



PLANNING COMMISSION - SPECIAL MEETING

Wednesday, December 04, 2024 at 5:00 PM

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

LIVE STREAM available on Town website

AGENDA

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

Call to Order

Roll Call

Business Items

1. Sign Application - Balanced Yoga Studio (790 Hwy 105)
2. Recommendation on Amended Planned Development (PD) Code
3. Recommendation/Conditional Acceptance of Article 1 and Article 2

Public Comment - *This time is reserved for the public to speak to items not on the agenda. Individuals must state name and limit comments to (3) minutes unless extended.*

Next Meeting (1/15) and Future Items

Adjourn

Americans with Disabilities Act

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.

Notice

Notice is hereby given that more than two members of the Board of Trustees may be present; however, there will be no action taken by the Board of Trustees at this meeting.

received
11-18-2024

Item 1.



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
Phone: (719) 481-2953
Fax: (719) 488-9305
www.townofpalmerlake.com

TOWN OFFICE USE ONLY

Date Received: 11/18/24 By: CLB

Payment #: CC Fee: \$ 100

Approved By: _____

Denied Date: _____

TOWN OF PALMER LAKE SIGN PERMIT APPLICATION

PAID

The following application is pursuant to Municipal Code Chapter 14.50 and must be completed for all types of signage in the Town of Palmer Lake. The application fee is \$100.00, which includes a nonrefundable \$15.00 fee for application processing, regardless of approval, denial, or applicant withdrawal.

The following documents must be submitted for this application to be considered:

- Completed Sign Permit Application
- Applicable fees
- Sketch of sign, including colors, dimensions, wording, and specific location of sign

This application and all required associated documents shall be submitted to the Town of Palmer Lake prior to scheduling before the Planning Commission. The Planning Commission meets monthly on the third Wednesday. Submission of application does not guarantee approval.

Note: A minimum of 10 days is required to process this application.

APPLICANT/BUSINESS OWNER INFORMATION

Business Name/Owner: Balanced Yoga Studio

Phone: 970-275-6691 Email: crystal@balancedstudio.org

Street Address: 790 hwy 105 Suite 105 City: Palmer Lake State: CO Zip: 80133

Legal Address: Lot(s): _____ Block: _____ Subdivision: _____

Mailing Address (if different than physical location): 10 Primrose St 1554

City: Palmer Lake State: CO Zip: 80133

Applicant Name (if other than owner): _____

Phone: _____ Email: _____

Street Address: _____ City: _____ State: _____ Zip: _____

SIGN & FEE INFORMATION

The fee for this application is \$100.00. If requesting more than one sign, a separate application must be completed for each sign.

A sketch of the intended sign, including colors, dimensions, and location of the building or structure to which the sign will be attached, must be included with this application.

TYPE OF SIGN (check all that apply):

- Double-Faced Free-Standing Multi-Faced
- Projecting Single-Faced Wall-Mounted

SIGN CATEGORY (check all that apply):

- Business Comprehensive Sign Plan Directory Sign
- Marquee Master Plan PUD Sign
- Temporary Sign Other: _____

Sign Wording: Yoga Balanced Holistic Wellness Mind-Body-Soul

Specific Location of Sign: out front

Dimensions of Sign: L _____ x W _____ x H _____ Dimensions of Sign Structure: L _____ x W _____ x H _____

Colors: Brown + Gold Materials: Metal + wood

Will sign be illuminated? Yes No If yes, describe: solar lights

How will the sign be mounted/affixed? to wood

THIS APPLICATION HAS BEEN EXAMINED AND COMPLETED BY ME. ALL OF THE INFORMATION COMPLETED IN THIS APPLICATION AND ALL ATTACHMENTS ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I AM AWARE OF AND FULLY UNDERSTAND THE TOWN OF PALMER LAKE REGULATIONS.

[Signature]
Signature

Crystal Hoganson
Printed Name

11/17/24
Date

TOWN OFFICE USE ONLY
Scheduled PC meeting date: _____

L 68" Width 60" Depth 8" Overall height Structure L 77" width "60" depth 8"



Drafting Notes:

