes are visible off the property on which the sign is located.
- (12) Any sign that is painted upon retaining walls, rocks, vegetation, or other natural features.
- (13) Any projected image sign emitting a sound or virtually projected image onto a surface.
- (14) Any sign which interferes with the free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or window or opening providing light or air.
- (15) Unsafe signs. Any sign or sign structure which:
  - a. Is structurally unsafe.
  - b. Constitutes a hazard to safety or health because of inadequate maintenance or dilapidation.
  - c. Is not kept in good repair.
  - d. Is not designed or constructed in a professional manner.

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e. Is capable of causing electrical shocks to persons likely to come in contact with it.

f. Presents a danger to the health, safety, or welfare of the town or its citizens.

g. Obstructs a driver's view or line of sight; or on public right-of-way without proper authorization from the town of Palmer Lake or CDOT.

(16) Portable signs (except for sandwich board signs).

a. Portable signs or signs not permanently affixed or attached to the ground or to any structure, except for real estate or yard signs attached to posts driven into the ground.

b. Commercial signs mounted, attached, or painted on motor vehicles, trailers, or boats used as advertising, but excluding vehicles used in the normal course of business, whether parked or not, including signs painted on or attached to semi-trailers or cargo containers, when exhibited on private property adjacent to a public right-of-way and advertising business or services offered on the property. Vehicle-mounted commercial signs on property used for special events are exempt from the requirements of this section during the special event only. Upon the conclusion of the special event, such signs must be dismantled.

c. Inflatable signs or tethered balloons.

(17) Obsolete or discontinued commercial use signs. Whenever a business, industry, service, or other use is discontinued, all signs advertising the discontinued use shall be removed or obscured within 60 days after the discontinuance of such use. Signs advertising discontinued commercial uses are misleading, unnecessarily contribute to visual clutter, and can obstruct views and distract motorists. Such signs shall constitute a nuisance as defined in chapter 8.04, nuisance and abatement procedure.

(18) Abandoned signs. A sign which is located on property that becomes vacant and unoccupied for a period of 60 days or more, or a sign which pertains to a time, event, or purpose which no longer applies, shall be considered abandoned.

(19) Roof signs.

(20) Billboards.

(21) Pylon signs.

(22) Handbills and posted advertisements are not allowed without written permission of the planning commission and shall not be attached to trees, fences, utility poles, street furniture, or automobiles.

(23) Exterior neon signs, digital signs, and LED light tubes are prohibited.

(24) Signs specifying price are not allowed unless advertising the price of vehicle fuel or gasoline at a gas station or convenience store that dispenses fuel for vehicles.

(25) Signs using reflective surfaces are prohibited except for official government or traffic signs.

(b) *Exempt signs.* The following signs are exempt from permitting but must not exceed the height and size specified in the sign type standards section of this sign Code.

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- (1) The existing town of Palmer Lake electronic message board.
- (2) Flags of any state, nation, or government including service flags, if the latter is flown in conjunction with any of the preceding flags. No single flag may exceed four feet by six feet in size and flags may not exceed 24 square feet in cumulative area. Flags may not exceed 50 square feet in size and no flagpole shall be higher than 20 feet.
- (3) Official town of Palmer Lake, El Paso County, State of Colorado, or federal government/traffic signs.
- (4) Signs not legible or visible from a public right-of-way or adjacent property.
- (5) Signs on athletic fields and scoreboards intended for on-premises viewing. Scoreboards shall not exceed 20 feet in height and 150 square feet in size.
- (6) Commemorative plaques.
- (7) Displayed merchandise shall not be considered a sign.
- (8) The display of street numbers. Street numbers must be affixed to the structure they are meant to identify.
- (9) Signs not exceeding three square feet in area that are customarily associated with residential uses, such as property identification names and numbers, signs on mailboxes or newspaper tubes, and signs posted on private property warning the public against trespassing or danger from animals.
- (10) Informational signs indicating as a courtesy "credit cards accepted," hours, open/closed, retail vehicle fuel price, or similar with a cumulative total area of six square feet or less.
- (11) Building directory signs with a cumulative total area of eight square feet or less.
- (12) Public notices or signs relating to an emergency or hazard.
- (13) Yard signs. Up to two temporary yard signs no greater than three square feet in area each, for a total of six square feet per lot.
- (14) Real estate signs. Temporary signs on an individual real estate parcel currently offered for sale, lease, or rent, provided that there is only one sign per street frontage and is not greater than eight square feet in area in a residential district and 32 square feet in area in nonresidential districts, and the sign is located on the offered property behind the street right-of-way line. All such temporary signs shall be removed within seven days after the real estate closing or lease transaction for the subject parcel or expiration of the listing, whichever occurs first.
- (15) Restaurant menu signs provided there is no more than one per establishment not to exceed four square feet.

#### 17.76.040. Sign permits and administrative procedures.

##### (a) Sign permits.

- (1) Permits are not required to repair or maintain existing signs which wholly comply with this sign Code.

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- (2) A sign permit requires an application submittal, non-refundable fee, and review and approval by the planning commission.
- (3) No work shall commence on signs requiring a permit until said permit has been issued by the town.
- (4) Upon receipt of a sign permit, the sign permit expires if not erected within one year.
- (b) *Permanent sign permit application.* The applicant shall provide the following information:
- (1) Name, address, and telephone number of the applicant and property owner.
- (2) Written consent of the property owner.
- (3) A sign plan composed of a scaled drawing(s) indicating the following:
- a. Site plan showing on-site drives, parking, buildings, sign type(s), proposed sign location(s) with dimensions to property and setback lines and required sign landscaping.
- b. When the sign permit application is for common site signage in a multiple tenant commercial project then this information must be shown on the sign plan. The applicant has the option of applying for a master sign plan.
- c. A summary of all sign sizes, quantities, and areas corresponding to sign type standards criteria.
- d. Sign drawing(s) showing size, shape, design layout, an elevation of the sign on the building, materials, content, and mounting method.
- e. Light fixture specifications and illumination values.
- f. If the submittal is for a tenant on a multi-tenant site, provide a copy of the property owner's sign permit for the common site signage.
- g. Such additional information as requested by the town administrator.
- h. The date when the applicant intends to erect the sign(s).
- (c) *Master sign plan.* Any mixed-use development or multi-tenant building complex containing three or more units shall submit a master sign plan that consists of a coordinated, shared signage plan for the entire development.
- (1) Signs in the master sign plan shall have mutually unifying elements, which may include uniformity in materials, color, size, height, letter style, sign type, shape, lighting, location on buildings, and design motif.
- (2) A master sign plan application shall include all of the following:
- a. A table allocating sign area to each tenant, lot, or pad site.
- b. A description and/or illustration of the materials to be used in wall signage; and
- c. Elevations and materials for any standard signs for the site.
- (3) In reviewing an applicant's submittal of a master sign plan in conformance with the provisions of this chapter, the planning commission may vary the following standards:

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- a. Sign area for individual signs, and maximum sign area for all allowable signs.
  - b. Sign height for individual signs.
  - c. Sign setback or separation signs; and
  - d. Maximum number of signs, types of signs, or approved wall areas for purposes of sign location.
  - e. In exchange for a creative and quality design, one of the above-listed standards may be altered up to 25 percent at the discretion of the planning commission. The planning commission may approve a greater change in a dimensional standard based on the applicant demonstrating that the change is warranted by a master sign plan and development that represents an exceptional design, the use of quality materials, increased landscaping, and/or other amenities.
- (d) Sign permit process and application.
- (1) The sign permit application submittal will be reviewed for completeness. When deemed complete it will be reviewed for compliance with applicable town ordinances and the applicant will be notified of any discrepancies. If it is determined that the sign is not in conformance with these requirements, the town administrator shall recommend changes necessary to bring the sign into such conformance. If the applicant does not make such changes and prefers to submit the design as originally submitted, the town administrator shall forward the application to planning commission for review.
  - (2) The sign permit application must be submitted to the administrator at least ten days prior to the scheduled planning commission meeting to be considered.
  - (3) Within 30 days of submission of a completed application, allowing for one continuation of the application review for additional information or modification, the planning commission shall approve, approve with conditions, or deny the application. If the permit is denied, the town administrator shall provide a written explanation of the reasons for the denial by the planning commission.
  - (4) Approval criteria. A sign permit application submittal shall comply with the following:
    - a. The sign(s) conforms to the requirements of all applicable Codes.
    - b. The sign does not interfere with pedestrian or vehicular safety and is not located within the clear vision triangle area per the adopted town roadway specifications.
    - c. The sign conforms to the design standards of this chapter.
    - d. The planning commission may approve minimal variations in size and quantity standards if the applicant demonstrates exceptional design and/or compliance with the purpose and intent of this chapter.
    - e. The planning commission shall evaluate sign compliance and work with the applicant to resolve any issues or concerns.
    - f. Commission may approve as submitted, approve with conditions, deny the application, or request revisions or additional information for further consideration.
- (e) Approval of deviations from sign Code.

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(1) *Applicability.* Deviations of the standards set forth in this chapter may be granted only in accordance with this section.

(2) *Process.*

a. Applicant submits a complete sign deviation application and pays all applicable fees.

b. The town clerk shall set a time for the planning commission to consider the request at a public hearing.

c. Notice of the public hearing shall be provided as outlined in C.R.S. § 24-65.5-103, notice requirements.

(3) A deviation may be granted following review and approval by the planning commission of the following:

a. A written narrative describing the nature of the sign variance request as well as the hardship placed on the applicant resulting in the request.

b. Applicant demonstrates that strict application of this chapter would produce-peculiar and exceptional practical difficulties or undue hardships upon the property owner.

c. Such difficulties or hardship is not shared generally by other properties in the same zoning district and the same vicinity but are peculiar to the subject property.

d. The authorization of such variance will not result in substantial detriment to adjacent property or the public good, materially change the character of the district, or substantially impair the intent and purpose of the chapter.

e. The granting of such variance is based upon demonstrable and exceptional hardship as distinguished from variance for convenience, profit, or caprice.

(f) Appeal of denial of sign application or deviation request.

(1) The planning commission may deny a sign application or deviation request for any one of the following reasons:

a. The applicable provisions of this Code have not been met.

b. The required application fees have not been paid.

c. The application is incomplete or contains false, misleading, or fraudulent statements.

d. The deviation request does not satisfy the requirements necessary for a deviation from the sign Code.

(2) Upon denial of an application for a sign permit, the applicant has ten calendar days from the date of the decision to file an appeal with the town clerk.

(3) The applicant may appeal the planning commission's decision to the town board of trustees. The decision of the town board of trustees shall be considered a final decision for purposes of Colorado Rules of Civil Procedures (C.R.C.P.) 106.

(g) *Enforcement.*

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(1) Any sign found not to be in conformance with this chapter shall be subject to revocation of the sign permit.

(2) Any work on the sign as allowed that has not commenced within a period of one year from the date the sign permit was issued shall automatically expire. The town administrator may allow an extension of up to 30 days for construction delays that are not the result of willful acts or neglect by the permittee. Authority to grant further extensions rests with the board of trustees.

(3) No refund of any fees will be made if the sign permit is revoked or expired under the provisions of this section.

(4) Town administrator review. The town administrator or their designee shall cause any sign that does not comply with the standards set forth in this chapter, including any sign that is not registered in accordance with this section, to be removed immediately and without notice.

(h) Fines and penalties.

(1) Except as provided by subparagraph b. below, any person who is convicted of, or pleads guilty or no contest to, a violation of this chapter shall be punished by a fine not to exceed the jurisdiction of the municipal court. Each and every day on which any violation of this chapter is committed, exists, or continues shall be deemed a separate and distinct offense.

a. First violation. Minimum fine: \$100.00.

b. Second violation. Minimum fine: \$200.00.

c. Third violation. Minimum fine: \$300.00.

(i) Nothing in this sign Code shall limit or preclude the town's ability in any manner to pursue the enforcement of the town's sign Code using any and all available remedies available or cumulatively.

(Ord. No. 24-2023, § 1(Exh. A), 12-14-2023)

#### **17.76.050. Sign standards.**

(a) *Sign illumination.* Unless otherwise specified by these regulations, all permanent signs in nonresidential zone districts may be illuminated consistent with the adopted exterior lighting standards. No sign illumination is allowed in residential zone districts except for address numbers.

(b) Light source.

(1) All exterior sign lighting shall be accomplished with fully shielded light fixtures. Upward-directed sign lighting is prohibited. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way.

(2) Energy-efficient light sources are encouraged.

(3) All sign illumination shall have a timer that turns off the light source no later than 10:00 p.m. or business closing time—whichever is later.

(4) Externally lit signs.



- a. Lighting fixtures shall be simple in form and shall not clutter the building.
  - b. The fixtures must be directed only at the sign. Gooseneck or other building-mounted fixtures are encouraged.
- (5) Internally illuminated signs.
- a. Internally illuminated signs are discouraged and subject to special review by the planning commission.
  - b. Application for a sign permit for any internally illuminated sign shall include clear and accurate illumination levels and specifications.
- (c) Temporary signs.
- (1) Temporary signs are intended to display information for a limited time duration but in no case shall the temporary sign exceed 90 days after first being installed.
  - (2) Temporary signs shall not be used to add permanent signage in addition to what is allowed. The time period for temporary signs varies by sign type and shall be removed on or before the allowable time period.
  - (3) Temporary signs are required to complete a sign registry with the town clerk. If a temporary sign will be in place for longer than 90 days, a town sign review process and a permanent sign permit is required.
  - (4) Temporary signs must not pose a health or safety hazard. If they do, must be removed immediately.
- (d) General design standards.
- (1) Signs shall be integrated with and not overpower the façade of the building or streetscape.

(2) Signs including their supporting structure and components shall be integrated with the design of the building or structure on which they are placed. The scale, size, and shape of any sign shall be proportionate to the building and the area in which it is located. Signs shall not obscure architectural features and shall be designed in a manner that provides an artistic accent or visual point of interest for the building. The town may reduce the sign size and/or quantity allowed when signs do not meet this standard.

(3) Signs are not subject to the setback requirements of the zoning district where they are located.

(4) Signs related to building uses on upper floors shall attempt to make use of lower floor directories or other lower floor space for signage. However, upper-floor window signs are allowed.

(5) Sign bands on buildings should be utilized for compatibility with the building façade.

(6) Sign colors should complement the building façade and nearby structures. Borders and frames should be utilized to give the sign a finished appearance.

(7) No letter, symbol, or numeral shall exceed two feet in height.

(8) 3-D signs are encouraged particularly for projecting signs in pedestrian-oriented areas.

(9) Signs shall not obstruct scenic views from public rights-of-way, residences, or businesses.

(10) The sign shall not have a negative impact on neighboring businesses or property. This includes: the sign shall not block entrance(s), impede vehicular or pedestrian traffic, block signage of the neighboring property, or otherwise create a nuisance or safety hazard.

(11) Utilities to signs shall be concealed. Overhead electrical feeds are prohibited.

(12) All business premises shall have street and or suite numbers easily viewed from the adjacent right-of-way or from the primary point of access.

(13) Signs shall not impair visibility for traffic movement and shall not impede drainage or snow storage.

(14) Product or trade names are permitted as a part of an exterior sign only when that part of the occupant's name or product identified is integral to the use of the premises. No more than ten percent of the area of such exterior sign shall be used to advertise the brand name of any products or commodities sold on the premises. In addition, an aggregate total of no more than 25 percent or six square feet, whichever is lesser, of the total window area may be used to advertise product or trade names in the form of window signs.


(Ord. No. 24-2023, § 1(Exh. A), 12-14-2023)

17.76.060. Sign types.

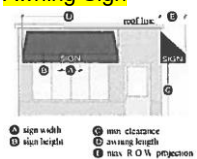
All signs are permanent unless otherwise noted.

(1) 3-D sign.

Type	Quantity	Max area	Height/Clearance
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<p><b>3-D Sign</b></p> 	<p>1 per tenant, business, or other entity</p>	<p>Maximum Volume (W x H x D) 36 cubic feet</p>	<p>No higher than the wall (single-story building)/bottom of the second-story window (multi-story building) 8.5 feet minimum clearance height (C)</p>
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**(2) Awning signs.**

Type	Quantity	Max area	Height/Clearance
<p><b>Awning Sign</b></p> 	<p>Unlimited, within maximum area requirements</p>	<p>0.5 square feet of signage for each linear foot of awning (D), up to a maximum of 32 square feet (A x B)</p>	<p>No higher than the roofline 8.5 feet minimum height pedestrian clearance (C)</p>

- a. Signs may be placed only on awnings that are located on the first story fronting a street, parking lot, or pedestrian way.
- b. An awning may include a printed or mounted sign. No sign mounted to an awning shall project beyond, above, or below the face of an awning.
- c. Awning signs are not allowed in a residential zone district.
- d. Lighting. Awning signs shall not be internally illuminated.

**(3) Banners.**

- a. Banners are temporary signs for special events, sales, or other short-term events. They are exempt from permitting but must meet all other criteria including temporary sign registration.
- b. Location. Banners may be displayed in any non-residential zone district subject to the following:
  - 1. The banner shall not block entrance(s), impede vehicular or pedestrian traffic, block signage, or otherwise create a nuisance or safety hazard for neighboring properties.
  - 2. The banner shall not be placed to obstruct any portion of a window, doorway, or other architectural detail.
- c. Size. Banners installed on walls shall be limited in size to one-half square foot for each linear foot of exterior wall frontage up to a maximum area of 30 square feet.
- d. An individual business shall hang no more than one banner at a time. If a tenant space has multiple business licenses for the same tenant space, then the tenant space shall only be allowed to hang one banner at a time.

e. Banners shall be in good condition, without rips, tears, or fading, and all corners must be fastened securely.

f. Duration. Banners may be displayed for a maximum of 30 days without a sign permit. Banners may be displayed for an additional maximum of 60 days with a sign permit but not to exceed a total of 90 days.

(4) Business courtesy signs.

a. Business courtesy signs may be temporary or permanent. They are exempt from permitting but must meet all other criteria.

b. Location. Business courtesy signs may be located at any location.

c. Number. The total number of such signs is not limited as long as the cumulative total is not exceeded.

d. Size. The cumulative total of all such signs shall not exceed four square feet.

(5) Directional signs.

a. Directional signs shall not count toward the aggregate sign area for the business, use, or tenant space displaying the directional signs.

b. Directional signs shall be on-premises signs and shall not exceed six square feet per face.

c. Directional signs shall not be used for additional advertising but may include the business name or logo.

d. Directional signs shall be clearly coordinated and utilize common design cues including color, shape, logo, material, or nomenclature.

e. Directional signs that do not meet the standards listed above shall be considered freestanding, projecting, hanging, or wall signs and regulated according to this chapter.

(6) Event signs.

a. Event signs are temporary signs for special events, sales, or other short-term events. They are exempt from permitting but must meet all other criteria.

b. Location. Event signs may be displayed at any location approved by public or private property owners that does not affect public safety in any manner.

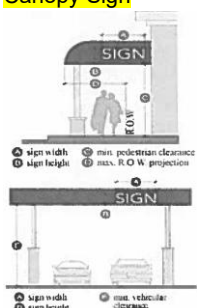
c. Duration. Event signs shall be erected no sooner than 45 days prior to the event and must be removed no later than seven days after the event.