1. *The tracked changes in this document reflect any changes from the draft reviewed by the Planning Commission in September and October of 2024.*
2. *CMI has been directed to add the procedural requirements and definitions to the draft PD ordinance. This PD section will replace the current Section 17.72. Sections were renumbered in this final draft since this will be adopted as part of the current code organization. The PD ordinance will eventually proceed with the adoption of a replacement Title 17 with major changes in organization.*
3. *As directed by the Planning Commission certain requirements regarding required open space, conformance with the adopted Comprehensive Plan (NKA Community Master Plan), and conformance with the Hillside Overlay District (currently 17.68) remain in place.*
4. *Also note that in Article 3- General Development Standards, the parking and loading standards will be updated, including the option for in-lieu fees. Loading requirements will be added for all non-residential uses and any residential development with over 25,000 sq. ft.*
5. *Capitalization shall be per MuniCode and what is currently adopted; once all new Articles and Titles are reviewed by the MuniCode consistent formatting of capitalization of terms will be completed. For example, currently, the names of Boards and Commissions are not capitalized.*
6. *Grammatical corrections were not tracked. (For example, change 'in order to' simplified to 'to'; punctuation corrected; change 'which' to 'that'; change 'chapter' to 'section'.)*
7. *Items in orange colored text were added by the Town Attorney or DRT members upon review by the DRT on a Teams meeting call on November 22, 2024. Note the most substantial change to the text by the Town Attorney is the following insertion: "unless, after receiving a recommendation from the Planning Commission, the Board of Trustees finds on specifically articulated grounds, that it is in the best interest of the Town and in the interest of the public health, safety, and welfare to approve a PD that does not substantially conform to the Community Master Plan." Under Colorado statute, the Comprehensive Plan is considered advisory and a guide and is not binding, unless specifically made so by the Town (CRS 31-23-206), and is the basis for regulatory action.*

17.72 Planned Development District.

17.72.010. Intent and Purpose

- (a) Intent. The intent of the Planned Development (PD) district is to promote and improve the health, safety, and general welfare of the residents of the Town by allowing the negotiation of a specialized zoning district that accommodates innovative patterns of development. This district is intended to be used only when no district in this Code, and no combination of districts, can be used to approve a new development that provides substantial additional benefits to the Town that would not otherwise be required by this Code. Nor is it intended to be used to approve variations from the standards and criteria in this Code. Since the Planned Development accommodates innovative patterns of development, development standards, dimensional requirements, and permitted uses are negotiated and shall be allowed as set forth in the Planned Development Plan (PDP) and Final Development Plan (FDP). Significant additional benefits to the Town must be demonstrated. This chapter is to implement the provisions of the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101 et seq.) **as amended**.
- (b) The purpose of the Planned Development (PD) district is:
- (1) To encourage a unified approach to planning, design, and development of land that is consistent with the **adopted Community Master Plan of the Town**, including the goals and objectives, **future land use plan, and three-mile annexation plan**.
 - (2) To encourage flexibility, innovation of quality design, and a variety of development types to promote the most suitable and appropriate use of a site.
 - (3) To facilitate the adequate and efficient provision of streets, utilities, and municipal services.
 - (4) To achieve a compatible land use relationship with the surrounding area **and existing development**.
 - (5) To preserve the unique, natural, scenic, historical, and cultural features of a site.
 - (6) To encourage energy efficiency and conservation of energy and natural resources.
 - (7) To provide for usable open space and recreational areas in new development.
 - (8) To permit a developer to propose an ~~total~~ **overall planned** development plan which can be considered as to its ~~overall~~ merits under a unified development plan **that may or may not be developed in phases through the submittal of a Final Development Plan**.
- (c) The planning commission and the board of trustees shall consider the purposes of this Section in approving or denying any requests for a planned development district and in the review of a planned development plan.