(7) Home occupation signs.

a. No signs shall be permitted other than a house number or name plate not more than two square feet in area and must be attached to the principal building. In addition, there shall be no illumination of said sign, either internally or externally. House numbers may be illuminated.

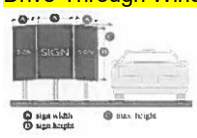
(8) Canopy signs.

Type	Quantity	Max Area	Height/Clearance
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<p><b>Canopy Sign</b></p> 	<p>Unlimited, within maximum area requirements</p>	<p>0.5 square feet of signage for each linear foot of canopy, up to a maximum of 32 square feet (A x B)</p>	<p>No higher than the roofline 8.5 feet minimum height pedestrian clearance (C) 14 feet minimum height vehicular clearance (E) where necessary</p>
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- a. Signs may be placed on-canopies located on the premises.
- b. A canopy may include a printed or mounted sign.
- c. No sign mounted to a canopy shall project above or below the face of a canopy.
- d. A canopy sign may project horizontally from the face of a canopy only the distance necessary to accommodate sign material and letter thickness.
- e. No canopy sign shall extend above the roof line of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, a sign may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical /or lighting equipment, but not more than 12 inches.
- f. Canopy signs are not permitted in a residential zone district.
- g. Lighting. Supported canopy signs shall adhere to the lighting standards contained in this chapter.

(9) Drive-through window sign.

Type	Quantity	Max Area	Height
<p><b>Drive-Through Window Sign</b></p> 	<p>1 sign per tenant, business, or other entity</p>	<p>Free-standing intended for vehicular viewing: 24 square feet (A+A+A) x B</p>	<p>Drive-thru: 7 feet overall clearance</p>

- a. Drive-through window signs shall only occur where the drive-through window is approved by a town of Palmer Lake (TOPL) Development Plan.
- b. Drive-through window signs shall be oriented to occupants of a vehicle in a drive-through aisle.

- c. Drive-through window signs may include changeable copy.
- d. Drive-through window signs shall not be designed to be read from the public right-of-way nor to attract attention to the site from the right-of-way.
- e. Drive-through access along State Highway 105 is prohibited.
- f. Drive-through access shall not impede pedestrian movement.

(10) Freestanding signs.

Type	Quantity	Max Area	Height/Clearance
<p><b>Freestanding Sign</b></p>	<p>1 per property or complex with multiple buildings, businesses, or other occupancies</p> <p>Businesses listed in a multi-tenant sign are counted toward the 2-sign maximum unless permitted through a Master Sign Plan</p>	<p>50 square feet (A x B)</p>	<p>(C) No higher than an average of 6 feet in residential districts and 8 feet in non-residential districts measured at finished grade</p>

- a. Location. Freestanding signs shall be set back from all lot lines a minimum of five feet.
- b. Adjacent lot owners may erect a joint freestanding sign on their common lot line if both property owners have provided written permission.
- c. Metal poles or column sign supports without a decorative cover shall be prohibited.
- d. Freestanding signs shall be placed at least two feet from sidewalks and outside of the public right-of-way, clear vision sight triangles, and easements, unless an alternative location is authorized with a town approved revocable encroachment agreement.
- e. A monument sign shall be located on a site frontage adjoining a public or private street, or right-of-way but not within a dedicated easement without a revocable encroachment agreement. The minimum horizontal spacing between monument signs shall be 300 feet.
- f. The base of freestanding signs shall be landscaped a minimum of 24 inches all around the sign pole or monument.
- g. Freestanding signs, except directional signs, shall be separated by a distance of no less than 50 feet unless the freestanding signs are separated by a street right-of-way.

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h. A monument sign shall not count towards the two allotted signs per tenant on a multi-tenant property.

i. The monument sign base shall be constructed of stone, brick, or similar natural material.

(11) Menu sign.

a. Menu signs are exempt from permitting unless they are larger than four square feet.

b. Menu signs do not count towards total allocation per business.

c. Menu signs shall not be wall signs or window signs.

d. Menu signs are limited to four square feet.

**(12) Projecting signs.**

Type	Quantity	Max Area	Height/Clearance
<p><b>Projecting Sign</b></p>	<p>1 per tenant, business, or other entity</p>	<p>10 square feet (A x B) Only one side of the sign shall count toward the aggregate sign area.</p>	<p>No higher than the wall (single-story building)/bottom of the second-story window (multi-story building) 8.5 feet minimum clearance height (C)</p>

a. Location. Projecting signs shall be attached to a building façade and shall not project above the roof or parapet and shall not extend more than four feet from the face of a supporting wall.

b. Encroachment. A projecting sign that extends into a right-of-way is subject to town approval of a revocable encroachment agreement.

**(13) Sandwich board signs.**

Type	Quantity	Maximum area	Height/Clearance
<p><b>Sandwich Board Sign</b></p>	<p>1 per tenant, business, or other entity</p>	<p>6 square feet (A x B)</p>	<p>No higher than 4 feet (C)</p>

a. Sandwich board signs are temporary portable signs not permanently affixed to the ground but secured against tipping or being blown over.

b. Sandwich board signs may be displayed in all non-residential areas but are prohibited in all residential zone districts.

c. The sign may not be located within a public street right-of-way or on public property with the exception of a public sidewalk only upon issuance of a revocable encroachment permit by the town.

d. Sandwich board signs shall not reduce the clear width of a public sidewalk to less than 60 inches.

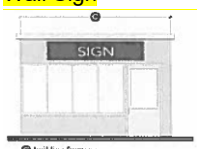
e. Businesses are limited to one sandwich board or portable sign per business and shall only display such signs only when the business is open for business.

f. Sandwich board signs must be removed each day at the close of business.

g. Portable sandwich board signs must have a well-maintained appearance. Chalkboard insets and dry-erase boards are permitted.

(14) *Public displays and murals.* Public displays including art and murals are regulated by chapter 5.36 of the Town Code.

(15) Wall signs permanent.

Type	Quantity	Maximum area	Height/Clearance
<p>Wall Sign</p> 	1 per tenant, business, or other entity	1.0 square foot x linear footage of business frontage (C)	No higher than the roofline

a. A wall sign shall not obstruct any portion of a window, doorway, or other architectural detail.

b. Wall signs shall be contained within any single wall panel or other architectural component upon which they are placed and shall not extend above the height of the building wall to which the sign is affixed.

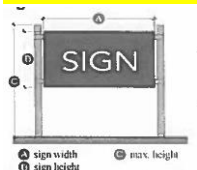
c. No sign part, including cut-out letters, may project out from the building wall more than 12 inches excluding the sign light fixture.

d. Painted wall signs with a commercial message, business name, and business logo are allowed as a wall sign and shall be limited in area and extent as defined in the sign allocation section.

e. Signs inside a building that are clearly visible and oriented towards a public street shall be treated as a wall sign and shall be counted towards the allowable sign area.

f. In multi-tenant buildings the signs shall be located on the tenant space being identified or as depicted in a master sign plan.

(16) Site announcement sign and construction signs.

Type	Quantity	Maximum area	Height/Clearance
<p>Site Announcement Sign</p> 	1 per street frontage	32 square feet (A x B)	8 feet (C)

a. Location. Site announcement signs and construction signs are permitted only on vacant land parcels or lots under construction and are not permitted on parcels with existing residential or non-residential uses. The sign shall be setback a minimum of five feet from any property line.

b. Site announcement signs shall be displayed on a temporary basis and shall be removed within 14 days after the issuance of a certificate of occupancy for the building or structure or within 30 days after completion of the activity associated with the purpose of the sign, whichever occurs first.

(17) Window/door signs.

a. Location. On glazed surfaces of doors or windows. Allowed area may be distributed on up to three window and or door signs per business frontage.

b. Size. Total sign area shall not exceed 25 percent of the glass area of windows and doors.

c. Illumination directed at window signs is prohibited.

(17) Yard signs.

a. Yard signs are temporary signs and include garage and estate sales.

b. The sign shall be setback a minimum of five feet from any property line.

c. Only one sign per property street frontage is allowed.

d. Area and height. A yard sign shall be a maximum of four-square feet and no higher than five feet above the ground surface to the highest point of the sign.

e. Garage sale signs which announce the sale of items from a residence shall be removed on the last day of the sale and shall not create a nuisance as defined in the town Municipal Code, section 8.04.010, nuisance.

f. Election season signs shall be in place only for the time period that begins 45 days prior to and ends seven days after a regular or special Town, county, state, or federal primary or general election.

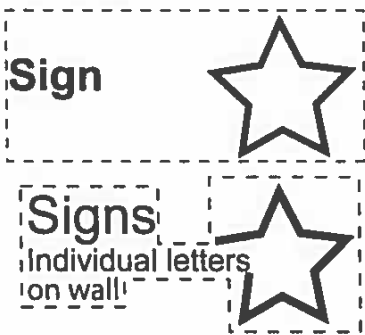
(Ord. No. 24-2023, § 1(Exh. A), 12-14-2023)

17.76.070. Sign measurement and sign orientation.

(a) General. Sign measurement shall be as indicated in the following subsections.

(1) Determination of sign area. In determining the allowable aggregate sign area for any business, use, or tenant space the area of each sign face shall be added together.

(2) Computation of sign area.



a. The area of a sign face shall be measured to the border of a constructed sign or the smallest rectangle that encompasses the extreme limits of the message or graphics for a sign painted or otherwise applied to a surface.

b. Supporting framework, other structure, or landscaping that is clearly incidental to the sign display shall not be computed as sign area.

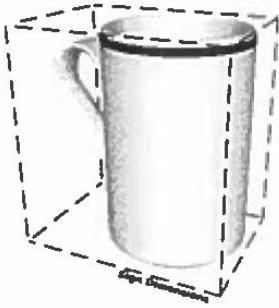
c. Architectural treatments enhancing architecture/signage integration are encouraged. Such treatments shall not be created for the purpose of visually enlarging sign size. Where a building component is treated in a manner that serves as a sign, such component shall be included in the overall sign area calculation.

d. All sign faces of all signs visible from one point shall be included in the aggregate sign area. Signs around a corner shall be allocated to their respective street frontage.

e. When two identical sign faces are placed back-to-back and are not more than 12 inches apart the sign area calculation shall only include one face. This applies to projecting and freestanding signs.

f. Whenever more than one sign is placed on a freestanding structure the entire overall area of all signs to the extreme outside borders shall be included in the overall sign area measurement.

g. For the purpose of determining sign area and the allowable number of wall signs, a wall shall be considered the projected building elevation area exclusive of the separate articulated wall faces per building side or elevation.

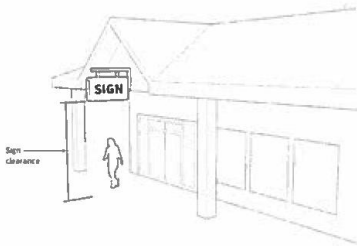


h. 3-D signs including spherical, free-form, sculptural, and other non-planar signs are encouraged. The sign volume shall be the W x H x D.

(3) Computation of sign height and sign clearance.

a. The height of any freestanding sign shall be determined by the distance between the topmost portion of the sign structure and the average ground elevation measured two feet from the base of the sign or two feet from the adjacent street, access drive, or sidewalk/trail grade.

b. The ground elevation at the base of a freestanding sign shall not be artificially changed solely to affect the sign height measurement.



c. Projecting, hanging, and awnings signs. Clearance for signs shall be measured at the smallest vertical distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.

(b) Sign orientation.

(1) *Downtown core and along public sidewalks and trails.* Signs shall be located and sized to be viewed by pedestrians and cyclists. Projecting, hanging, or awning signs are permitted if there is a minimum of eight and one-half feet clearance above the ground.

(2) *Along public streets.* Signs shall be located and sized to be viewed by motorists.

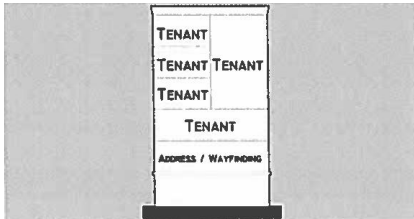
(Ord. No. 24-2023, § 1(Exh. A), 12-14-2023)

17.76.080. Sign allocation and aggregate sign area.

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(a) Each business or entity may have up to two of the following signs provided that the aggregate sign area is not exceeded:

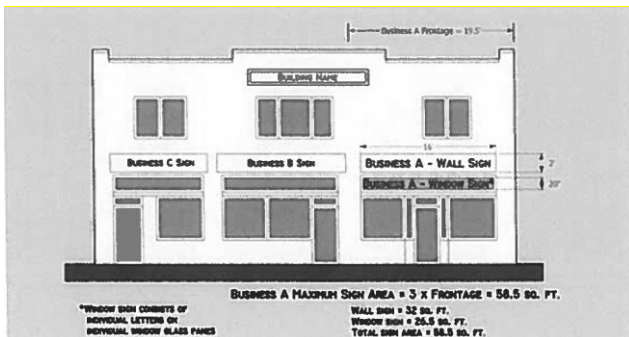


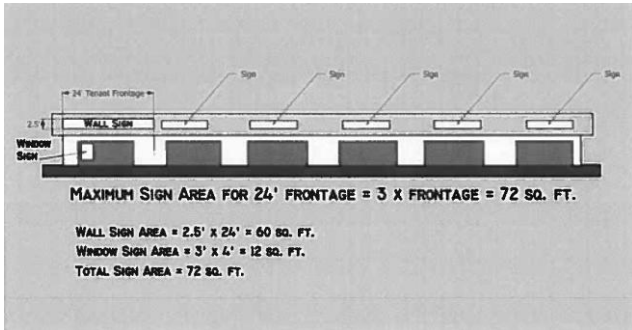
- (1) Wall sign.
- (2) Projecting sign.
- (3) Awning sign.
- (4) Canopy sign.
- (5) Window sign.
- (6) Freestanding sign.

(b) Common site signs shall not count towards the two allotted signs per tenant. These include directional signs, informational signs, and building directory signs.

(c) The aggregate sign area for each business frontage may be the lesser of three-square feet per lineal foot of business frontage but no more than 75 square feet.

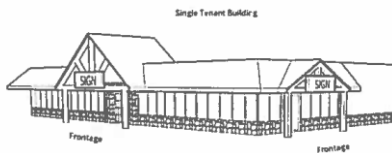
(d) Multi-tenant signs count toward the two-sign maximum per business.





(e) Businesses, entities, or tenant spaces without business or street frontage shall be allowed a maximum of 32 square feet of aggregate sign area.

(f) Window signs are allowed above street level and are limited to 25 percent of the glazing area per window. These window signs shall not be included in the allowed number of signs or the allowed overall sign area.



(g) Signs visible through the glazing area of any window shall not be included in the allowed number of signs or the allowed overall sign area. One neon open size is permitted for each business.

(h) Businesses or entities that are located on a corner lot or that have more than one street frontage (not including alleys, driveways, or parking lots) shall be allowed to have an additional sign that is 66 percent of the primary building frontage but no more than 50 square feet on each additional street frontage.

(Ord. No. 24-2023, § 1(Exh. A), 12-14-2023)

17.76.100. Definitions.

Generally, a sign is considered a graphic device with writing, symbols, logos, etc. subject to view from a public right-of-way, and used to advertise, identify, direct, and/or inform the public. For the purpose of this chapter, certain words and phrases used are defined as follows:

3-D Sign means three-dimensional signs that have a depth or relief on their surface greater than six inches.

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**Abandoned sign** means an obsolete sign that no longer serves any purpose or is located on property that becomes vacant and unoccupied or a sign that pertains to a time, event, or purpose that no longer applies.

**Aggregate sign area** means the total available sign area of all sides or portions of a sign.

**Allowed sign** means a sign that is neither prohibited nor exempt.

**Animated sign** means a sign that includes the optical illusion of movement of any part of its structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity.

**Attention-getting device** means any flag, streamer, spinner, pennant, feathers, costumed character, light, balloon, continuous string of pennants, flags or fringe, audible components or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area.

**Awning** means an overhead roof cover or structure projecting beyond and attached to the exterior wall of a building and has no ground support.

**Awning sign** means a sign that is permanently attached to an awning.

**Back lit sign.** See "internally illuminated sign." A sign which contains an illumination source entirely inside the sign construction which makes the sign content visible by light shining outward from the sign.

**Banner** means A temporary sign composed of logo, design, or text on a flexible lightweight fabric, plastic, or similar material.

**Billboards.** See "off-premises sign."

**Building Code** means the most recently adopted version of the Pikes Peak Regional Building Code.

**Building directory sign** means a sign that serves as a common or collective identification of multiple businesses on the same property and is attached to a building.

**Building name sign** means a permanent architectural component of the building that names the structure but does not advertise a specific business. Similar to a plaque.

**Business** means a single commercial enterprise or group of enterprises housed within one or more buildings, or which utilizes the same business frontage.

**Business courtesy signs** means miscellaneous signs incidental to doing business and not intended as advertising such as credit card signs, security system, and information signs (toilets, deliveries, etc.).

**Business frontage** means that portion of a building frontage occupied by a single tenant space or lease area in a single or multi-tenant building facing a street, alley, parking area, or other public right-of-way. For businesses located on the interior of a building without business

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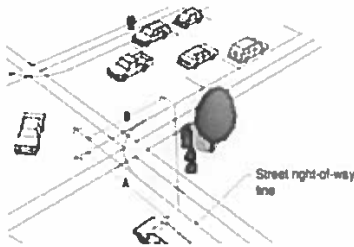
frontage, the building elevation providing customer access shall be considered the business frontage for the purposes of determining signage.

*Canopy* means an overhead roof cover or structure that may or may not be attached to the building and contains posts or other ground support.

*Canopy sign* means a sign attached to a canopy.

*Changeable message* means digital or non-digital text or graphics that changes at intervals.

*Common site signage* means signage not specific to an individual tenant on a multi-tenant property such as directional signs.



*Clear vision triangle* means an area where a driver's field of view may not be obstructed. The size of this area is defined by the town's adopted roadway specifications.

*Deceptive sign* means a sign which is false or misleading.

*Directional sign* means signs for traffic or pedestrian movement on or adjacent to the property. Logos or text are allowed only as required for the directional message.

*Drive-through sign* means a sign intended for the display of information for pedestrians or drive-through vehicles.

*Election season signs* means signs promoting political candidates or ballot issues that are in for a regular or special Town, county, state, or federal primary or general election.

*Electronic signs* means any sign that uses solid, electronic technology such as incandescent lamps, LEDs, LCDs, or some other electronic means of changing copy to produce bright displays that typically involve moving copy, animation, or other graphics.

*Event sign* means a temporary promotional sign on public or private property for an upcoming event.

*Exempt sign* means a sign that does not require a sign permit but must still comply with applicable sign type standards.

*External illumination* means illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

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**Flashing illumination** means illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated.

**Freestanding sign** means a self-supporting sign, not attached to the building and permanently anchored to the ground.

**Fully shielded light fixture** means a light fixture that directs light away from any public vantage point and covers the bulb or light source to prevent it from being seen.

**Gasoline or fuel price sign** means a sign that identifies the type and price of gasoline for sale on the premises of a legally established gasoline service station.

**Historic sign** means a sign that has historic significance as determined by the board of trustees on the recommendation of the Palmer Lake Historic Society or for properties listed on the National or State Register of Historic Places.

**Home occupation sign** means a sign intended to identify a private enterprise occurring in a residential occupancy.

**Ideological sign** means any temporary sign announcing an idea, opinion, or position on a social or political issue and containing no commercial message.

**Information signs** means a sign used to indicate or provide information and direction with respect to permitted uses on the property, including but not limited to signs indicating the hours of operation, and such signs as "no smoking", "vacancy", "office", "private warning", "open", "closed", "restrooms", "no solicitation", or "no parking".

**Internally illuminated sign** means a sign face which is lit or outlined by a light source located within the sign.

**Light post banner** means a banner intended to be installed on municipal light posts.

**Light source** means the actual bulb or other light emitting element contained within any light fixture.

**Master sign plan** means a sign plan which identifies the number, description, size, and location of all signs for businesses on the same property or within the same project which constitutes a visual entity as a whole.

**Menu sign** means a sign showing a restaurant menu.

**Monument sign** means a freestanding sign with a base integrated with the ground and landscaping.

**Multi-tenant site** means a property, building, or group of buildings with more than one tenant.

**Mural** means two-dimensional works of art applied directly to vertical surfaces not intended to advertise or promote commercial services or products, also known as a public display.

**Neon sign** means a sign integral w/ electric tube light source(s) that form letters, symbols, or other graphic shapes.

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**Nonconforming sign** means an existing sign which does not conform to the regulations of this chapter, either at the effective date of the regulation establishing this chapter or as a result of subsequent amendments which may be incorporated into this chapter.

**Obsolete sign** means a sign, except a historic sign, which is misleading in terms of identifying a business, service, or attraction, that no longer exists or advertising one or more events that are all concluded.

**Off-premises sign** means an advertising sign or billboard placed at a location, not on the parcel where the subject entity or activity occurs.

**Official sign** means a sign required by law or authorized for public or quasi-public institutions to meet the needs of public information, health, safety, and welfare including traffic signs.

**Parking sign** means a sign indicating parking or directing vehicular traffic to a parking area.

**Plaques** means a permanent building component cut into or attached to the building designating names of buildings, occupants, dates, or other entities involved in the building creation.

**Permanent sign** means a sign made of durable materials applied or installed to be immovable.

**Portable sign** means a sign not permanently attached to the ground or building or not designed to be permanently attached to the ground or a building.

**Prohibited sign** means a sign not permitted within the corporate limits of Palmer Lake.

**Projecting sign** means a sign hanging from or attached to a building and extending out from the exterior wall surface, including signs suspended under an awning or other exterior building element.

**Projected image sign** means the illuminated projection of imagery on a surface.

**Public realm** means public right-of-way or publicly owned property.

**Public right-of-way** means a parcel or portion of land which allows for public pedestrian or vehicular access thereupon.

**Pylon sign** means a tall freestanding-mounted sign higher than ten feet (typically associated with an adjacent higher-speed roadway).

**Real estate sign** means a sign advertising property for sale, rental, or lease.

**Residential complex** means a residential complex means a building or related group of buildings in which one or more member units are located and typically includes common areas and services available for the use of its residents.

**Right-of-way sign** means signs occurring within the public right-of-way.

**Roof sign** means a sign erected above the roofline or parapet of any building.

**Sandwich board sign** means a portable moveable sign constructed in an A-frame style with message content on one or both sides.

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**Searchlight** means an apparatus containing a light and/or reflector for projecting a strong, far-reaching beam in any direction.

**Sign area** means the area that includes the entire face of the sign, frame, artwork, and any spacing between letters, figures, and designs, but not including the sign structure or base. For window signs, the "sign area" shall be measured at the extremities of the lettering and/or graphics.

**Sign face** means the side of a sign on which text or graphics are placed. A sign may have more than one sign face.

**Sign permit** means a permit issued for the erection, construction, enlargement, alteration, moving, or conversion of any sign, issued pursuant to this chapter.

**Site announcement sign** means a temporary sign announcing a new business, construction, or other similar activity.

**Structure** means anything built that requires a permanent location. This term includes buildings and signs.

**Temporary sign** means a sign that is only allowed for a defined temporary period of time and is exempt from permitting but must meet registry and sign type standards. Designed to be used for a temporary period of time, not permanent in nature.

**TOPL** means town of Palmer Lake.

**Traffic signs** means stop signs, yield signs, one-way signs, exterior traffic exit and enter signs, and other signs intended for vehicular traffic control.

**Wall sign** means a sign attached to, painted on, or erected against the exterior of a building or structure.

**Yard sale sign** means a temporary sign such as garage sale or other temporary sale at any residential or commercial property.

**Window/door sign** means a sign applied to or attached to glazing or located in close proximity to the glazing on the interior, which can be seen through the window from the building exterior.

**Works of art including symbol signs** means 2-D graphics or 3-D objects mounted to the building or contained in a projecting sign on-site intended for aesthetic purposes only that do not advertise or promote a particular business, service, or product.



VERSION 3 FOR PC REVIEWERS DUE JULY 14

## Article 4 Special Requirements

### 17.4.010. Flood Plain Regulations

- (a) The Town of Palmer Lake, having adopted the regional building code (RBC) in 2018, has thereby adopted the Regional Building Department's (RBD) Section 313- Floodplain Regulations.
- (b) The floodplain administrator for the Town of Palmer Lake shall be the Regional Floodplain Administrator, housed at the Pikes Peak Regional Building Department (PPRBD)

**Commented [SK1]:** Barb: The term "regional building code" needs to be more specifically described or defined, as an average citizen would not know what this means or how to find it.

**Commented [BC2R1]:** ADDED TO DEFINITIONS- July 20th

### 17.4.110 Conditional Review Uses.

- (a) Conditional review uses may be permitted if the applicant can demonstrate that the location and the site proposed for the use is appropriate, facilitating the use in a manner that supports the purposes of the zone district, and which is compatible with the surrounding area. The review process is intended to assure compatibility and harmonious development between conditional review uses, surrounding properties, and the Town at large. Because of their unusual or special characteristics, conditional review uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties.
- (b) Permit Required. No conditional review use shall be conducted without a valid and current conditional review use permit issued by the Town.
- (c) Application. A conditional review use permit application shall be processed under Section 17-5-350.
- (d) Criteria. In reviewing a conditional review use permit application, the Planning Commission and Board of Trustees shall consider the following criteria:
  - (1) Compatibility with and effect on the existing and permitted uses in the neighborhood.
  - (2) Mitigation measures used to alleviate on- and off-site impacts.
  - (3) Impact on property values.
  - (4) Likelihood of a nuisance being created.
  - (5) The demands the use will place upon Town services.
  - (6) The public safety consequences of the proposed use.
  - (7) Traffic volume and adequacy of parking and access.
  - (8) Whether the proposed use will conform with all applicable building codes and regulations, and other applicable provisions of the Code.
- (e) Conditions. The Planning Commission may recommend and the Board of Trustees may impose reasonable conditions on any conditional review use, including, by way of example, time limits, provision for future review, limits on quantities of material allowed on the site, pollution control measures, and additional screening.



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- (f) Permit. If the conditional review use is approved, a conditional review use permit with any conditions and plans attached, shall be issued by the Town.
- (g) Abandonment. If the permittee fails to operate the conditional review use for a period of one hundred eighty (180) consecutive days, the conditional review use shall be deemed to have been abandoned, the right to operate or conduct the conditional review use shall be immediately terminated and the conditional review use permit shall be void and of no further effect. This does not apply to a conditional review use which is used intermittently.
- (h) Revocation. The Town [board of trustees](#) may revoke a conditional review use permit for any violation of this Code or any of the conditions of the permit, after notice to the permittee and an opportunity to be heard. Upon revocation, the conditional review use shall immediately cease.

#### 17.4.230 Manufactured Homes Design and Building Requirements.

The following design and building requirements apply to manufactured homes and all single-family dwellings throughout the Town of Palmer Lake.

- (a) All manufactured homes must be certified and installed in accordance with the State of Colorado Division of Housing's "Manufactured Housing Installation Program" and adopted building codes.
- (b) The manufactured home must have quality materials of similar brick, wood, or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.
- (c) The manufactured home must have a pitched roof with a pitch of at least a nominal 3/12. The roof must be covered with shingles, shakes or tile. Eaves of the roof must extend at least ~~one~~ 16" from the intersection of the roof and the exterior walls.
- (d) The manufactured home must have color-coordinated body and trim. The colors of both the factory components and the site-built components shall be the same.
- (~~e~~) The main entrance to the manufactured home must face or be oriented toward an adjacent street.
- (f) The transportation mechanisms, including the wheels and hitch, must be removed.
- (g) No manufactured home shall be occupied for dwelling purposes unless it is properly placed in a manufactured home space and connected to water, sewerage, electric and gas utilities, as appropriate.



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- (h) Additions to increase the floor area of the manufactured home shall not be permitted except for patios, porches, garages, decks, or carports. Garages may be detached or attached.
- (i) Prior to occupancy, the PPRBD shall permit and inspect each manufactured home to determine compliance with the Town Code. No occupancy shall be permitted, or a certificate of occupancy issued until said inspection and all connections to public utilities have been made. The owner or home builder shall pay to the Town a building permit fee for each residential structure as may be required by the Town Code.
- (j) All manufactured homes, additions and accessory structures as identified above in this section shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition and all other dimensional requirements for each zone district and a building permit shall be required in advance for any such addition.
- (k) No factory-built home, manufactured home, or mobile home shall be allowed to be in a dilapidated state. This includes units that are partially or totally damaged by fire, earthquake, flood, wind, or other natural causes, or are in a state of general dilapidation, deterioration, or decay resulting from improper lack of maintenance, vandalism, or infestation with insects or rodents. Any such dilapidated structure shall be returned to and maintained in the condition as originally established on site and as inspected by the PPRBD, or it shall be removed from the site. Repair of non-conforming structures or uses shall be in accordance with non-conforming structure provisions found in this Title.
- (l) Connex, **cargo, or shipping containers** shall not be used as a dwelling, nor as permanent use for storage or other uses. The temporary use of any Container shall be considered a conditional review use.

#### 17.4.240 Operational Performance Standards

The operational performance standards of this Section are intended to protect the health, safety, and welfare of the citizens of the Town by regulating potential nuisance features associated with certain land uses.

#### 17.4.245 Applicability.

The operational performance standards of this Section shall apply to all uses, buildings and structures within the Town unless otherwise specifically indicated.

#### 17.4.250 Exemptions.

- (a) The following are exempt from the operational performance standards of this Section:
  - (1) Temporary construction, excavation and grading associated with development for which applicable permits have been issued and remain in effect, and with the installation of streets or utilities; and
  - (2) Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time, or in public rights-of-way or easement.



**VERSION 3 FOR PC REVIEWERS DUE JULY 14**

**17.4.255 Standards**

Under this Section, the following standards shall apply:

- (a) Noise. Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family and duplex uses, and residential district zoned sites as required by CRS 25-12-103, C.R.S., and Town Code section 9.36.050 Prohibition of noises disturbing the public peace.
- (b) Vibration. All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.
- (c) Smell. All uses shall be operated so that smell is not perceptible outside the lot lines of the site on which the use is located.
- (d) Fire and explosive hazards.
  - (1) Underground storage tanks for flammable liquids and gases shall be located at least fifty (50) feet from the lot line of lots with residential zoning or that contain a single-family or duplex use.
  - (2) Above ground tanks shall be set back at least one hundred (100) feet from such lot lines, unless the Board of Adjustment determines, based on information provided by the applicant, that a fifty-foot setback will ensure compliance with all applicable State standards. The storage tank setback requirements of this Section shall not apply to tanks that are necessary to single-family or duplex units.
- a) Electromagnetic interference. No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.

**17.4.260. Compliance**

Any use existing at the time of the adoption of this Title that does not comply with one (1) or more of the operational performance standards of this Section shall not be deemed a nonconforming use for the purposes of this Title.

## ARTICLE V – Administration and Procedures

- **Yellow highlight** = sections from the existing Title 17
- **Typeface in Blue** added by either Mark Morton, GMS, or Town Attorney Scott Krob
- **Changes in purple** requested by the Planning Commission at their July 16th meeting.

### Drafting Notes:

*The purpose of this Article is to have all administration and procedures in one place. This provides clarity and accessibility to applicants, staff, elected officials, and the public.*

*This avoids having to repeat common procedures, such as public notice and public hearing procedures, throughout Title 17.*

*This Article includes the following existing sections with some edits.*

### **New sections that were missing:**

*Table of submittal requirements per application type*

*Table of Approval Requested*

*Variance procedures*

*Conditional review uses*

### **Sections that will stay in their current location**

*Title 17.14. Provisions for Amendments*

*17.12.050. Application submittal and completeness review for all applications.*

*17.12.055. Application fees, cost reimbursement agreement, and application forms.*

*17.12.050. Required referrals.*

*17.12.055. Certificate of zoning compliance.*

*17.12.080. Certificate of occupancy.*

*17.12.090. Temporary certificate of occupancy.*

*17.68.110 Submittal requirements for the Stormwater Quality Control Ordinance (aka Hillside Overlay but applies to all areas in the town)- note, based on discussions with John Chavez, this section of the code needs to be updated, so we will not move the submittal requirements to this Article.*

*17.72 Planned Development- this is a stand-alone section.*

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**Sec. 17.5.100. – General Review Process.**

- (a) All zoning applications shall conform to this Title.
- (b) The following land use applications are reviewed and approved by the Town Administrator, with input from the Development Review Team if requested by the Town Administrator.
  - (1) Plot Plan per 17.12.070

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- (2) Floodplain Development permit pursuant to Section 17.3.XX
- (3) Sign Permit pursuant to section 17.75.040
- (4) Change of use 17.14.030
- (c) The following land use applications are reviewed by the Planning Commission with a public hearing.
  - (1) Approval of deviations from the sign code.
  - (2) Site Development Plan under 10,000 sq. ft. of total development land.
- (d) The following land use applications require a public hearing in front of the Planning Commission with recommendation to the Board of Trustees after notice and a public hearing
  - (1) Amendments to the Community Master Plan
  - (2) Amendment to the Official Map
  - (3) Amendments to the Text of Title 17. Land Use
  - (4) Site Development Plan 10,000 sq. ft. or greater of total development land.
  - (5) Appeals of decisions made by any administrative official of the Town charged with the enforcement of this Code
  - (6) Conditional Review Use
  - (7) Planned Development (PD): Planned Development Plan (FDP), and Final Development Plan (FDP)
  - (8) Revocation of Approved Development Applications and Permits
  - (9) Site Specific Development / Vested Rights
  - (10) Variances
- (e) Table of Development Review Process for items requiring a public hearing.

Table 17.5.1 Required Decision-Making Process for Land Use Applications.					
Process	Preapplication Conference	Administrative approval	Board of Adjustment	Planning Commission	Board of Trustees
Rezoning <i>(includes amendment to community master plan)</i>	X			X	X

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Table 17.5.1 Required Decision-Making Process for Land Use Applications.					
Process	Preapplication Conference	Administrative approval	Board of Adjustment	Planning Commission	Board of Trustees
Annexation	X			X	X
Change of Use	Optional	X			
Variances			X		
Appeals of administrative official decision			X		
Conditional Review Use	Optional			X	X
Site Development Plan (<= 10,000 sq. ft. of total development land)	optional	X		X	
Site Development Plan (>10,000 sq. ft. or more of total development land)	optional			X	X

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**Table 17.5.1 Required Decision-Making Process for Land Use Applications.**

Process	Preapplication Conference	Administrative approval	Board of Adjustment	Planning Commission	Board of Trustees
Planned Development Plan (PDP) and Final Development Plan (FDP)	X	X		X	X
Landscape Plan		X			
Plot Plan		X			

**Sec. 17.5.110 Role of the Planning Commission**

(a) Applications Subject to Planning Commission Decision

- (1) The Planning Commission shall hold a public hearing in accordance with Section 17.5.230.
- (2) The Planning Commission shall consider the application, applicable review criteria, support material, staff reports, and any evidence and/or comments from the public hearing.
- (3) The Planning Commission shall approve, approve with conditions, deny the application, or continue the hearing to a specified date and time.
- (4) Unless specifically provided elsewhere, all decisions shall require a [majority approval of those members present and qualified to vote](#). A tie vote shall be considered a denial of any request.
- (5) Within ten (10) working days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Town Administrator or designee, where it shall be available for public inspection during regular office hours.

(b) Applications Subject to Planning Commission Recommendation

- (1) The Planning Commission shall hold a public hearing to review the application based on the applicable review criteria. The Planning Commission shall then make a recommendation to the Town Board to approve, approve with conditions, deny the application or continue the hearing to a specified date and time.

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- (2) Unless specifically provided elsewhere, all recommendations shall require a [majority approval of those members present and qualified to vote](#). A tie vote shall be considered a recommendation of denial of any request.
- (3) Following Planning Commission review, the Town Administrator or designee shall forward the completed request and any related materials, including the Planning Commission recommendation (if applicable), to the Board of Trustees for final action.

**Section 17.5.120 Role of the Board of Trustees**

## (a) Applications Subject to Board of Trustees Decision

- (1) The Board of Trustees shall hold a public hearing in accordance with 17.5.230.
- (2) The Board of Trustees shall consider the application, applicable review criteria, support material, Planning Commission recommendation (if applicable), staff reports, and any evidence and/or comments from the public hearing.
- (3) The Board of Trustees shall approve, approve with conditions or deny the application or continue the hearing to a specified date and time. The Board of Trustees may also remand the application back to the Town Administrator, DRT, or the Planning Commission, whichever is applicable, for further review.
- (4) Unless specifically provided elsewhere, all decisions shall require a [majority approval of those members present and qualified to vote](#). A tie vote shall be considered a denial of any request.
- (5) Within ten (10) days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Town Administrator or designee, where it shall be available for public inspection during regular office hours.

**Section 17.5.130 Role of the Board of Adjustment**

- (a) Board of Adjustment. Pursuant to C.R.S. § 31-23-307, a Board of Adjustment for the Town is created as outlined in Chapter 2.16 Board of Adjustment in the Palmer Lake Municipal Code.
- (b) The BOA shall have the power to interpret this Title, including any uncertainty as to district boundary locations or the meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this Title.
- (c) Pursuant to Chapter 2, Article XI of the Municipal Code, the Board of Adjustment shall not consider or grant variances to uses in the zoning district.
- (d) Applications Subject to Board of Adjustment Decision
  - (1) The Board of Adjustment shall hold a public hearing in accordance with 17.5.230.
  - (2) The Board of Adjustment shall consider the application, applicable review criteria, support material, staff reports, and any evidence and/or comments from the public hearing.
  - (3) The Board of Adjustment shall approve, approve with conditions, deny the application, or continue the hearing to a specified date and time.