17.72.020 Effective Date and Establishment of a Planned Development District (PD).

- (a) This Section shall apply to and govern all PD applications submitted after the effective date hereof that relate to and include lands located within the legal boundaries of the town. The provisions of this section may also be applied to PD applications for lands that are located outside of the town but which are proposed to be annexed to the town, as permitted by Section 31-12-115, C.R.S., as may be amended.
- (b) Conformance with the adopted Community Master Plan. No PD shall be recommended by the planning commission or approved by the board of trustees unless the PD is found to be in substantial conformance with the adopted Community Master Plan **unless, after receiving a recommendation from the Planning Commission, the Board of Trustees finds on specifically articulated grounds, that it is in the best interest of the Town and in the interest of the public health, safety, and welfare to approve a PD that does not substantially conform to the Community Master Plan.**
- (c) The establishment of any PD shall include coordination with **all adopted codes and regulations including but not limited to the Town's adopted Public Works Standards as may be amended, MS4 requirements, the adopted PPRBD building codes,** and the vesting of the PD zone designation.
- (d) A planned development district may be established upon any tract of land that is five (5) acres or more and is held under single ownership or unified control, provided a zoning or rezoning application is submitted for the tract or lots in compliance with the provisions of this chapter and the application is reviewed by the planning commission and approved by the board of trustees.
- (e) No PD application shall be approved without the written consent of each landowner whose properties are included within the PD. The PD application shall be made by a person or entity having an interest in the property to be included in the PD and shall include the consent of all owners of interest in such property. Lienholder consent will consist of a written acknowledgment that the mortgaged title holders agree to the application for a PD in the town.
- (f) Approval of a Planned Development Plan (hereinafter referred to as "PDP"), the initial approval for a PD zone by the board of trustees shall constitute an overlay district upon the base zone, the base zone being the zone district designation existing prior to the approval of said PDP. If the time limits, as spelled out in the development schedule expire and no time extensions for the Final Development Plan (hereinafter referred to as "FDP") are approved, then the board of trustees, in its sole discretion, may terminate the FDP and may record a resolution with the El Paso County Clerk and Recorder evidencing such termination. Upon such termination, the PDP shall also be deemed to have been expired and cease to exist as it relates to all lands within the development for which a final plat and FDP have not been approved (undeveloped lands). Despite such expiration, the zoning of undeveloped lands shall remain the same as it existed under the PDP, except no further permits or approvals, including but not limited to FDP, final plat, or building permit approvals, shall be granted by the town in connection with the undeveloped lands unless and until the town has approved a new or amended development plan for the undeveloped lands or a portion thereof. The FDP shall continue to exist and apply to all parts of the development other than the undeveloped lands.

- (g) Where an expired PD was approved with an annexation, the base zone shall be the Residential Agricultural district (RA-5), unless the board expressly determines **upon review and recommendation by the planning commission to the board of trustees that a different designation is more compatible with the adopted Community Master Plan.**
- (h) Existing PDs shown on the Official Zoning Map. Planned Developments without a Planned Development Plan (PDP) or Final Development Plan (FDP) recorded at the El Paso County Clerk and Recorders Office are required to initiate a new planned development zoning application.
- (i) Upon approval of the PDP, the PD shall be given an ordinance number and its geographical area outlined on an overlay sheet constituting part of the Official Zoning Map of the town. This PD designation and ordinance number shall continue until the development schedule in the PDP or the FDP expires as provided above or is extended amended, or completed. Upon filing and recording of a PDP, the designation shall stand unless changed, and all documents shall be kept on file for reference. (drafting note: Once a PDP is approved this constitutes the zoning to PD.)
- (j) Land use and development within any PD approved pursuant to these regulations shall be controlled by the provisions of the approved PDP and FDP. Specific maps and a written document detailing negotiated items and other matters related to these approved plans shall be recorded with the El Paso County Clerk and Recorder and duplicate files of said plans and documents kept on file for ready reference in the administrative offices of the Town Clerk.
- (k) Building permits. No building permits shall be applied for or granted **until a certificate of zoning compliance is issued in accordance with Section 17.12.065 of this chapter, nor shall the PPRBD issue any permit** on any portion of property that is currently zoned PD district until and unless the property is platted in accordance with the Town subdivision ordinance as amended and unless a final development plan (FDP) in conformance with this chapter is reviewed by the planning commission and approved by the board of trustees.

17. 72.030 Modification of Subdivision Regulations. (drafting note this updates 17.72.80)

- (a) The provisions of these regulations concerning PDs are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in state statutes and the codes and regulations of the Town. The uniqueness of each PD may **suggest** that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by the town, if the reasons for such exceptions are well documented. Modifications may be incorporated **only with the review and recommendation of the Planning Commission and approval by the Board of Trustees** as a part of its review of the PD, FDP and/or the development agreement for a PD and shall conform to acceptable engineering, architectural, and planning principles and practices. It is the intent of this section that any subdivision review under the subdivision regulations be carried out either:
- (1) ~~Subsequent to~~ **After the approval** of PDP; or
 - (2) Simultaneously with the review of an FDP or

- (3) Within the time frame specified in the development schedule included in the approved PDP and FDP.
- (b) Results of failure to meet schedule or record a final development plan. Failure by the developer to submit a final development plan or to comply with scheduled dates for development shall result in one of the following actions:
- Suspension of approved PD or Final Development Plan, pending its reinstatement upon meeting the obligations required for the past due date.
 - Planning Commission review and recommendation and then approval, conditional approval, or denial by the Board of Trustees of an extension of due dates if the extension is justified by the developer.**
 - Stop orders or a freeze on the issuance of new development **or building** permits.
 - Reversion of the PD zone back to the base zoning as established hereby.