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- (4) Unless specifically provided elsewhere, all decisions shall require a [majority approval of those members present and qualified to vote](#). A tie vote shall be considered a denial of any request.
- (5) Within ten (10) days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Town Administrator or designee, where it shall be available for public inspection during regular office hours.

**Sec. 17.5.200. Preapplication Conference**

- (a) A preapplication is a nonbinding meeting held when an application submittal is imminent, that benefits the applicant by giving them the opportunity to discuss submittal requirements with the Town Staff. The meeting will include the Town Administrator and, if necessary, the Development Review Team (Town Planner, Town Engineer, Stormwater Quality consultant, Town Attorney), Public Works Department, the Fire District, and any other technical staff or consultants as needed.
- (b) Pre-application conferences are optional for those applications noted in Table 17.5.2.
- (c) The preapplication conference also serves to facilitate discussion about the technical elements of the development, including but not limited to:
  - (1) Characteristics of the site and surrounding area, such as size, location, zoning, accessibility of the site, natural and manmade features, natural hazards, and surrounding development and land use.
  - (2) The nature of the development proposed, including:
    - a. proposed uses,
    - b. densities,
    - c. placement of proposed building, structures and improvements,
    - d. location, type, and method of maintenance of the common open space and public use areas such as trails and [paths](#),
    - e. [site](#) access and traffic impacts
    - f. internal circulation systems [for vehicles and pedestrians](#)
    - g. total impervious coverage of paved areas and structures; and
    - h. proposed water, wastewater, and other utility infrastructure.
  - (3) Conformance with adopted Town policies, including but not limited to the Community Master Plan.

**Sec. 17.5.205 Neighborhood or Community Meeting**

- (a) [An applicant may at the applicant's expense, hold a neighborhood or community meeting to discuss a proposed development project. The purpose of a neighborhood or community meeting is to allow residents to communicate directly with the Town and the applicant regarding any issues, concerns or comments that they might have regarding the proposed development project. Such meetings shall be scheduled at the discretion of the applicant.](#)
- (b) [The applicant shall provide a place, date, and a time of the neighborhood or community meeting. Such a meeting shall be properly noticed.](#)

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- (c) A representative from the Town shall be present at such meeting to gather information regarding concerns and issues that affect the applicant and the development proposal and also to answer any potential questions regarding the Town's planning procedures, adopted Community Master Plan and the subdivision, zoning, and related development regulations.

**Sec. 17.5.210. Submittal Requirements and Review**

- (a) Each applicant shall submit a complete land use application packet and all required submittal documents. A digital copy of all application documents in a PDF format or other format deemed acceptable by the Town Administrator, along with GIS files and AutoCAD drawings as applicable, shall be submitted in addition to the required paper documents with original signatures. The application packet shall consist of the following materials, along with specific materials noted for each type of application:
- (1) Completed Land Use Application Form
  - (2) Completed Checklist
  - (3) Completed Cost Reimbursement Agreement and payment of applicable fees
  - (4) Mineral Rights Affidavit (see below)
  - (5) Written statement or narrative describing how the application is consistent with adopted Town policies and plans, including but not limited to the Community Master Plan, and the Town's Public Works manual and El Paso County Engineering Criteria Manual.
  - (6) A plat, map, or graphic of the site or proposed use depicting topography, existing and planned building locations, accessory structures, parking, traffic circulation, usable open space, landscaping, utilities, drainage features, and any other information needed to evaluate the proposal.
  - (7) Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application, unless waived by the Town Administrator.
- (b) Staff shall review the application packet to determine if the application is complete or if there are deficiencies in the application submittal. If the application is complete, the Town Administrator or designee shall notify the applicant within a reasonable period of time that the application will be sent out for referral and that town staff will conduct a technical review.
- (c) No land use application shall be scheduled for further review until the application is deemed complete and the applicant receives a certificate of completeness.

**Section 17.5.220 Submittal requirements by application type**

- (a) Submittal items. All land use applications shall contain the information as outlined for each type of land use application.
- (b) Drawing format and content. Unless waived by the town administrator or designee, all plans and drawings shall contain the drawing format and content noted for each land use application type

[NOTE: SHOULD THE SQUARE FOOT NUMBER IN TABLE HEADINGS FOR COLUMNS 3

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AND 4 CHANGE FROM 15,000 TO 10,000 TO CORRELATE TO OTHER SQUARE FOOT REFERENCES??]

Table 17.1							
Drawing Format and Content M – may be required	Plot Plan	Site Development Plan < 15,000 sq. ft.	Site Development Plan 15,000 sq. ft. or more	Cluster Development	PD PDP and FDP	Conditional Review Use	Variance
Paper copy of drawing(s)	X	X	X	X	X	X	M
Digital copy of drawing(s)	X	X	X	X	X	X	M
24" x 36" sheet size, unless other size is approved or indicated by text	X	X	X	X	X	X	M
All signatures in black drawing ink			X	X	X	X	
Project title	X	X	X	X	X	X	M
North point, written & graphic scales	X	X	X	X	X	X	M
Drawing date	X	X	X	X		X	M
Name, address, phone, and email of:							
Owner(s) of the property	X	X	X	X	X	X	M
Applicant if not the owner	X	X	X	X	X	X	M
Person/firm preparing the drawing(s)	X	X	X	X	X	X	M
Designer/planner if different than person/firm preparing the drawing(s)		X	X	X	X		
Engineer		X	X				

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**Table 17.1**

<b>Drawing Format and Content</b> M – may be required	Plot Plan	Site Development Plan < 15,000 sq. ft.	Site Development Plan 15,000 sq. ft. or more	Cluster Development	PD PDP and FDP	Conditional Review Use	Variance
Colorado registered surveyor			X	X	X	X	
Table of project information	X	X	X		X	X	
Total acreage	X	X	X	X	X		M
Acreage by the different land uses	X	X	X	X	X		
Total number of lots		X	X	X	X		
Number of each type of dwelling proposed		X	X	X	X		
Parking - required, provided, ratio		X	X	X	X		M
Building height, floor area, setbacks		X	X	X	X		M
Vicinity map	X	X	X	X	X	X	M
Map key if entire property is not on one sheet	X	X	X	X	X	X	M
Legend of symbols used	X	X	X	X	X	X	M
Legal description		X	X	X	X	X	M
Basis for establishing bearings			X	X	X	X	
Certifications:							

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Table 17.1							
Drawing Format and Content M – may be required	Plot Plan	Site Development Plan < 15,000 sq. ft.	Site Development Plan 15,000 sq. ft. or more	Cluster Development	PD PDP and FDP	Conditional Review Use	Variance
Dedication of ROW, easements, and public sites			X	X	X		
Owner(s)			X	X	X	X	M
Mortgagee(s) if any			X	X	X	X	
Surveyor(s), including signed seal			X	X	X	X	M
Planning Commission		X	X	X	X	X	
Mayor, with attest by Town Administrator or designee		X	X	X	X	X	
County Clerk and Recorder			X	X	X	X	
Notes	X	X	X	X	X	X	M
Monuments - location and description			X	X	X	X	M
Locate, show and label:							
Adjoining subdivisions or owners		X	X	X	X	X	
Proposed land uses	X	X	X	X	X		
Areas to remain open, natural, or parks/trails		X	X	X	X		
Land dedication (see Subdivision requirements)	X	X	X	X	X		
Lots and blocks		M	X	X	X	X	

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Table 17.1							
Drawing Format and Content  M – may be required	Plot Plan	Site Development Plan < 15,000 sq. ft.	Site Development Plan 15,000 sq. ft. or more	Cluster Development	PD PDP and FDP	Conditional Review Use	Variance
Approximate dimensions & areas	X	X	X	X	X		
Proposed roadways/access	X	X	X	X	X		
Right-of-way, existing and proposed, on and adjacent to the property		X	X	X	X	X	
Bearings, distances, curve data for lots, blocks, ROW, and easements		X	X	X	X	X	
Excepted parcels noted as not included			X	X	X	X	
Street names, on & adjacent to property	X	X	X	X	X	X	M
Curb cuts - existing and proposed, on or adjacent to property		X	X	X	X		
Easements, existing and proposed, on & adjacent to property	M	X	X	X	X	X	
Zoning, on & adjacent to property	X	X	X	X	X	X	

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Table 17.1							
Drawing Format and Content  M – may be required	Plot Plan	Site Development Plan < 15,000 sq. ft.	Site Development Plan 15,000 sq. ft. or more	Cluster Development	PD PDP and FDP	Conditional Review Use	Variance
Phasing of project, if applicable	X	X	X	X	X		
Water features, bodies, and courses	X	X	X	X	X		
Existing trees & geologic features	X	X	X	X	X		
Contours - existing and proposed at 2-foot intervals	X	X	X	X	X		
Extend contours sufficient distance onto adjacent property to establish relationships		X	X	X	X		M
Areas of 20% slope or steeper	X	X	X	X	X		M
Floodplain area and boundary	X	X	X	X	X		M
Source of information	X	X	X	X	X		M
Location of existing buildings, structures, and improvements	X	X	X	X	X		M
Location of proposed buildings, structures, and improvements	X	X	X	X	X		M
Structures & improvements to remain	X	X	X	X	X		M

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Table 17.1							
Drawing Format and Content  M – may be required	Plot Plan	Site Development Plan < 15,000 sq. ft.	Site Development Plan 15,000 sq. ft. or more	Cluster Development	PD PDP and FDP	Conditional Review Use	Variance
Drainage - conceptual plan	X	X	X	X	X		
Bridges, culverts, drainage facilities		X	X	X	X		
Water - statement of sufficient supply	X	X	X	X	X		
Utility lines, equipment & facilities	X	X	X	X	X		M
Water & sewer lines, hydrants		X	X	X	X		M
Location and acreage of parks, playgrounds, trails, schools, common areas, or other public uses (also see Subdivision requirements)		X	X	X	X		
<p>** Change of Use: A plot plan may be submitted for a change of use if there are no changes to the exterior of the use (i.e., parking, lighting, building coverage, addition of an accessory structure). If there are changes to the exterior, then a site development plan shall be submitted.</p>							

- (c) the application will be sent out for referral, and the Town personnel will conduct a technical review. No land use application shall be scheduled for further review until the application is deemed complete by staff and the applicant receives a Certificate of Completeness as required by 17.12.50.

**Sec. 17.5.225. Required Referrals. (moved from 17.12.060- existing)**

- (a) Upon a determination that the application is complete, the town administrator or designee shall refer the application to all referral entities for their comments, unless the town administrator or designee finds that the application is not related to the issues addressed by a particular entity listed. The list of referral agencies is available from the town administrator

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or designee and shall include all jurisdictions that have an intergovernmental agreement with the town, all town departments, the development review team, all outside utilities, service providers, and agencies. All jurisdictions within the town's established 3-Mile planning area including the El Paso County Planning Department and Town of Monument shall receive referrals. The town administrator or designee may provide the application to other entities if the town administrator or designee determines in his or her discretion that such other entity may have comments relevant to the specific application.

Commented [SK1]: Why do we notify Monument? Do we have an IGA with them requiring such notification? So they have a reciprocal provision in their code requiring notification of PL? If not, should this be deleted?

Commented [BC2R1]: This is in the existing code, but I have deleted the reference.

(b) Referrals required by state law.

- (1) Major activity notice to the state geologist and the board of county commissioners pursuant to C.R.S. § 31-23-225, if the proposed subdivision or commercial or industrial development is proposed to cover five or more acres of land.
- (2) The Colorado Water Conservation Board if the proposed development contains at least 50 lots or five acres (whichever is less) and base flood elevation data is required.
- (3) Mineral estate affidavit documenting that the applicant has contacted all mineral rights owners and lessees dated no more than 30 days pursuant to C.R.S. § 24-65.5-103, as amended. Such affidavit shall include the names and addresses of all mineral estate owners and lessees.
- (4) The Colorado Department of Transportation if the application abuts a state highway, or may impact state highways or other CDOT facilities, such as Highway 105 or Interstate 25.

Sec. 17.5.230 Public Hearings

(a) Applicability. This Section shall apply to all land use applications requiring a public hearing before the Planning Commission, the Board of Trustees, or the Board of Adjustment.

(b) Procedure. The procedure for public hearings shall be as follows:

- (1) Pre-application conference pursuant to Section 17.5.200.
- (2) Completeness Review and Certificate of Completeness pursuant to 17.12.050
- (3) Referral pursuant to 17.5.225
- (4) Notice of Hearing pursuant to 17.5.240
- (5) Staff Review. Within no more than thirty (30) days of receipt of an application certified as complete, Town staff shall review the application for compliance with this Title and applicable law and send a summary of the Town's comments and any referral agency comments to the applicant. The Town administrator or designee may request that an applicant sign a waiver of the 30-day requirement for large or precedent-setting applications.
- (6) Applicant Response. Within no more than fifteen (15) days of receipt of the technical comments, the applicant shall respond, in writing, to the Town's comments and any referral agency comments. If significant deficiencies remain in the application, such as failure to meet one or more sections of this Title, the application will not be scheduled for a hearing until the deficiencies are corrected and revised documents

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submitted. If the Town Administrator or designee determines that any deficiencies are minor, the application may be scheduled for a public hearing with conditions of approval.

- (7) Notice. Upon receipt of the applicant's response, the Town Administrator shall set the required public hearings, and shall publish, post, and mail the notice of the public hearings as required by Section 17.5.240.
- (8) Hearing and Decision. Public hearings shall be conducted in accordance with due process procedures. The Planning Commission, Board of Trustees, or Board of Adjustments shall either recommend or take action to approve, approve with conditions, deny, or continue the hearing on the application to a date certain.

**Sec. 17.5.240 Public Notice Requirements.**

- (a) For all actions of the Town described in this Title requiring public hearings, public notice of the hearing shall conform to the following requirements.
- (b) At least fifteen (15) days in advance of the hearing, notice of the public hearing shall be sent to all owners of property fully or partially within three hundred (300) feet of the boundaries of the subject property, owners of mineral right interests of record, and the referral agencies using the most recent property owner information from the El Paso County Assessor's records. Notice to property owners is conducted by the applicant.
- (c) All notices shall include:
  - (1) A statement of the nature of the matter being considered.
  - (2) The time, date, and place of the public hearing.
  - (3) The agency or office and phone number where further information may be obtained; and
  - (4) The street address and/or a legal description of the subject property.
- (d) Such notice shall be sent via certified mail, return receipt requested. Copies of the certified mailing receipts shall be addressed to the Town prior to the hearing. The Town may assist the applicant with a recent list of property owners based on the El Paso County Assessor's records. Notice of the hearing shall be published by the Town in a newspaper of general circulation at least fifteen (15) days in advance of the hearing. All publication expenses shall be paid by the applicant. Failure to properly notice the hearing shall be grounds for a continuance of the public hearing until such notice is provided.
- (e) Public Notification Sign. The Town Staff shall prepare a public notification sign to be posted on the property no less than fifteen (15) days in advance of the hearing.

**Sec. 17.5.250. Revocation of Permits.**

- (a) The Board of Trustees may revoke any land use development approval after notice and a public hearing.
- (b) Notice of Public Hearing. The public hearing on the revocation of a land use development approval shall be conducted during a regular or special meeting of the Board of Trustees, not less than fifteen (15) days from the date the notice of the hearing is given. Notice of

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hearing shall be deemed given to the owner, the owner's agent, or other person to whom the land use development approval was issued, upon deposit of said notice in the U.S. mail for those not residing in town by certified mail, return receipt requested, and addressed to the last known address of said owner or shall be given via in-person delivery from a Town police officer.

- (c) Findings. Following the public hearing, the Board of Trustees, upon a finding of the following, may revoke any land development permit, building permit, or other authorization:
- (1) There is a departure from the approved plans, specifications, or conditions of approval.
  - (2) There is a violation of any provision of the Municipal Code, specifically but not limited to Titles 16 and 17.
  - (3) The land use development approval was obtained by false representation; or
  - (4) The land use development approval was issued in error.
- (d) Notice of Revocation. Written notice of revocation shall be served upon the owner, owner's agent, applicant, or other person to whom the land use approval was issued, by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work or construction, or use of the property shall proceed after service of the revocation notice.

**Section 17.5.300 Rezoning Procedures**

- (a) *Applicability.* This section applies to all applications to change the zoning district classification of a lot or parcel to a different zoning district classification, including applications to create or repeal a planned unit development zoning district, or to create, modify, or repeal an overlay zoning district.
- (b) *Initiation of amendments to text or official zoning map.* The board of trustees may from time to time amend, supplement, change, or repeal the regulations and provisions of this chapter. Amendments to the text of this Code may be initiated by the board of trustees, town staff, or planning commission, or by written application of any property owner or resident of the town. Amendments to the zoning district map may be initiated by the board of trustees, town staff, or the planning commission, or by a real property owner in the area to be included in the proposed amendment.
- (c) *General rezoning of the town.* Whenever the zoning district map is to be changed or amended incidental to or as part of a general revision of this Code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in, the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the town hall during regular business hours for 15 days prior to the public hearing on such amendments.
- (d) To initiate a rezoning of private property, the petitioner must be the owner of the affected property or a person with the signed authorization of the owner to present the application.
- (e) If a proposed rezoning is inconsistent with the community master plan (aka comprehensive plan), the community master plan shall be amended prior to approving the rezoning. The request may only be approved if the applicant demonstrates that the rezone is justified because of changed or changing conditions in the particular area, in the town in general, or that the rezoning is necessary to correct a manifest error in the existing zone classification. The procedures for amending the Community Master Plan are in Section 17.5.310
- (f) *Rezoning amendment application process.*

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- (1) The board of trustees may amend the boundaries of any zone district as shown on the official zoning map.
- (2) A zoning change of individual property may be initiated by the town, by citizen petition or by application filed by the landowner.
- (3) Town initiated zoning change. Requests for zoning changes initiated by the board of trustees, planning commission, or town staff will be prepared as a draft ordinance by the town attorney and town staff and shall be reviewed and considered by the planning commission and presented to the board of trustees at a public hearing. In this instance, the town shall be considered to be the applicant.
- (4) Owner or citizen initiated zoning change of private property. The petitioner must be the owner of the property or a citizen of the town who has submitted the application with a petition signed by owners of all of the land affected by the request. All applicants are advised there is no right to a change of zoning.
- (5) The planning commission and board of trustees may consider the following evaluation criteria for the analysis of zoning amendment applications:
  - a. The compatibility of the zoning change with the surrounding zone districts and land uses in the vicinity of the site including the characteristics of the existing neighborhood, the applicable dimensional requirements, and the suitability of the site for development in terms of on-site characteristics.
  - b. Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area.
  - c. The proposed use complies with all applicable requirements of this Title Land-Development Code, including without limitation any applicable standards.
  - d. The land proposed for a zoning change, or adjacent land has changed or is changing that it is in the public interest and consistent with the intent, purpose, and provisions of this chapter and the community master plan (aka comprehensive plan) to encourage different densities or uses.
  - e. That the proposed rezoning is needed to provide land for a demonstrated community need or service and such rezoning will be consistent with the goals, objectives, and policies contained within the adopted Town of Palmer Lake plans.
  - f. Any impacts on the surrounding area associated with the environment, wildlife, access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, odor, and other material adverse impacts have been addressed and/or mitigated to the maximum extent practicable.
  - g. The town or other service providers have the capacity to serve the development enabled by the rezoning with adequate roads, water, sewer, and other public services and facilities.
  - h. The recommendations of referral agencies have been considered and addressed to the maximum extent practicable.
  - i. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools, and transportation.
  - j. The relationship between the proposal and the adopted community master plan, parks plan and adopted 3-Mile annexation plan.
  - k. Public benefits arising from the proposal.
- (6) That the existing zoning classification currently recorded on the official zoning map is in error.
- (7) *Zoning protest.* In case of a protest against a proposed rezoning filed with the Town Administrator or designee at least 24 hours prior to the public hearing and signed by the owners of 20 percent or more either of: (1) the area of the property included in such proposed change; or (2) the area immediately adjacent to the area proposed to be rezoned, extending for a radius of 100 feet therefrom, disregarding intervening public streets and alleys, such amendment shall not become effective except by the favorable vote of two-thirds of the members of the board of trustees.