17.72.40 Development time frame and appeals. *(drafting note this adds flexibility to 17.72.160)*

From start of construction, the maximum time allowed is one year ~~six months~~ after approval of the Final Development Plan (FDP). If development has not commenced, a new FDP shall be required. One or more extensions may be allowed for good reason by the planning commission and the board of trustees.

17.72.50 Conditions and Standards

(a) Since the PD district contains no established residential density or non-residential square footage requirements, nor establishes any dimensional standards, and an applicant is allowed to propose by way of example but not limited to alternative parking standards, sign standards, and other site planning and architectural designs to achieve innovation in design, the PD shall be subject to the following performance criteria.

- One or more of the following shall be achieved to approve a Planned Development:
 - The encouragement of innovations in residential, commercial, and limited industrial development through greater variety in the type, design, and layout of buildings that the Town's existing zone districts cannot accommodate and by the conservation and more efficient provision of open space ancillary to the associated development.
 - A better distribution of **induced** traffic on streets and highways.
 - Conservation of the value of the land.
 - Preservation of the site's natural features.
- The design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking, and loading spaces. Loading spaces are required for both non-residential development and residential development in compliance with the PPRBD-adopted building codes and the town's adopted parking and loading requirements, as amended.**
- The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the PD as well as the impact of the proposed

development on town services and facilities and on neighboring properties that reasonably could be impacted by the proposed development. The capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the land proposed for development.

- (4) While there may be no fixed dimensional requirements, the planning commission may **recommend to the board of trustees** and the board of trustees may require and **approve** setbacks, lot widths, and space between buildings as necessary to provide adequate access and to aid in fire protection, ensure proper ventilation, light, air, and snow melt between buildings, and to ensure that the PD is compatible with other developments in the area.
- (5) Open space for the PD developments shall be planned to produce maximum usefulness to the users of the development **and general public** for purposes of recreation, preservation of scenic views, and to maintain the character of the areas as outlined in the adopted Community Master Plan. All areas designated as common or public open space pursuant to the requirements of this Chapter and the **Subdivision regulations** shall be accessible by proper physical and legal access ways.
- (6) All dimensional standards shall be established and documented on an approved written and graphic PD plan.
- (7) The developer shall provide within the PD central water and sewer facilities as required by the Planning Commission, Board of Trustees, the Palmer Lake codified water requirements, Palmer Lake Sanitation District, Colorado Department of Public Health and Environment, and El Paso County Public Health.
- (8) Clustered development is allowed and encouraged to promote maximum open space, economy of development, and variety in the type, design, and layout of buildings. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs.
- (9) The PD shall provide pedestrian ways adequate in terms of safety, separation, convenience, and access to points of destination.
- (10) The PD shall provide parking areas in conformance with the minimum site development standards of this Title in terms of the number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation, and screening.
- (11) The PD shall strive for preservation of the natural features on the site **in accordance with the adopted Community Master Plan, as may be amended.**
- (12) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zoning districts in relation to the following characteristics of the proposed building:
 - a. Its geographic location.
 - b. The probable effect on surrounding slopes and terrain.
 - c. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity.

- d. Potential problems for adjacent sites caused by shadows, loss of air circulation, or loss of view often achieved through the addition of overlay view corridors and other legally viable means.
- e. Influence on the general vicinity, with regard to vistas and open space.
- f. Uses within the proposed building.
- g. Fire protection needs.

17.72.60 Permitted Uses *(drafting note- this section was simply rearranged)*

This district is intended to be used only when no zone district in this Code, or no combination of zone districts, can be used to approve a new development that provides substantial additional benefits to the Town that would not otherwise be achieved by this Code. The following combination of principal permitted uses are allowed in a Planned Development districts as long as the PD intent statement can be satisfied:

- (1) Mixed-use developments.
- (2) Residential dwelling units in detached, attached, or multi-family structures or any combination thereof.
- (3) Nonresidential uses.

17.72.070. - Buffering, screening and setbacks. *(current code).*

Uses, buildings, or structures on the perimeter of the PD district shall be set back, arranged, and adequately buffered and/or screened to ensure their appearance and use will be compatible with adjacent land uses. Building setbacks along the perimeter of the PD zone district shall be a minimum of 25 feet. Building setbacks shall be a minimum of 200 feet along the frontage of State Highway 105 and Spruce Mountain Road.

~~(Code 1973, § 17.52.070; Ord. No. 1-1991, § 9, 1991)~~

17.72. 080 Maintenance Provisions and Plan *(drafting note this is essentially the existing 17.72.140- last version reviewed by PC only had the first paragraph).*

- (a) No PD shall be approved unless the board of trustees, after planning commission review and recommendation, is satisfied that the landowner has provided for or established an adequate organization **or entity** for the ownership and maintenance of common open space and private roads, drives, and parking.
- (b) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after approval of the planned development, fail to maintain the common open space in reasonable order and condition, the applicable code enforcement procedures will be implemented.
- (c) In cases in which maintenance of roads, common areas, open space, or facilities normally maintained by public entities are proposed to be maintained by homeowners' associations, or other non-governmental bodies, the applicant shall submit a maintenance plan, with the final PUD development plan, conforming to the following requirements:

-
- (1) Identification of present and proposed ownership for the facilities or areas included within the maintenance plan. In the case of condominiums, townhouses, or other multiple dwelling units, the method of conveying title and the estate to be granted shall be noted.
 - (2) A service plan to include:
 - a. Proposed method of guaranteeing maintenance.
 - b. Proposed form of unified control which shall include identification and description of corporations, partnerships, trusts, owner's association, or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce required assessments.
 - c. Cost of capital construction for proposed facilities, cost of maintenance of such facilities per year, amount proposed to be assessed to meet such expenses.
 - d. Proposed administrative mechanism to assure that maintenance is carried out as planned.
 - e. Suitable collateral to ensure that in case of discontinuance of control and maintenance, the town may assume such duties as may be appropriate without additional cost to the taxpayer. Collateral shall include liens, letters of credit, bonds, or such method as approved by the town board.

17.72.90 Density (*drafting note this further clarifies and updates 17.72.050*)

- (a) The density and/or intensity of the proposed development shall be based on the capacity of the land to support the PD as well as the impact of the development on Town services and facilities and on neighboring property. The capacity of the land shall be determined based on the size, topography, and constraints of the site.
- (b) Community Master Plan and approved zoning map. The residential densities established in the Town's Community Mater Plan shall be considered the maximum allowed densities unless the board of trustees based on the PD plan or new evidence, **upon review and recommendation of the planning commission**, finds that such density is not reasonable or desirable.
- (c) The maximum allowed density PDs for areas that are not currently included under the adopted Community Master Plan, shall be established in accordance with the following criteria:
 - (1) Land use (actual or planned) and character of the surrounding neighborhood and the impact of the proposed PD on adjacent areas.
 - (2) The ability of existing municipal services and off-site streets, utilities, parks and open spaces, and drainage systems (together with improvements proposed) to effectively serve the proposed PD development.
 - (3) The extent to which the proposed PD contains unique or innovative design features or utilizes and incorporates special site conditions into its design to mitigate the impact of the proposed development on the site and adjacent areas.
 - (4) The amount of on-site, usable open space, and active recreation areas.

~~(Code 1973, § 17.52.050; Ord. No. 1-1991, § 7, 1991)~~

17.72.080. Open space requirements. *(minor edits to the existing 17.72.060 and follows PC direction on newly adopted subdivision ordinance, also includes language from 16.50.020)*

- (a) Amount of open space required. The total usable open space within a PD development shall be at least thirty (30) percent of the gross acreage of any residential development containing new housing units (or the cash-in-lieu market value), not including right-of-way and fifteen (15) percent for non-residential development (or the cash-in-lieu market value). No more than fifteen (15) percent of the required percentage of usable open space shall be in the form of water surfaces, floodplains, drainage ways, slopes over 15 percent grade, or stormwater detention areas. At least 25 percent of the usable open space shall be developed for active recreation, which may include, but not be limited to, playing fields (tennis, volleyball, and basketball courts), playground areas, picnic sites, park areas for pets, hardscape plazas, or similar active recreation areas. For the purpose of this section, usable open space **may** include land dedicated to parks as required by the Town's subdivision ordinance **upon review and recommendation by the planning commission to the board of trustees.**
- (b) Usable open space defined. Usable open space shall include common open space, or any portion of the development not occupied by buildings, structures, parking areas, driveways, streets, alleys, or service areas.
- (c) Open Space Negotiations. PDs are negotiated zone districts and open space dedication is one of the special benefits. The location, type and size of the required open space dedication shall be carried out to ensure the maximum benefit to the **users** of the PD and to the general public. **The final determination of the amount of open space required in light of the extra benefit required of a PD shall be based on a review and recommendation by the planning commission to the board of trustees. The board may require open space dedication, payment of a cash-in-lieu of fee or a combination of thereof. The board may approve, approve with conditions, or deny the recommended open space dedication or fees in lieu of.**
- (d) Open space maintenance. Provision shall be made through covenants, homeowners' associations or other means acceptable to the board of trustees for the continuing maintenance of any common open space and private walkways not intended to be dedicated to the town.
- (e) Homeowners' association. When the board of trustees deems it appropriate, a nonprofit, incorporated homeowners' association, maintenance district, or other suitable mechanism shall be required for the purpose of improving and maintaining common facilities and amenities. In addition, the board may require approved protective covenants to run with the land. Prior to approval of the PD development, agreements shall be provided which reflect suitable guarantees for the maintenance of common facilities and amenities.