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- (8) *Legislative rezoning.* The board of trustees may, upon request of the planning commission, the town administrator, or on its own motion, initiate a procedure for rezoning a significant area of the town, consisting of six or more individual ownership parcels. This rezoning is a legislative not a quasi-judicial act and may be accomplished by ordinance without notice to individual landowners. The protest procedures of subsection (c) above shall not apply. The procedure for legislative rezoning shall be as follows.
- a. Requests for legislative rezoning initiated by the board of trustees, planning commission or the town administrator will be prepared as a draft ordinance by the town attorney and town staff. In this instance the town shall be considered to be the applicant.
  - b. After conducting its review on the request, the planning commission shall transmit its recommendations to the board of trustees.
  - c. Notice of the public hearing before the board of trustees shall be given by publication of the request. The notice shall be published in a newspaper of general circulation in the town and by posting at the town offices. Separate notice to individual property owners is not required but may be given at the sole discretion of the town. The town choosing not to give such individual notice shall not be a basis for the challenge of the legislative rezoning.
  - d. The board of trustees shall consider the public testimony, the recommendations of the comprehensive plan, and the interests of the town in general when considering a legislative rezoning. The rezoning shall not apply.

## (9) Zoning change procedures.

- a. Step 1: Preapplication conference pursuant to Section 17.5.205.
- b. Step 2: Zoning amendment application submittal. The applicant shall submit one copy of the complete zoning amendment application package to the town administrator or designee. In addition to the requirements in 17.5.205, the application shall include a zoning amendment map of the area included in the proposed change, on a sheet twenty-four (24) inches high by thirty-six (36) inches wide, along with a colored electronic 11X17 zoning amendment map with the following information.
  - a. Completed land use application form.
  - b. Legal notice form. The applicant shall prepare the legal notice form and return it to the town with an electronic copy of the legal description in Microsoft Word format.
  - c. North arrow, scale 1" = 100' or 1" = 200', and date of preparation.
  - d. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
  - e. Legal description of the area to be zoned (entire area and individual zoning districts). In an unsubdivided property, zone boundaries shall be determined by a metes and bounds description.
  - f. Location and boundaries, including dimensions, of the property proposed for the zone change.
  - g. The acreage or square footage contained within the property proposed for rezoning.
  - h. All existing land uses in the proposed rezoning area.

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- i. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
  - j. The location and dimensions for all existing public rights-of-way, including streets, and the centerlines of watercourses within and adjacent to the rezoning.
  - k. The names of all adjoining subdivisions with lines of abutting lots and departing property lines of adjoining properties not subdivided.
  - l. Certification blocks for the Surveyor, Planning Commission, Board of Trustees, and County Clerk and Recorder. (See appendices to this Title for examples of certification blocks.)
  - m. An Auto CAD™ drawing file or GIS file of the zoning amendment map on a flash drive or by other acceptable electronic transfer.
  - n. Application fee and fee agreement. A non-refundable fee is collected to cover the cost of review by the development review team (DRT) and any other expert whom the town may wish to review the application, notice, and publication expenses. The town administrator or designee shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
  - o. Mineral estate rights affidavit. The mineral rights affidavit must be current and must be dated no more than 30 days before the date of the rezoning application submittal.
  - p. Current proof of ownership in the form of title insurance issued or attorney title opinion within 30 days of submission of the application.
- c. Step 3: Zoning amendment application certification of completion. Within 15 days of submittal, the town administrator or designee shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the zoning amendment technical criteria form) to the town administrator or designee. The original application and all documents requiring a signature shall be signed in ink.
- d. Step 4: Final staff review and report to planning commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the planning commission explaining how the application is or is not consistent with the criteria for amendments to the official zoning map or criteria for amendments to the text of the Zoning Code.
- e. Step 5: Set zoning amendment public hearing and complete public notification process.
- 1. Map amendments (rezoning). Town administrator or designee shall send notice of public hearing to the applicant, all property owners of record within 300 feet of the property in question, and all mineral interest owners of record no less than 15 days before the planning commission public hearing. The town administrator or designee shall publish notice of hearing in a newspaper of general circulation and post a sign on the property in a visible location. The hearing may be held no less than 15 days from the date of property posting and newspaper publication. If the zoning amendment request is accompanying another application that is

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scheduled for public hearings before the planning commission and board of trustees, one combined public hearing may be held on both applications.

2. Text amendments. The town administrator or designee shall publish notice of hearing in a newspaper of general circulation at least 15 days prior to the scheduled public hearing before the planning commission. No mailed notice or property posting is required.

- f. Step 6: Planning commission public meeting and action on the zoning amendment. The planning commission shall hold a public hearing to review the zoning amendment based on the criteria for amendments to the official zoning map or the criteria for text amendments to the Zoning Code. The planning commission shall then make a recommendation to the board of trustees to approve, conditionally approve, or deny the zoning amendment application.

- g. Step 7: Finalize zoning amendment based on planning commission comments. If necessary, the applicant shall revise the zoning amendment application based on the planning commission's comments and submit it to the town administrator or designee.

- h. Step 8: Complete public notification process notify parties of interest. Not less than 15 days before the date scheduled for the board of trustees public hearing, the town administrator or designee shall notify surrounding property owners within 300 feet, mineral interest and any owners of record, and other interested parties. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. Such notice shall not be required for text amendments.

- i. Step 9: Set board of trustees public hearing.
  1. Map amendments (rezoning). In addition to mailed notice (Step 8), the board of trustees shall schedule a public hearing for the purpose of taking action on the zoning amendment. The town administrator or designee shall publish notice in a newspaper of general circulation and post a sign in a visible location. The hearing may be held no less than 15 days from the date of newspaper publication.
  2. Text amendments. The town administrator or designee shall publish notice in a newspaper of general circulation at least 15 days before the date scheduled for the board of trustees public hearing. No mailed notice or property posting is required.

- j. Step 10: Board of trustees public hearing and action on the zoning change amendment. The board of trustees shall, after receiving the report and recommendations from the planning commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the board of trustees shall consider the comments and evidence presented at the hearing, evaluate the application in accordance with the criteria listed above and approve, approve with conditions, or deny the application, in whole or in part.

- k. Step 11: Post approval actions.
  1. Upon approval of a zoning change amendment to the official zoning map by the board of trustees, the Town Administrator or designee shall cause an appropriate revision of the official zoning map to be prepared for recording with the county clerk and recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the town's cost for the preparation of the revision to the official zoning map.

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2. The applicant initiating the official zoning map amendment shall have 30 days after approval of the amendment by the board of trustees to submit to the Town Administrator or designee two Mylar copies and three copies of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the town relative to the zoning amendment. A licensed surveyor, engineer or GIS specialist shall prepare the zoning amendment map. Inaccurate, incomplete, or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one 11-inch by 17-inch Mylar reduction of the zoning amendment map and an Auto CAD drawing file (release 12 or higher) or ARCVIEW GIS drawing file of the zoning amendment map on a flash drive, or by other acceptable electronic transfer. [NOTE: MYLAR COPIES FEELS LIKE AN OUTDATED REFERENCE, WHAT DOES THE CLERK AND RECORDER'S OFFICE REQUIRE FOR DRAWING/DOCUMENT FORMAT FOR SIGNED DOCUMENTS TO BE RECORDED??]
3. Within 30 days of receipt of the zoning amendment map, the Town Administrator or designee shall review the documents for compliance with the board of trustee's approval, obtain the town officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the El Paso County Clerk and Recorder's Office for recordation.

Commented [BC3]: I asked Dwan about Mylar copies; I believe the Town still wants those for the Town records. Item for discussion with the DRT.

(10) *Map amendment upon zoning establishment or modification.* Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment, and the initials of the person who checked and approved the change to the map.

(11) *Criteria for amendments to official zoning map.* For the purpose of establishing and maintaining sound, stable, and desirable development within the town, the official zoning map shall not be amended except:

- a. To correct a manifest error in an ordinance establishing the zoning for a specific property.
- b. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the town generally.
- c. The land to be rezoned was zoned in error, and as presently zoned is inconsistent with the policies and goals of the adopted community master plan (aka comprehensive plan).
- d. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the community master plan and the rezoning will be consistent with the policies and goals of the community master plan.
- e. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
- f. A rezoning to a planned development district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.
- g. This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map, nor

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shall such criteria necessarily apply with respect to a comprehensive reclassification of land into the zoning districts established by this chapter or established by any later comprehensive revision of this chapter.

(Ord. No. 3-2024, § 1(Exh. A), 2-22-2024)

Section 17.5.305 Procedure for Amending the Community Master Plan **NEW** as requested by PC

Commented [BC4]: The existing code Section 17.14.010 states that an amendment to the Community Master Plan is required (e)- This addition spells out the procedures.

- (a) Purpose and Intent. It is the intent and purpose of this section to implement the Town’s authority to adopt a Comprehensive Plan pursuant to C.R.S. § 31-23-206 (Master plan) and § 31-23-207 (Purposes in view). In Palmer Lake, the Comprehensive Plan shall be known as the Community Master Plan.
- (b) This section ensures that all proposed amendments to the Official Zoning Map (rezonings) further the coordinated, adjusted, and harmonious development of the municipality and promote the health, safety, order, convenience, and general welfare of the community.
- (c) Consistency Requirement for Rezoning. No amendment to the Official Zoning Map (rezoning) shall be approved unless the proposed rezoning is consistent with the Town’s adopted Community Master Plan (aka Comprehensive Plan). A rezoning is considered consistent if it meets or furthers the goals, objectives, policies, and future land use designations of the Community Master Plan (aka Comprehensive Plan)
- (d) Community Master Plan Amendment Required. If the Town Administrator or designee finds that a proposed rezoning is not consistent with the adopted Community Master Plan, the applicant shall first pursue an amendment to the Community Master Plan for the affected property. The Town Administrator may request that the Planning Commission make such a determination as the body that adopts the comprehensive plan. No rezoning ordinance shall be effective until the Community Master Plan has been amended to accommodate the rezoning. This requirement ensures that land use decisions conform to the adopted plan as the guide for future development. The amendment requires a public hearing with the Planning Commission, followed by a public hearing with the Board of Trustees pursuant to 17.5.200
- (e) Community Input required for an amendment to the Community Master Plan. Whereas the adopted Community was adopted after considerable community input, any amendment to the Community Master Plan requires at least one community meeting that is properly noticed.
- (f) Concurrent Processing of Plan Amendments and Rezoning. The Town may accept and process an application for a Community Master Plan amendment concurrently with the related rezoning application. However, the ordinance amending the Community Master Plan shall be adopted by the Board of Trustees prior to or at the same meeting at which the rezoning ordinance is adopted.

Commented [BC5]: remember- In statutory towns, the PC adopts the Plan.

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- (g) Section 5. Review Criteria. In determining whether a proposed rezoning is consistent with the Community Master Plan, the Planning Commission and Board of Trustees shall consider the following factors (as applicable to the property and proposal):
- (1) The extent to which the proposed rezoning conforms to the goals, objectives, and policies of the adopted Community Master Plan, and to the future land use map.
  - (2) Whether there have been significant changes in local conditions or new information since the Community Master Plan's adoption that justify an amendment to the Plan or rezoning.
  - (3) The compatibility of the proposed zoning and land use with existing and planned uses on adjacent properties.
  - (4) Whether adequate public facilities and infrastructure (such as streets, utilities, schools, and parks) are available to serve the development allowed by the proposed zoning.
  - (5) The consistency of the rezoning with the purpose and intent of the proposed zoning district.
  - (6) Whether the rezoning would correct an evident error in the current zoning or reflect changed conditions that render the existing zoning inappropriate.

*Note for PC: Colorado Revised Statutes §§31-23-206 (Master plan) and 31-23-207 (Purposes in view) provide that the comprehensive plan is an advisory guide for municipal development*

**Section 17.5.310. Procedures for Annexing Land (this was 17.14.040)****17.14.040. Annexation of land.**

(a) *Applicability.* This section shall apply to all actions to annex new land into the municipal boundaries of the town and shall apply to all property sought to be annexed to the town by voluntary petition of landowners, except this section is not intended to apply to and nothing in this section shall be interpreted to increase the requirements or add to the processes for annexation of enclaves, partially surrounded land, and municipally owned land as provided for in C.R.S. § 31-12-106.

(b) *Specific procedure.* The applicant for the annexation of land and the town shall complete all those actions necessary for full compliance with C.R.S. §§ 31-12-101 et. seq., the Colorado Annexation Act of 1965, as amended.

In case of any conflict between the provisions of this Code and the requirements of C.R.S. §§ 31-12-101 et. seq., the provisions of C.R.S. §§ 31-12-101 et. seq. shall apply.

By petitioning for and accepting annexation of property to the town, the petitioner shall be deemed to agree to be governed and abide by the terms and conditions herein set forth, together with any other conditions or requirements which the town board of trustees may lawfully impose in a specific case.

(c) An application for zoning of the proposed annexed properties into one or more of the zoning districts shown in article 2 shall be submitted and processed pursuant to Section 17.14.010 rezoning (amendment to official zoning map), but final action by the town board of trustees

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regarding zoning for the annexed property shall not be taken before the annexation of the property has been completed.

- (d) *Request for concept review.* Prior to the submission of a petition for annexation, the petitioner may request a concept review. Upon receipt of a request, the town will schedule a meeting with the planning commission and/or the town board of trustees, as necessary.
- (1) *Purpose of concept review.* The concept review is an informal opportunity for the petitioner to discuss the scope and general concept of the proposed annexation with the planning commission and/or the board of trustees and to receive assistance in identifying issues and concerns regarding the proposed annexation that would likely be of concern to the planning commission, the board of trustees and the public prior to the submission of a petition for annexation.
- (2) *Information required.* At the concept review, the petitioner shall be prepared to provide general information regarding the property to be annexed, including but not limited to:
- a. Existing uses of the property.
  - b. Land uses and densities proposed for the property following annexation and expected zoning classifications.
  - c. Major public improvements necessary to serve the property, including potential access points and major streets.
  - d. Anticipated public utility and service demands.
  - e. Natural hazards and physical features.
  - f. Sketches, photographs and conceptual drawings or plans that will aid in the understanding of the proposed annexation.
  - g. Statement of benefit to the town and any other matters relevant to the annexation, development, and service needs of the property.

**Sec. 17.5.320. Procedures for Change of Use.**

- (a) *Applicability.* A change of use approval is required for any change from one use to another use in an existing building, structures or improvements and where the new use is allowed by right in the zoning district.
- (b) *Purpose.* The purposes of the change of use approval are:
- (1) Public safety as provided for in the building, fire, and health codes, and
  - (2) Availability of adequate services such as water and sewer.
- (c) *Applicability.* A change of use approval is required for any change from one use to another use in an existing building and where the new use is allowed by right in the zoning district.
- (d) *Review process*
- (1) *Step 1:* Pre-application meeting at the discretion of the applicant.
  - (2) *Step 2:* Submit a change of use application packet consisting of one paper copy of all items and one digital copy in the PDF file [format or other format acceptable to the Town](#). The application shall include a Site Development Plan with the following information.

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- a. Title of project.
- b. North arrow, scale 1" = 20' or as approved by the Town.
- c. Name, address, and phone number of property owner.
- d. Name, address, and phone number of the person preparing the drawing.
- e. Date of preparation.
- f. Bearings and distances of all lot lines.
- g. Existing easements on the lot.
- h. Footprint of any building or structures on the lot.
- i. Building setbacks from all property lines.
- j. Table of statistics including building gross floor area, height, and site coverage.
- k. Floor elevation in USGS.
- l. Location and size of water and sewer service to the building(s).

m. Architect's written analysis Town Administrator or designee's determination if the proposed use is in compliance with the Town Code and PPRBD determination if the proposed change of use is in compliance with Fire Code and Building Code.

n. Applicant shall provide estimates on projected utility use or consumption for the change of use proposed. The applicant shall engage a Water Engineer or Attorney who shall provide a written analysis of the adequacy of water rights and water service for any proposed change of use that increases water demand by 10% which, may affect system pressures or fire flow, or may impact water quality.

- (1) Step 3: Within fifteen (15) days of submittal, Staff shall review the change of use application for completeness pursuant to Section 17.12.050 and shall notify the applicant if the application is complete and accepted.
- (2) Step 4: Staff distributes copies the building official, fire chief, and town engineer. and appropriate reviewing agencies.
- (3) Step 5: Within fifteen (15) days, the other reviewers may submit comments to the Town Administrator or designee, who will forward all comments to the applicant.
- (4) Step 6: Town Administrator or designee reviews the comments and the use's compliance with the Land Use Code, previously approved Site Development Plans, and makes a decision on the change of use.
- (5) If the Town Administrator or designee determines the proposed change of use is permitted in the zoning district but is not in substantial compliance with previously approved Site Development Plans or Site Development Plan agreements, a new Site

Commented [BC6]: Asked GMS for trigger- getting a water attorney involved seems excessive

Commented [MM7R6]: 10% is a typical threshold for utility providers, could go higher like 20% to limit the need for a water engineer/attorney, but that could put town demands at risk when dealing with larger users because their 20% increase in usage is a much bigger impact to the system than say a single-family home who increases 20%.

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Development Plan application shall be submitted by the owner subject to the requirements in Section **17.5.XX**.

**Section 17.5.340 Variances**

- (a) Specific Plan Required. The BOA may authorize variances from the requirements of a zoning district based on unique or irregular physical circumstances or conditions that are unique to the land or building, structures or improvements. Unless otherwise specified by the BOA, a variance runs with the land and succeeds to the benefit of subsequent owners under the terms and conditions of the approved variance.
- (b) Pursuant to Chapter 2 of the Municipal Code, Article XI, the Board of Adjustment shall not consider or grant use variances.
- (c) Application. An application packet for a variance shall be submitted pursuant to Section 17.5.205.
- (d) Procedure: The BOA shall hold a public hearing on the variance pursuant to Section 17.5.220 and notice all adjoining property owners pursuant to Section 17.5.230. Any final determination of the Board of Adjustment shall be reported in writing over the signature of the chairperson of the BOA.
- (e) Criteria. To grant a variance to this Title, as outlined in CRS 31-23-307 as may be amended, the BOA shall find that all of the following have been satisfied:
  - (1) That there are unique physical circumstances or conditions such as irregularity, narrowness, or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property.
  - (2) That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Title.
  - (3) That due to such unique physical circumstances or conditions, the strict application of this Title would create a demonstrated hardship.
  - (4) That the demonstrable hardship is not self-imposed.
  - (5) That the variance, if granted, will not adversely affect the proposed development, or use of adjacent property or neighborhood.
  - (6) That the variance, if granted, will not change the character of the zoning district in which the property is located.
  - (7) That the variance, if granted, is in keeping with the intent of this Title.
  - (8) That the variance, if granted, will not adversely affect the health, safety, or welfare of the citizens of Town.
- (f) BOA Public Hearing and Action on the Variance. The Board of Adjustment shall make the decision on variances at a regular or special meeting of the Board.
  - (1) The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the BOA.

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- (2) The BOA shall have all the powers of the applicable Town administrative official on the action appealed. The BOA may in whole or in part affirm, reverse, or amend the decisions of the applicable Town administrative official.
- (3) The BOA may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of this Title.
- (4) The BOA may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.
- (5) No single decision of the BOA sets a precedent. The decision of the BOA shall be made on the particular facts of each case.
- (6) Variances granted by the BOA shall be recorded with the El Paso County Clerk and Recorder at the expense of the applicant.
- (e) Any appeal of the decision of the BOA may be made to the District Court as provided by law; provided however, that such appeal must be made prior to twenty-eight (28) days following the date of the final action taken by the BOA, as provided by Rule 105, Colorado Rules of Civil Procedure.

**Section 17.5.350 Appeals**

- (a) The Board of Adjustment (BOA) shall hear appeals and decide appeals where it is alleged that there is an error in any final order, requirement, decision, or determination made by any administrative official of the Town charged with the enforcement of this Code.
- (b) Any aggrieved person may file an application for appeal pursuant to Section 17.5.205 within thirty (30) days following the final action or decision from which the appeal is taken and shall include all information required by the Town Attorney. The BOA shall hold a public hearing on the appeal pursuant to Section 17.5.220.
- (c) The BOA may reverse or affirm, wholly or in part, or may modify the final order, requirement, decision, or determination of the Town official where the BOA finds that the decision was beyond the official's duties, not in compliance with adopted regulations or was made in error.
- (d) An appeal from a final order, requirement, decision, or determination shall stay all proceedings unless the Town Administrator certifies that such stay would cause imminent peril to life or property.
- (e) Any further appeal from the decision of the BOA may be made to the courts, as provided by law, provided that such appeal is made prior to 28 days following the date of the BOA's decision.
- (f) Appeal Criteria for Approval. The BOA, in hearing an appeal from an interpretation of this Title, shall consider:
  - (1) The technical meaning of the provision being appealed;
  - (2) The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
  - (3) The intent of the provision in implementing the Community Master Plan, the 3-Mile Plan and other adopted plans within the Town.

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**Sec. 17.5.350. Conditional Review Use applications.**

- (a) All conditional review uses specified in each zone district will be subject to a two-step review process.
  - (1) Step 1: Planning Commission review and recommendation.
  - (2) Step 2: Board of Trustees review and decision.
- (b) Applicants for a conditional review use permit shall complete an application packet pursuant to **17.5.205**.
- (c) The completed application packet and supplementary submittal materials shall be filed with the Town Administrator or designee at least 30 days prior to the Planning Commission Public Hearing.
- (d) The Town Administrator or designee shall review the application packet for completeness pursuant to Section **17.12.050**.
- (e) The Planning Commission shall hold a public hearing on the conditional review use pursuant to Section **17.5.220**, and notice shall be sent to all adjoining property owners pursuant to Section **17.5.230**, and shall make a recommendation to the Board of Trustees.
- (f) The Board of Trustees shall hold a public hearing on the conditional review use pursuant to Section **17.5.220** within 45 days of the recommendation of the Planning Commission.
- (g) Notice shall be sent to all adjoining property owners pursuant to Section 17.5.230.
- (h) The following criteria shall be used to evaluate the applicant's request:
  - (1) The conditional review use will satisfy all applicable provisions of Title 17 and Title 16 unless a variance is requested.
  - (2) The conditional review shall conform to or further the goals, policies, and strategies set forth in the Community Master Plan.
  - (3) The conditional review use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
  - (4) The conditional review use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.
  - (5) The conditional review use will result in efficient on- and off-site traffic circulation, which will not have a significant adverse impact on the adjacent use or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
  - (6) Potential negative impacts of the conditional review use on the neighborhood have been mitigated through setbacks, architecture, screen walls, buffering, landscaping, site arrangement, or other methods. The applicant shall satisfactorily address the following impacts:
    - a. Traffic;

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- b. Activity levels;
- c. Light;
- d. Noise;
- e. Odor;
- f. Building type, style, and scale;
- g. Hours of operation;
- h. Dust;
- i. Methods of operation
- j. Signage
- k. Loading and unloading
- l. Sanitation
- m. Public safety
- n. Mitigate vibrations, chemicals, toxins, pathogens, gases, heat, and radiation
- o. Erosion control, and
- p. Effect on neighborhood character.

(7) The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained and complied with.

- (i) Conditions imposed on any approved conditional review use application may include, but are not limited to, time limits, future review and renewal of the permit, limits to quantities of material allowed on the site, pollution control measures, and enhancements to landscaping, screening, or buffering requirements.
- (j) The Board shall approve the Conditional review use by Resolution. The Resolution shall be recorded with the El Paso County Clerk and Recorder's Office.

**Sec. 17.5.370. Procedures for a Site Development Plan.**

- (a) Applicability. Pursuant to 17.12.075, Site Development Plan approval is required for a building permit for all multi-family, commercial, and industrial developments, as well as parks, open space, and trails. The only development where a Site Development Plan is not required is for single-family detached development or duplexes. The construction, remodel, or expansion of a single-family or two-family dwelling unit/structure only requires a plot plan.
- (b) Purpose. The Site Development Plan shows how the lot will be developed so that the Town can make sure that the site design will be in compliance with all Town regulations. It is also part of the process for obtaining a construction permit from the town through the Pike s

**Commented [BC8]:** This section is currently 17.12.075 in the Code. The application requirements have been moved to Article 5- the idea is that all application requirements and procedures are found in one place.

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Peak Regional Building Department (PPRBD). An applicant must submit a site development plan for any new construction or building addition.

## (c) Site Development Plan Review Process.

(1) Development applications, except for single-family and duplex dwelling units involving less than 10,000 square feet of new, remodeled, or an expansion of an existing structure or of land area, shall be reviewed administratively. This includes review by the Town Administrator and, if necessary, the Development Review Team, Public Works, Fire District, Building Official, and other referral agencies as needed in accordance with Section 17.5.210.

(2) Development applications involving 10,000 square feet or more of new, remodeled, or an expansion of an existing structure or land area require one (1) properly noticed public hearing in front of the Planning Commission in accordance with Sections 17.5.220 and 230.

## (d) Site Development Plan Submittal Requirements. (the submittal requirements

(1) Step 1: Submit a complete application packet pursuant to 17.5.205. In addition to the requirements in 17.5.205, the application shall include the following:

- a. Site Development Plan. The Site Development Plan shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall provide the following information:
  1. Title of project.
  2. North arrow, scale (no greater than 1" = 50'), and date of preparation.
  3. Vicinity map.
  4. Address of project.
  5. Legal description of property.
  5. Name, address, and phone number of property owner.
  7. Name, address, and phone number of the person or firm responsible for the plan.
  8. Lot size (square footage).
  9. Bearings and distances of all lot lines.
  10. Existing and proposed easements and rights-of-way.
  11. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
  12. Gathering areas for people (if applicable).
  13. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
  14. Existing and proposed one-foot contours.
  15. Proposed lighting including a photometric plan.

**Commented [BC9]:** IF you construct or remodel any structure (does not include single-family or duplexes) that is less than 10,000 sq. ft., the site development plan is reviewed administratively. Over 10,000 sq. ft. requires review by the PC. Is this the appropriate trigger? OR do you want to review anything that is multi-family, commercial or industrial, or mixed-use? We started with a trigger of 15,000 sq. ft. Mike noted that 10,000 sq. ft. is a 100 X 100 building or 1/2 of a downtown block.

**Commented [BC10]:** Applies to building code and fire code

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17. Finished floor elevations for all structures.
17. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
18. Existing structures and their use.
19. Square footage of the proposed building and any structures, and the footprint of the proposed building and structures.
20. Proposed structure height.
21. For commercial and industrial uses, the type of activity and the number of employees.
22. For multifamily residential, the number of residential units and bedrooms per unit.
23. Location of proposed signs.
24. Specifications for the signs and lights, including type, height, and general conformance to the Code. For commercial and industrial uses, a photometric plan shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
25. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).
25. Trash disposal areas and enclosures, including specifications for enclosures.
27. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
28. Location and size of water and sewer lines to which the service connections will be or are made.
29. Location and size of water meters.
30. Location and size of backflow-prevention devices.
31. Indication of how and where the perimeter drain will drain (if one exists).
32. Location of existing electrical, [telephone/communication and gas lines, including buried and aerial infrastructure](#) and poles on or adjacent to the site.
33. Location of proposed electrical, [telephone/communication and gas lines, buried and aerial, service lines and](#) connection and meter location.
34. Location of electric transformer.
35. Location of all fire hydrants. If none exist on site, note the distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
35. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
37. The distance from the proposed building or structure to adjacent lot lines, easements, and adjacent structures.

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38. A land use chart (table).
39. Certificate blocks for signatures of the owner, surveyor, and Town approval.
- (2) Step 2: Certification of Completeness pursuant to [17.12.050](#).
- (3) Step 3: Referral to Agencies pursuant to [17.5.220](#). The referral period shall be thirty days.
- (4) Step 4: Staff Reviews Application and Prepares Comments. Staff will review the Site Development Plan to ensure it is consistent with the Site Development Plan review criteria. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the Site Development Plan can be forwarded to the reviewing body. This report will be forwarded to the applicant.
- (5) Step 5: Applicant Addresses Staff Comments. The applicant shall address all of the Staff and referral agency comments, and then submit the following to the Town:
- a. A letter explaining how all of the comments have been addressed; and
  - b. Revised maps and other documents.
- (6) Step 6: Schedule Public Hearing and Notice property owners for sites 10,000 square feet and larger pursuant to [17.5.220](#) and [17.5.230](#).
- (7) Step 7: Planning Commission Public Hearing and Decision. The Planning Commission shall hold a public hearing to review applications for buildings based on the Site Development Plan review criteria. The Planning Commission shall then approve, approve with conditions, deny the application or continue the hearing to a specific date and time. The Planning Commission may forward an application to the Town Board of Trustees for approval if they deem it necessary.
- (8) Step 8: Applicant Addresses Planning Commission Conditions. The applicant shall revise the Site Development Plan based on the Planning Commission's conditions of approval and submit it to the Town.
- (9) Step 9: Site Development Plan Agreement. Staff may require that the applicant execute a Site Development Plan agreement to assure the construction of on-site and off-site improvements as a condition of approval of the Site Development Plan. Guarantees in the Site Development Plan agreement shall be secured by a surety in a form approved by the Town.
- (10) Step 10: Board of Trustees Public Hearing and Public Notification Process for Projects over 10,000 sq. ft. or if Planning Commission forwards the application for action, public notification and hearing procedures will follow in accordance with Sections [17.5.220](#) and [17.5.230](#).
- (11) Step 11: Board of Trustees Action. The Site Development Plan shall be presented to the Board of Trustees for its review and action at a public hearing. The Board of Trustees may approve, conditionally approve, or deny the Site Development Plan based on meeting the following review criteria.
- a. All of the information required on a Site Development Plan is shown.

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- b. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
  - c. No buildings or structures infringe on any easements.
  - d. The proposed site grading is consistent with the requirements of the current Town Master Drainage Plan, on file at the Town Hall.
- (12) Step 12: Post. Approval Actions.
- a. Submit and Record Site Development Plan. Upon approval of a Site Development Plan, the applicant shall have thirty (30) days to submit two (2) original signed Mylars. The Town shall submit the approved Site Development Plan to the County Clerk and Recorder's Office for recording. The recording fees shall be paid by the applicant. [NOTE: SAME COMMENT ON MYLAR SUBMISSIONS, WHAT IS NEEDED BY CLERK AND RECORDER??]
  - b. Building Permit. A building permit shall be issued only when a Site Development Plan has been approved and recorded.
  - c. Certificate of Occupancy. When building construction and site development are completed in accordance with the approved Site Development Plan and building permit, a Certificate of Occupancy may be issued.
  - d. Phasing and Expiration of Approval. The Site Development Plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written Site Development Plan [approval or Site Development Plan Agreement](#). Building permits shall not be issued based on Site Development Plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.
- (g) Amendments to Approved Site Development Plans.
- (1) Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character, or density of an approved Site Development Plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
  - (2) Changes to approved Site Development Plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new Site Development Plan application. Such amendments shall conform to the review procedures outlined in Section [17.5.340](#). A complete Site Development Plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

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**Sec.17.5.375. Submittal Requirements for a Landscape Plan *this was missing***

- (a) All Site Development Plans and PD applications shall be accompanied by a landscape plan prepared by a Colorado-licensed Landscape Architect. Minor Development Plans shall be accompanied by a landscape plan but are not required to be prepared by a Colorado-licensed Landscape Architect. All landscape plans shall include the following:
- (1) Landscape plan showing plant material sizes at maturity.
  - (2) Detailed plant list identifying common and botanical names of plant species, specified size of plant material, quantity, and water usage based on the water usage based on the following categories:
    - a. High Water Use (requires >36" of precipitation per growing season)
    - b. Medium Water Use (requires 23-36" of precipitation per growing season)
    - c. Low Water Use (requires 18-23" of precipitation per growing season)
    - d. Xeric Water Use (requires up to 18" of precipitation per growing season)
  - (3) Detail drawings illustrating planting specifications for each type of plant material proposed (trees, shrubs, ornamental grasses, perennials).
  - (4) Tree and vegetation preservation. The landscape plan shall indicate what trees and existing vegetation will be removed and how said trees and vegetation will be replaced. Measures shall be taken to conserve on-site plants. While the town of Palmer Lake has not adopted specific vegetation preservation standards, the Town administrator or designee or the Planning Commission may request replacement of any trees greater than six inches in diameter with at least two trees of at least two inches in diameter. Alternative methods may be considered.
  - (5) Location of all existing and proposed utilities.
  - (6) General installation and maintenance specifications.
- (b) A preliminary landscape plan (without irrigation plan and/or landscape grading plan) must be prepared by a Colorado-licensed Landscape Architect and may be submitted as part of a development plan with the condition that a final landscape plan (with irrigation plan and/or landscape grading plan, if required) shall be submitted for staff review and approval prior to the issuance of a building permit.
- (c) An irrigation plan shall be required as part of the Final Landscape Plan. The irrigation plan shall be prepared by a Colorado-licensed Landscape Architect or Irrigation Professional and submitted and approved prior to the issuance of a building permit to include the following:
- a. Irrigation tap calculations;
  - b. Layout of all irrigation equipment;
  - c. Schedule of all irrigation equipment;

**Commented [BC11]:** El Paso County, Monument and Manitou Springs require replacement of trees and vegetation.

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- d. Depiction of plant hydro-zones which shall take into account plant water demand, slopes, and microclimates;
  - e. Statement of water saving methodology; and
  - f. General installation and maintenance specifications.
- (d) If a separate grading plan is not required as part of the development plan application, then a landscape grading plan shall be required as part of the Final Landscape Plan and shall provide all information necessary to clearly indicate existing and proposed site conditions including, but not limited to:
- a. Existing and proposed contours at two-foot intervals,
  - b. Top and toe of manufactured slopes,
  - c. Retaining walls with top of wall elevations and finish grade on each side, and
  - d. General intent of site drainage.
- (e) It shall be the responsibility of the Town administrator or designee to review all landscape plans. The Town administrator or designee shall also be responsible for monitoring the progress and completion of the approved landscaping plans.
1. Except in the case of single-family residences and duplexes, a certificate of occupancy will not be issued until a preliminary inspection indicates that all requirements of the landscaping standards have been met, or alternatively, that completion of such requirements has been assured by the provision of a security interest or surety acceptable to the Town administrator or designee in the amount of at least one hundred twenty-five (125) percent of the full replacement cost of the required landscaping materials, in which case a temporary certificate of occupancy may be issued on the condition that the security interest or surety not be released until final inspection.
  2. The inspecting official will be designated by the Town administrator or designee. Final inspection of the landscaping shall occur within one year after preliminary inspection. In the event the landscaping has not been completed pursuant to the approved plan, or has not survived and has not been replaced, the Town administrator or designee may either:
    - i. Require the owner to replace the failed materials and extend the security and final inspection period for an additional growing season; or
    - ii. Call upon the security interest or surety to complete the requirements.

**Sec. 17.5.380. Plot plan.**

- (a) **Applicability.** The plot plan is required to apply for a building permit for any building or structure, including additions, constructed on a single-family home or duplex lot.
- (b) **Purpose.** The plot plan shows where the proposed building or structure will be located on the lot so that the Town can make sure that the proposed location will be in compliance with all

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Town regulations and the required submittal items for the Pikes Peak Regional Building Department (PPRBD).

## (c) Plot Plan Process.

(1) Step 1: Submit Plot Plan Application Package. A complete application packet pursuant to 17.5.205 shall be submitted to the Town Administrator or designee. In addition to the requirements in 17.5.205, the application shall include the following:

- e. Plot Plan. The plot plan shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and shall provide the following information:
  1. Title of project.
  2. North arrow, scale (1" = 20' or as approved by the Town), and date of preparation.
  3. Name, address, and phone number of property owner.
  4. Lot number, block number, and name of subdivision.
  5. Lot size (square footage).
  5. Bearings and distances of all lot lines.
  7. Existing easements on the lot.
  - All required setbacks
  8. Footprint of the proposed building or structure, dimensioned.
  9. Square footage of the proposed building and the footprint of the proposed building, including decks, patios, walkways and foundation elements.
  10. Distance from the proposed building or structure to all lot lines.
  - Existing and proposed grading at one-foot contour intervals
  - Erosion and sediment control plan with all proposed control measures
  - Average slope of lot
  - Table of land areas for impervious areas, disturbed areas and undisturbed areas
  11. All existing buildings or structures on the lot.
  12. Driveway.
  13. Existing and/or proposed water and sewer service lines on the lot.
  14. Elevations of:
    - a. The finished floor for the house and any accessory structures, including the garage.
    - b. The ground 10 ft away from any structure.
    - c. The lot corners.
  15. Height of all proposed buildings.
  16. Location of all accessory structures and any garage or Accessory Dwelling Unit within the building.

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**CMI**

f. Demonstrate in written and/or graphic form how the proposed structure is consistent with the applicable "Development Standards" found in Article 3 of this Title.

g. Drainage Information. Provide the Town with information satisfactory to the Town regarding how the lot will drain.

(2) Step 2: Staff Reviews Plot Plan Application and Prepares Comments. The Town Administrator or designee will review the Plot Plan for compliance with the following criteria:

(3) Step 3: Applicant Addresses Staff Comments. If necessary, the applicant will make all necessary changes to the plot plan.

(4) Step 4: Plot Plan Decision. Staff will complete the final review of the plot plan to ensure that the Plan is complete and complies with this Title. If the Plan is determined to be complete and in compliance, it is approved by Staff and a Certificate of Zoning Compliance pursuant to 17.12.065.

(c) Plot Plan Review Criteria. The plot plan must meet the following review criteria:

(1) All of the information needed on a plot plan is shown.

(2) The lot size and lot dimensions are consistent with what is shown on the approved final plat.

(3) No buildings, structures, or improvements infringe on any easements or applicable setbacks.

(4) The proposed site grading is consistent with FHA standards (if insured by FHA); It shall also be consistent with the approved subdivision master grading and drainage plan. The drainage must comply with all applicable stormwater quality control regulations.

(5) The density and dimensions shown conform with the density, dimensional standards and development standards in Article 2 of this Title 17 or the approved PD requirements.

**Section 17.5.400 Stormwater Quality Control Procedures**

The application requirements and review process for Planned Developments can be found in Section 17.3.620.

**Sec. 17.5.410 Planned Development District Procedures**

The application requirements and review process for Planned Developments can be found in Section 17.72.

The following existing sections will be moved to the end of this Article.

**Section 17.5. 500 Administration of Building Permits and Enforcement –**

17.92.010.. Zoning officer designated.

17.92.020.. Building permit—Required.

17.92.030.. Building permit—Application.

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**CMI**

- 17.92.050.. *Building permit—Plans*
- 17.92.050.. *Building permit—Forms.*
- 17.92.070.. *Building permit—Issuance; term.*
- 17.92.080.. *Enforcement*
- 17.92.090. – *Penalties*
- 17.100. *Fees (no change)*



## Article 6. Definitions

### DRAFTING NOTES:

- **Typeface in blue** has been added by either Mark Morton or Scott Krob.
- **Typeface in purple** has been added per the request of the Planning Commission.
- Definitions from the existing code are in the typeface **open Sans**.
- I have added several definitions related to the lighting section.
- The PC requested this term be deleted and that any additional habitable structure be treated as an ADU. ~~"Farm house" is used BUT is not defined in the current definitions. Given that it states "Farm houses for resident owners and laborers actually engaged in the principal permitted use or accessory uses" do you want a definition?~~

### Sec. 17-6-100. - General.

- (a) Words or phrases contained in this Chapter are those having a specific meaning in this Land Use Code.
- (b) Words not listed in this Article are defined by a published standardized dictionary.
- (c) Interpretation and Rules of Construction are outlined in Section 17-1-60 "Interpretation and Rules of Construction."

### Sec. 17-6-200. - Definitions of Words, Terms and Phrases.

*100-Year Flood* is the flood level having a one percent chance of occurring in a year.

*Access* means the place, means, or way by which vehicles and persons shall have safe, adequate, and usable ingress and egress to a property, a use, or a parking space.

*Accessible* means approachable, enterable, and usable by persons with disabilities.

*Accessory building, structure or use* means a building, structure or use that has less square footage than the principal building or structure and is clearly subordinate to the principal use or structure and located on the same lot or parcel or an adjacent lot or parcel serving a purpose that is customarily incidental to the principal use or structure. Accessory uses, or structures may include, without limitation, storage sheds, garages, parking areas, and play equipment. Fences and walls that exceed six feet (6') in height are considered accessory structures. Accessory uses, or structures, do not include intermodal shipping containers or portable-on-demand storage containers. Accessory buildings, structures and uses are further defined as follows:

1. Is clearly subordinate, incidental, and customary to, and commonly associated with the operation of the use by right as determined by the square footage of each structure or use;



2. Is operated and maintained under the same ownership as the use by right on the same zone lot or nearby lot;
3. Includes only those structures or structural features consistent with the use by right.

*Accessory Dwelling Unit.* A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside. [Recreational vehicles are not Accessory Dwelling Units.](#)

*Adjacent* means meeting or touching at some point or separated from a lot or parcel by one (1) of the following: a street, alley, or other right-of-way, lake, stream, or open space.

*Adjacent property owner* is an owner of record of any estate, right or interest in real property abutting the subject property.

*ADT* means average daily traffic.

*AF* means acre-feet, a quantity of water equal to an area of one acre one foot deep or 326,000 gallons.

*Agricultural* shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products.

*Agricultural uses* means the production, keeping, or maintenance for sale, lease, or personal use, of plants and animals useful to man including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, domestic elk, bison, mules, ducks, emus, horses, goats, llama, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds and vegetables.

*Alley* means a minor or secondary way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

*Amendment* means change in the wording, context, or substance of this Zoning Code or a change in the zone district boundaries on the official zoning map.

*Animal boarding* shall mean the operation of an establishment in which domesticated animals are housed, groomed, bred, boarded, trained or sold.

*Applicant* means a person submitting an application for development, a permit or other required approval under this Code. Applicant includes the owner of the property subject to the application and any person designated by the owner to represent himself or herself as evidenced by signatures stating that the owner has designated a representative.

*Applicable development sites* are those that result in land disturbance of greater than or equal to one acre, including sites less than one acre that are part of a larger common plan of development or sale. Applicable development sites include all new development and redevelopment sites for which permanent water quality control measures were required in accordance with an MS4 permit.



*Bar or tavern* means an establishment providing or dispensing fermented malt beverages and/or malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks is secondary; includes nightclubs and lounges.

*Beacon, revolving* means a rotating source of light.

*Bed and breakfast* means an overnight lodging establishment that provides short-term lodging for a charge to the public, generally for periods of less than one (1) month, having an owner or manager residing on the site.

*Bikeway* means a path designed for use by bicyclists, which may be used by pedestrians.

*Block* means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision ~~tract~~-plat.

*Board of Adjustment, or BOA* means a special review board operating under the authority of the Palmer Lake Municipal Code for purposes of hearing and deciding appeals or variances to this Title.

*Board of Trustees (Board)* means the governing board of the Town of Palmer Lake.

*BOCC* means the El Paso County Board of County Commissioners.

*Brew pub* means a restaurant or tap room that sells beverages (beer and other malt liquors) brewed on the premises.

*Brewery* means a building or establishment that creates ales, beers, meads, wines, spirits, and/or similar beverages on site or for wholesale production.

*BUG Rating* means a classification system from the Illuminating Engineering Society (IES) that rates outdoor lighting fixtures based on:

- B (Backlight): Light emitted behind the fixture
  - U (Uplight): Light emitted upward into the sky
  - G (Glare): Light emitted at high angles causing discomfort
- Each category is rated from 0 (best) to 5 (worst).

*Building* means any structure used or intended for sheltering any use or occupancy, which includes a roof supported by walls and/or columns and is partially or fully enclosed by walls, including one or more openings such as doors and walls.

*Building code* means and includes any law, ordinance, or code that is in force in the Town, and which pertains to the design and construction of buildings and other structures.

*Building frontage* means the building face on which the primary entry is located. There can be only one (1) building frontage per building.

*Building height* in the Town of Palmer Lake is defined by the Pikes Peak Regional Building Department. The definition of building height is from the International Building Code (IBC 2021) as may be amended.

*Building Height* means the vertical distance from the grade plane to the average height of the highest roof surface. In the case of a building with multiple roof levels, the highest of the various roof levels must be used to determine the building height. If the highest of the various roof levels is a sloped roof, then the average height of that sloped roof must be



used. The average height of multiple roof levels is not to be used to determine the building height. A penthouse is not intended to affect the measurement of building height.

*Building Official* means the officer or other designated authority charged with the administration and enforcement of the adopted building code, or a duly authorized representative.

*Caliper* means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

*Campground* means a parcel of land used or intended to be used, let, or rented for overnight or short-term occupancy by campers, trailers, tents, or recreational vehicles.

*Caretaker Unit* means an accessory dwelling unit used as a residence by an individual who provides care or security for a property.

*Carport* means a covered structure used to offer limited protection to vehicles, primarily cars, and other personal items from the elements. The structure can either be free-standing or attached to a wall, and it is open on two or more sides.

*Cash-in-lieu* (also known as *fee-in-lieu*) means that the applicant, at the determination of the Board of Trustees, may pay the Town of Palmer Lake money instead of land dedication in those cases where the dedication of land is not the Town's preferred alternative

*CDOT* means the Colorado Department of Transportation.

*Character* means those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

*Child care center* means a facility that is not a residence, is licensed by the State, and is maintained for the whole or part of a day for the care of children under the age of sixteen (16) years not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes pursuant to Section 26-6-102(1)(6), C.R.S.; including without limitation facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps and centers for developmentally disabled children, except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system.

*Civic facility* means a facility or ~~office~~ building which is primarily intended to serve the recreational, educational, cultural, administrative or tourism, and entertainment needs of the community, such as places of worship, museums, libraries, concert halls, and similar establishments serving a public or quasi-public purpose but excluding public and private schools.

*Clinic* means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

*Code* means the Palmer Lake Municipal Code, as may be amended from time to time.

*Colorado Revised Statutes, or C.R.S.*, means the codified laws of the State of Colorado, as the same may be amended from time to time.



*Commercial* means an activity involving the sale of goods or services carried out for profit.

*Commercial garage* means an indoor area for repairing and servicing motor vehicles for profit.

*Common area* means any portion of a development that is designed for the common usage of the owners and residents within a development. These areas may include plazas, private parks, and open spaces, and in some cases parking lots and pedestrian walkways. Maintenance of such areas is the responsibility of a private entity and is normally set forth in the form of private restrictive covenants, which guarantee the private maintenance of these areas.

*Common open space* means a parcel of land, an area of water, or a combination of land and water not covered by buildings, parking areas, driveways or other impervious surfaces. Open space shall be devoted to the purpose of outdoor living spaces for the residents and may include lawn areas, walkways, sitting areas, courtyards and the like

*Compatibility* means the characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

*Community Master Plan* means the plan which was adopted by the Planning Commission and approved Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town of Palmer Lake, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

*Conditional Review Use* means a use that is generally compatible with the other uses permitted in a zone district, but which requires site-specific review of its location, design, configuration, density, intensity and operating characteristics, and may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, to mitigate its potentially adverse impacts and to ensure that it complies with all of the standards of this Chapter.

*Condominium unit* means a physical portion of a common interest community which is designated for separate ownership or occupancy and the boundaries of which are described or determined in the declaration.

*Conservation easement* means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance. See also 36-30.5-102, C.R.S.

*Covenant or restrictive covenant* means a contractual agreement between the subdivider or landowner and the buyer of a piece of property that restricts the use of all or portion of the property. The covenant will normally run with the land and therefore will apply to succeeding owners.

*Container* (also known as a Connex, cargo, or shipping container) is a reusable intermodal metal box or structure fabricated originally for the transportation of goods via rail, ship, or truck.

*Covenants* mean a private written agreement outlining regulations specific to a development.



*Cul-de-sac* means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

*Curb cut* means the length of an opening in the curb along a roadway that allows vehicular access to an abutting development site.

*Cut* means removal of existing soil without replacing or backfilling the removed earth.

*Cutoff angle* means the angle of a luminaire, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

*Day care center* means the commercial use of property as a business for the care and education of pre-school and school-age children as defined by CRS 26-6-102 and meeting the licensing requirements of the state of Colorado.

*Dedication* means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.

*Density, gross* means the average number of dwelling units or gross commercial building floor area per acre for the entire development area or site (property boundaries).

*Density, net* means the average number of accommodation and/or dwelling units or gross commercial building floor area per acre, except all land areas dedicated for public or private joint use for the entire development area, such as streets, parking, drives, recreation facilities, and open space. Net density for lots within a development is calculated to the midpoint of adjacent public and private streets and/or contiguous open spaces that provide a boundary to the lots.

*Design standards or design requirements* means all requirements and regulations relating to design and layout of subdivisions as contained in these regulations.

*Detached* means not attached and having no wall in common and separated by three feet (3') or more; structures that are connected by a covered, unenclosed breezeway shall be considered detached if the breezeway is at least three feet (3') in length, less than twelve feet (12') in height and less than six feet (6') in width.

*Detention basin* means a manmade or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

*Developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

*Development* means any building activity or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or the result of development. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land, or a material increase in the intensity and impacts of the development.
- c. Any change in the use of land or a structure.



- d. The commencement of drilling wells, stockpiling of fill materials, filling, or excavation on a parcel of land.
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land.

*Development* shall not include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- d. The use of any land for *agriculture* as defined in this Section.
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

*Development agreement* means a legislatively approved contract between a jurisdiction and a developer (person) have legal or equitable interest in real property in the jurisdiction. The agreement establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

*Development plan, Site* means the written and graphical documents that detail the provisions for development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; and common open space and other public facilities.

*Development Review Team (DRT)* means the town staff, and those technical experts including planning, engineering, legal, stormwater quality control, and other needed contracted specialists, whose role is to collaboratively review and evaluate land use applications, code compliance, utilities, stormwater, and other technical aspects for the Planning Commission and Board of Trustees.

*Dormer* means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

*Drive aisles* mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used ~~only~~ or primarily for drive-in customer service.



*Driveway* means a constructed vehicular access serving one (1) or more properties and connected to a public or private road.

*Dwelling* means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, town home dwellings and multi-family dwellings.

*Dwelling, duplex or two-family* means a residential building containing two (2) dwellings each of which has primary ground floor access to the outside and which are attached by party walls without openings.

*Dwelling, multi-family* means a dwelling containing three (3) or more dwelling units, not including hotels, motels, lodges, fraternity houses and sorority houses, and similar group accommodations, with or without accessory use facilities limited to an office for the building manager, laundry area and recreation facilities.

*Dwelling, single-family attached* means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as duplexes.

*Dwelling, single-family detached* means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family.

*Dwelling, townhouse* means an attached single-family dwelling in a building that contains two (2) or more dwellings, each of which is individually owned.

*Dwelling unit* means one (1) or more rooms complete with independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, served by no more than one (1) gas meter and one (1) electric meter. Dwellings may exist in many configurations, including but not limited to single-family detached, duplex, townhomes, multi-family dwellings, often in a stacked configuration, and group homes. Dwellings do not include hotels, motels, inns, or long-term occupancy lodging.

*Easement* means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, a utility, or particular persons for specified uses other than the legal fee owner(s) of the property. Unless otherwise specified on the plat, a platted easement shall be permitted for use under, on or above said platted property.

*Eating and drinking establishment* means a permanent building containing a restaurant, bar or tavern which serves food and/or beverages, prepared, or consumed on the premises, within a building or on an outdoor patio, served to the customer at tables or counters.

*ECM* means the El Paso County Engineering Criteria Manual.

*Election season* means forty-five (45) days before and seven (7) days after any regular or special Town election, county election or any state or federal primary or general election.

*Elevation, building* means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

*Entertainment facilities and theaters* means a building or part of a building devoted to showing motion pictures or dramatic, musical, or live performances, including convention facilities and other such private or public facilities and structures.

*Environmentally sensitive areas* mean aquifer recharge areas, significant wildlife habitat.

*EPCO or EPC* means El Paso County



*Excavation* means any manual or mechanical removal of earth materials from the ground and may or may not be replaced or backfilled.

*FAA* means the Federal Aviation Administration.

*Factory built home* means a home that:

- a. Is constructed to HUD, the International Residential Code (IRC), the International Energy Conservation Code and the National Electric Code standards and reviewed under the IRC.
- b. Is partially or entirely manufactured in a factory;
- c. Does not have self-contained motive power;
- d. Is transported to the site and installed on-site; and
- e. Is not licensed as a recreational vehicle.

*Family.* Family means the following:

1. A single individual or a collective body of persons in a domestic relationship based upon blood, marriage, adoption, or fostering, living as a separate, independent housekeeping unit, including domestic servants; or
2. A group of not more than six unrelated persons, all living together as a single housekeeping unit in a residential dwelling unit. Excludes boarding or rooming houses, lodges, clubs, hotels, motels, or fraternities.
3. Notwithstanding the above, a family shall be deemed to include six or more persons (but not in excess of 12 persons) not related by blood, marriage, adoption or legal custody occupying a residential dwelling unit and living as a single housekeeping unit if the occupants are handicapped persons as defined in Title VIII, Part 3 of the Civil Rights Act of 1966, as amended by the Fair Housing Amendments Act of 1966, or disabled persons as defined by Section [24-34-301](#), C.R.S. A household that includes six or more persons identified above shall not be excluded from the definition of "family" by the residence in the dwelling unit of additional necessary persons employed in the care and supervision of such handicapped or disabled persons.

*FEMA* means Federal Emergency Management Agency.

*Fence or wall* means a structure made of wood, brick, stone, stucco, concrete, wrought iron, chain-link, plastic, composite, vinyl, or other similar material that provides screening or encloses an area, most often a front, side or back yard. Walls include both freestanding walls and retaining walls.

*Fill* means the adding of soil to the ground surface without later removal.

*Final Development Plan (FDP)* means the required plan that follows the approval of a Planned Development Plan (PDP) and includes specific design components, structure locations, footprint dimensions, designated open space, number of dwelling units, non-residential square footage, and documentation regarding the utility service, including water and sewer demand.

*Financial services* mean banks, savings and loans, finance companies, credit unions, and similar establishments.

*Finished grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed grading of a site plan or landscaping plan.



*Floodplain, flood-prone, or flood hazard area* means areas that have been designated by the Board of Trustees, the Regional Floodplain Administrator, the Colorado Water Conservation Board, or FEMA as susceptible to flooding.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than six (6) inches. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

*Flow lines*, when used with reference to streets, mean the curb lines, or if no curbs have been installed, the natural water-flow lines at the outside edge of the traveled portion of the street.

*Footcandle* means the illuminance produced on a surface one foot from a uniform light source of one candela. One foot-candle equals one lumen per square foot.

*Footprint* means the outline of the total square footage area covered by a building or structure with a roof at ground level.

*Frontage* means the smallest dimension of a lot abutting a public street measure along the street line or right-of-way.

*FT. or ft.* means feet.

*Fully Shielded Fixture* means a fixture where no light is emitted above the horizontal plane, typically required for compliance with dark sky ordinances.

*Garage* means an accessory building or portion of a principle building on the same lot and used for the storage of motor vehicles.

*Garage, private* means an accessory building or a part of a main residential dwelling that is subordinate in size to the primary structure, located on the same lot, and is used for the storage only of private, passenger motor vehicles owned by the occupants of the principal building.

*Garage sale* means an accessory use involving the sale or offering for sale of articles of tangible personal property by the owner, lessee or other occupant of a dwelling unit. The term garage sale shall include patio sale, yard sale, or any similar sale.

*Geologic hazards* mean unstable or potentially unstable slopes, undermining, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

*Glare* means excessive brightness that causes visual discomfort or reduces visibility.

*Grade, finished* means the final elevation of the ground surface after development.

*Grade, natural* means the elevation of the ground surface in its natural state, before manmade alterations.

*Grading* means any excavating or filling or combination thereof to alter a ground surface and/or its elevation.

*Gross square footage (GSF)* means the total floor area designed for occupancy and use, including basements, mezzanines, stairways, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.



*Ground or monument sign* means a type of freestanding sign in which the entire bottom of the sign or the bottom of the sign support structure is in contact with or is close to the ground and is independent of any other structure.

*Group home.* Any structure that provides noninstitutional housing for not more than eight (8) service-dependent or developmentally disabled individuals living as a single housekeeping unit with professional staff who function as surrogate parents and are not considered a family. Certain forms of group housing are specifically regulated by the federal or state government, as defined in Section 31-23-303, C.R.S., including:

- a. Group home for handicapped.
- b. Group home for developmentally disabled.
- c. Group home for mentally ill.
- d. Group home for the elderly

*Home occupation* means a permitted accessory in a dwelling unit that is conducted by the inhabitants of the principal dwelling and does not change the basic residential character of the neighborhood

*Human scale or pedestrian scale* means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

*HUD Code* means a set of national building standards created by the US Department of Housing and Urban Development (HUD) that governs the construction, design, and safety of manufactured homes built after 1976.

*IES* means the Illuminating Engineering Society.

*IGA* means intergovernmental agreement.

*Impervious Coverage* means the percentage of a lot covered by any surface or structure that prevents water from soaking into the ground.

*Impervious Surface* means any surface that does not allow water to infiltrate into the ground.

*IN. or in.* means inch.

*Industrial, light* means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, *light industrial* means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

*Infrastructure* means those manmade structures which serve the common needs of the population, such as potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

*Inoperable vehicle* means any vehicle that: (1) would be required to be licensed if operated on a public highway, but does not display current, valid license plates; (2) does not work, move or run; (3) is not functioning; (4) is not operable for the function for which it was designed; or (5) does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.



*Junk* means manmade goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished, dismantled or which are so worn or deteriorated or in such a condition as to be unusable; salvage materials, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; discarded motor vehicles, machinery parts and tires; and other items commonly considered to be junk.

*Kenel* means any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six or more dogs, cats or other domestic animals that are over four months old.

*Kitchen*. Kitchen means a room or portion of a room devoted to the preparation or cooking of food for a person or a single household unit living independently, which contains a sink; a stove, cooktop or built in grill; and a refrigerator.

*Landowner* means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests, and also each and every person who has the right to occupy all or a portion of a lot or all or a portion of a structure on a lot, under a lease or a tenancy. The word *landowner* is used in this Chapter synonymously with *owner* and *property owner*.

*Landscaping* means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection, and replacement of existing trees.

*Land use application or Land Use Permit* means an application for development, a permit or other required approval under this Code.

*Light Pollution* means the excessive or misdirected artificial light that brightens the night sky, interfering with astronomical observations and disrupting ecosystems.

*Light spill* means the Unwanted spillage of light onto adjacent areas and may affect sensitive receptors, particularly residential properties and ecological sites.

*Light trespass means* light that crosses property boundaries and is visible from locations off the property where it is not wanted.

*Live/work* means a single unit that combines personal living space and commercial workspace.

*Loading area* means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

*Lodging* means a building containing sleeping rooms designed to be rented for short term occupancy and which may or may not have eating or drinking facilities as an accessory use.

*Lot* means a designated parcel, tract or area of land established by plat or subdivision. Lot is the smallest unit which land is divided on a subdivision plat

*Lot, adjoining* means a lot separated from the lot under consideration by a rear lot line, side lot line or street.

*Lot, corner* means a lot located at the intersection of two (2) or more intersecting streets with frontage on both streets.



*Lot, double frontage or through lot* means a lot having frontage on two (2) generally parallel streets.

*Lot, flag* means a lot where the front lot line abuts one or more rear or side lot lines of adjacent lots. Primary access is by a private or privately shared drive leading to a public or private street.

*Lot, Interior* means a lot having frontage along only one street.

~~*Lot, reverse corner* means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.~~

*Lot area* means the total area within the lot lines of a lot.

*Lot coverage* means the total square footage of all buildings and structures on the lot. Lot coverage includes the primary building and all accessory structures on the lot. Flat surfaces, such as sidewalks, driveways and uncovered patios are not included when calculating lot coverage. (See *impervious surface*.)

*Lot depth* means the average distance between the front lot line and the rear lot line.

*Lot frontage*: means the length of a property line of a lot which abuts a public or private right of way.

*Lot line* means the property lines dividing one (1) lot from another lot, parcel, tract, or from a street or any public place, as further defined below.

*Lot line, front* means any property line separating a lot from any public street or private street but not including alleys. In the case of corner lots, the primary front lot line is that property line most parallel to the street from which access is gained; the secondary front lot line is the other lot line with street frontage. In the case of a double frontage lot, there is one front lot line that is the property line most parallel to the street from which access is gained. For a flag lot, the front lot line is that property line not including the flag stem most parallel to the street from which access is gained.

*Lot line, rear* means the line opposite the front lot line.

*Lot line, side* means any lot lines other than the front lot line or rear lot line.

*Lot size* means the total square footage area within the lot lines of a lot.

*Lot width* means the distance parallel to the front lot line, measured at the front building setback line.

*Lot width on a curving front lot line* means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

*Manufactured home* means a dwelling built entirely in a factory after June 15, 1976, to comply with the standards of the National Manufactured Housing Construction and Safety Standards Act and is to be used as a place for human habitation. Manufactured Homes are regulated federally by HUD standards.

*Medical and dental offices and clinics* means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists, and osteopaths, where patients are not

**Commented [SK1]:** Is there a difference between a manufactured home and a factory-built home? If not, should one of these two definitions simply reference the other, rather than have two definitions of the same thing?

**Commented [BC2R1]:** They are different in that the factory built are inspected per the IRC not HUD.



lodged overnight but are admitted for examination, diagnosis, therapy, surgery, or consultation, including referral, rendered by a licensed provider that is physically present during all hours of operation of the offices and clinic to furnish medical services.

*Mixed use* means the development of a lot, tract, or parcel of land, building, or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned, and constructed as a unit.

*Mixed-use building* means a building designed, planned, and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

*Mobile home* means a dwelling which is designed to be transported on its own permanent chassis after fabrication, and is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating and electrical facilities are connected. Mobile homes shall comply with the HUD Code. New or used mobile homes installed after July 7, 2002, shall comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (hereinafter referred to as the *HUD Code*).

*Model home* means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a *model home*.

*Municipality* means an incorporated city or town.

*Nadir* – means a point on the celestial sphere directly below the observer, diametrically opposite the zenith.

*Natural areas* mean floodplains and floodways, natural drainage and waterways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as key nesting, breeding, or feeding areas for birds, fox and coyote dens, and any wetland.

*New development* means land-disturbing activities; structural development, including construction or installation of a building or structure; creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment.

*Net Square Feet* means the usable, or rentable, area within a space, such as a building or suite. It's the area that can be occupied and used for its intended purpose, excluding non-usable spaces like walls, columns, common areas, and mechanical rooms.

*Nonconforming building or nonconforming structure* means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

*Nonconforming lot* is a lot of record that does not conform to the regulations of this Code, but that was lawfully created under the regulations in force at the of its creation.

*Nonconforming use* means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

**Commented [SK3]:** Should HUD Code be a separate definition using this language to make it easier to find what we mean by the term "HUD Code"?

**Commented [BC4R3]:** I have added HUD code.



*Official Zoning Map or zoning map* means the official zoning map adopted by the Town by ordinance, as amended.

*Off-street parking area* means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a *recreational vehicle, boat or truck storage* use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

*Open space* means any parcel or area of land or water [area with its surface open to the sky](#) that is essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment, [which serves specific uses of providing park and recreation opportunities, conserving natural areas, wildlife habitat, and protecting areas of agricultural, archeological or historical significance](#) or for the use and enjoyment of owners and occupants of land of the subdivision. The types of lands and reasons for preservation include, but are not limited to, the following:

- (1) Lands that may be needed for the health and safety of the community, including areas required for the recharge of groundwater, reservoirs and surrounding lands, lands with vegetation ensuring better air quality, high wildfire danger zones, steep slopes, floodplains, buffers around airports and similar facilities.
- (2) Lands that might be a resource for the community, including farmland, rangeland, lakes, streams, rivers, wetlands, and forests.
- (3) Lands that might be ecologically valuable areas, such as habitat for animals and plants, unique ecosystems, or fire protection.
- (4) Lands that could provide a diversity of activities for the public, such as areas with outstanding historical, educational, cultural, or archaeological value, areas providing access to lake shores or rivers and streams.
- (5) Lands that may provide view sheds or aesthetically pleasing experiences; or Lands that may provide or act as community separators providing a buffer between communities.
- (6) Privately-owned landscaped areas, undeveloped, [unused or vacant portions of a lot, areas used for off-street parking, off-street loading, service driveways, and setbacks from oil and gas wells and their appurtenances, or other hazards to the public](#), and rights-of-way are not considered open space.

*Open space, common* means an area permanently set aside for the common use and enjoyment of residents of a PD or subdivision.

*Photometric Plan* means a technical drawing that shows how light is distributed across a property, used to verify compliance with light level requirements.

*Outdoor storage* means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.



*Owner* means the person or entity that owns the property under consideration.

*Parcel* means a lot, or a contiguous group of lots, in single ownership or under single contract and usually considered a unit for purposes of development.

*Park* means an area ~~open to the general public and~~ reserved for recreational, educational, or scenic purposes.

*Parking* means the standing or placement of a vehicle on private or public right of way during the conduct of everyday affairs or business or normal daily activities, provided that such standing or placement occurs within a parking space that conforms to all requirements of the Town Code and is not for purposes of assembly, display, sale, repair, or other servicing commonly associated with a motor vehicle.

*Parking area* means an open space, or an enclosed structure used exclusively for the temporary storage of automobiles, such space having a graded and surfaced area of not less than 200 square feet and having adequate ingress or egress to a public street or alley and measured exclusively of drives and other entrance or exit ways.

*Parking garage* means an off-street parking area within a building or portion of a building.

*Parking lot* means an off-street parking area or vehicular use area.

*Parking, shared* means off-street parking that is shared by one or more adjacent uses that do not have the same peak service times.

*Parking space, off-street* means an area on a lot and/or within a structure intended for the temporary parking of an automobile.

*Parking, Tandem* means a parking arrangement where one vehicle is parked directly behind another in a single elongated space, so that the vehicle in back must be moved to allow the front vehicle to exit.

*Parties in interest* means any referral agency, any person to whom or organization to which the town mailed notice of the hearing to, any person or organization which sent written comments to the town regarding a pending application, or any person who appeared before the board or commission at any hearing.

*Pedestrian scale (human scale)* means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

*Permanent monument* means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

*Pikes Peak Regional Building Department (PPRBD)* means the agency created by an intergovernmental agreement to oversee plan review, permit issuance, and inspections pursuant to the Regional Building Code adopted by the Town of Palmer Lake.

*Place of worship* means a building that is used for various services which can be used by one (1) or more of multiple religious or non-religious denominations.

*Planned development (PD)* means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned development includes usable, functional open space for the mutual benefit of the entire



tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

*3-Mile Plan* means the area surrounding the Town of Palmer Lake that the Town of Palmer Lake will consider annexing and developing, [as provided for in Section 31-12-105\(1\)\(e\), C.R.S.](#)

*Plat* means a map of certain described land prepared in accordance with the requirements of this Code and Section 36-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

*Plaza* means an open area, typically an area designed to serve as a gathering place.

*Planning Commission* means the Planning Commission of the Town of Palmer Lake.

*Preapplication conference* means a conference between the applicant for a land use approval or permit and the Town Administrator or designee and often with the Development Review Team.

*Principal use* means the main or primary purpose for which a tract of land or a structure is designed, arranged, or intended, or for which it may be occupied or maintained under this Code. All other structures or uses on the same lot that are allowed, incidental, or supplementary to the primary purpose shall be considered accessory use.

*Private property rights* mean the rights of the property owner within the Town of Palmer Lake to use his or her property within the legal parameters set forth in this Code, and subject to applicable state, federal, and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.

*Professional Services* mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment services, financial advisors, professional consultants, and e-mailing and copy shops.

*Proof of ownership* means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado.

*Property* means all real property subject to land use regulation by the Town of Palmer Lake.

*Property line* means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

*Public* means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all the members of the public without regard to membership status.

*Public areas* mean streets, parks, open spaces, and other property designated or described as for public use on a map or plat of the Town of Palmer Lake and fee title is vested in the Town of Palmer Lake, other public body, or a special district as defined in Section 32-1-103, C.R.S.



*Public facilities* mean those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

*Public hearing* means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

*Public improvement* means any drainage, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement, [public utility infrastructure](#) or other facility that benefits the public.

*Public notice* means the advertisement of an action to be taken by the Town, which indicates the time, place, and nature of the hearing or action. This may include publication in a newspaper, mailings, meetings, and/or posting of a sign on the subject site [or posting on the Town's official website](#).

*Public open space* means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses.

*Public utility* means a common carrier supplying electricity, wire telephone, [communication or internet](#) service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

*Recreational facilities:* The following classes of recreational facilities have these meanings:

- a. *Private recreational facilities* include golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them.
- b. *Public recreational facilities* mean public parks, ~~zoos,~~ swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which falls within the definition of the word *public*.

*Recreational vehicle* means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

- a. *Camping trailer.* A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- b. *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. *Pickup coach.* A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- d. *Tent.* Protective fabric erected to provide protection from the elements.
- e. *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation.



- f. *Travel trailer, self-contained.* A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

*Recreational vehicle park* means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

*Recreational vehicle site* means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.

*Redevelopment* means the development of a site within an older/established contextual subarea of the Town, where the site was formerly developed and cleared, or that requires the clearance of some or all the existing structures and improvements prior to new construction.

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

*Setback, building* means the required unoccupied open space between the nearest wall of a structure and the property line of the lot on which the structure is located, measured on a horizontal plan.

*Setback, landscaping* means a required strip of land typically along a property line that must be left unbuilt and planted with vegetation, trees or screening materials.

*Setback, front* means the distance between the front lot line and the front wall of the main structure.

*Setback, rear* means the distance between the rear lot line and the back wall of the main structure.

*Setback, side* means the distance between any wall and the lot line other than the front and rear setbacks.

*Shielding* means an opaque material that blocks the transmission of light.

*Skyglow* means diffuse, scattered sky light attributable to scattered light from sources on the ground.

*Sight distance triangle* means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

- a. At the intersection of any two (2) streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2) sides.



- b. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2) sides.
- c. In accordance with the El Paso County Engineering Criteria Manual.

*Significant vegetation* means vegetation that is indigenous (i.e., pine trees, mountain mahogany, scrub oak, and native grasses).

*Significant wildlife habitat and migration corridors* are areas designated by the Colorado Division of Parks and Wildlife and/or the Colorado Natural Diversity Information Source ([www.ndis.nrel.colostate.edu](http://www.ndis.nrel.colostate.edu)) as areas of landscape that provide food, cover, and water sufficient to meet the needs of a given species to survive and reproduce.

*Site development plan* means a scale drawing of a lot, showing the actual measurements, lot lines, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details including ~~such as~~ parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations, reserved open space, and easements.

*Site specific development plan* means the land use application document(s) associated with the vesting of a property right pursuant to Section 17-1-100 of this Title and Article 68 of Title 24, C.R.S., as may be amended.

*Solar energy system* means a device or facility that converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy to heat and/or cool indoor space or domestic water and/or provide electric power and light.

*Solar energy system, accessory, and small* means a solar energy system allowed onsite which is less than or equal to 200% of the utility's net usage cap as established under CRS 40-2-124.

*Storage* means the placement of goods, materials, and/or personal property in a particular place or space for more than a twenty-four (24) hour period.

*Street* means a public thoroughfare, which affords the principal means of access to abutting property.

*Structure* means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls.

*Structurally altered* means any addition or elimination of load-bearing parts of a building, including columns, beams, walls, or girders.

*Subdivision* means the process of dividing a parcel of raw land into smaller buildable sites, blocks, lots, streets, open space and public areas and the designation of the location of utilities and other improvements.

*Subsidence* means a local mass movement that involves the downward settling or sinking of the solid Earth's surface.

*Swing-in garage* means a garage that is oriented so that the garage doors are perpendicular to the street.

*Tandem garage* means a garage that allows for the parking of one (1) car in front of another.



*Tandem parking* means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

*Temporary use* means a use or an activity that is temporary in nature with a specific function, location, specific dates and hours of operation, and termination date, and does not involve the construction or alteration of any permanent structure.

*Title commitment* means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property, and any legal holdings on the property, such as easements, rights-of-way, or liens.

*Townhouse (or Townhome)* means a single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. The units are separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility and such units are located on their own fee simple lots meeting the various lot requirements specified in each zone district allowing townhome development.

*Town* means the Town of Palmer Lake, Colorado.

*Town Administrator* means the Town Administrator or their designee.

*Traffic control device* means a traffic control device authorized or required by law on private or public property, which must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and, if not adopted by this state, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

*Trails.* The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections, as well as recreational opportunities and access.

*Trip* means a single or one-way vehicle movement to or from a property or study area. *Trips* can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

*Use* means the type of activity for which land, or a building, is designated, arranged, or intended, and means the activity which in fact regularly takes place upon the land.

*USGS datum* means United States Geological Survey basis of elevations.

*Utilities* mean the equipment, facilities, and distribution, [collection, and treatment](#) systems for water, sewer, storm drainage, gas, electric, television, cable, fiber optic, and wireless communications.

*Utility facilities, major* mean facilities such as water and wastewater treatment plants, water tank or tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use including holding ponds and other structures for flood control, water storage and/or retention for potable or non-potable use, and watershed protection.

*Utility facilities, minor* means facilities such pump stations, [pressure reducing stations](#), telephone exchanges, lift stations, electric substation, or any similar use.

*Vacant land* means land that does not have development on it.



*Variance* means a decision of the Board of Adjustment which grants a property owner relief from certain provisions of this code when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience

*Vegetation* means plants growing in a place, including but not limited to trees, shrubs, vines, grasses, and groundcover.

*Vested property right* means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan, pursuant to Article I “General Land Use Provisions” of this [Title and Article 68 of Title 24, C.R.S, as may be amended.](#) <sup>1</sup>

*Veterinary facilities, small animal clinic* means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except, when necessary, in the medical treatment of the animal.

*Warehouse* means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

*Yard* means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

*Yard, front* means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

*Yard, front setback* means the distance a building or structure must be placed from the back of the front property line.

*Yard, rear* means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

*Yard, rear setback* means the distance a building or structure must be placed from the back of the rear property line.

*Yard, side* means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

*Yard, side setback* means the distance a building or structure must be placed from the back of the side property line.

*Zone district or zoning district* means a zone district of the Town of Palmer Lake as established in Article 2 “Zoning District and Uses” of this Title, unless the term is used in a context that indicates that the term is meant to include both the zone districts of the Town of Palmer Lake and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district*.