~~(Code 1973, § 17.52.060; Ord. No. 1-1991, § 8, 1991)~~

Drafting note for reference

CURRENT CODE READS AS FOLLOWS: PC WANTED THIS TO REMAIN:

Amount of open space required. The total usable open space within a PUD development shall be at least 30 percent of the gross acreage of the development. No more than 25 percent of the required percentage of usable open space shall be in the form of water surfaces, floodplains, drainage ways, steep slopes or storm water detention areas. At least 25 percent of the usable open space shall be developed for active recreation which may include, but not be limited to, playing fields; playground areas; tennis, volleyball, and basketball courts; picnic sites; bosting areas; or similar active recreation areas. The requirement for active recreation areas is encouraged, but not required, in single-family detached residential developments. For the purpose of this section, usable open space shall not include land to be dedicated for parks or schools without the consent of the Board of Trustees

- *DRAFTING NOTE- SECTIONS 17.72.90 THROUGH X WERE TO HAVE BEEN MOVED TO ARTICLE 6- PROCEDURES. BASED ON THE NOVEMBER 22ND DRT CONFERENCE CALL PROCEDURES AND DEFINITIONS NEED TO BE INCLUDED IN THIS PD ORDINANCE.*
- *THIS ENTIRE SECTION IS A MODIFICATION OF SECTIONS 17.72.090 THROUGH 17.72.110 OF THE CURRENT CODE- TRACK CHANGES OR ORANGE TEXT HAVE NOT BEEN USED.*

17.72.090. Process Overview.

- (a) The application for a PD in the Town of Palmer Lake shall be subject to a four-faceted review process consisting of a pre-application conference with staff and DRT, Sketch Plan submittal, Planned Development Plan and Final Development Plan with options for the application composed of the following:
- (1) Pre applications conferences(s).
 - Optional preapplication conference with town officials
 - Optional public or neighborhood meetings arranged by the applicant.
 - (2) Sketch Plan Review
 - (3) A Planned Development Plan (PDP); and
 - (4) A Final Development Plan (FDP).
- (b) If the applicant seeks to develop the project in phases, the planning commission and board of trustees may, at their discretion, postpone the obligation of the applicant to fulfill any of the submission requirements set forth in this Chapter for any delayed phase of the project.
- (c) These regulations are intended to be applicable to large as well as small project sites. Applicants are encouraged to combine subdivision with the PD process where appropriate and after conferring with Town staff and the DRT.

17.72.100. Preapplication Conference

- (a) A preapplication conference with Town Staff and DRT is required. Before the actual submission of the Planned Development Plan application, the applicant shall participate in a preapplication conference with Town staff/DRT. A preapplication conference is a non-binding meeting held when an application submittal is imminent. It benefits the applicant by giving them the opportunity to discuss submittal requirements with the Town Staff and the DRT. The preapplication conference also serves to facilitate discussion about the technical and engineering elements of the development.

- (b) *Optional Preapplication conference with the Planning Commission and/or BOT.* The applicant, who shall be the landowner or his agent in fact with the power to consent to the inclusion of the site within the PD district, may meet with town officials before the submittal of the application for PD zoning. Any statements in the work session are nonbinding.
- (c) *Optional Public meeting or neighborhood meetings.* The applicant may hold an information meeting for the public. This meeting is by the applicant and not by the Town boards or staff. All arrangements and publicity for such meetings are solely the responsibility of the applicant.

17.72.110 Sketch Plan (*existing 17.72.090- will be updated in new Article 6- table of submittal items*)

- (a) Contents of the sketch plan map to be reviewed at the preapplication conference are described in this section. This plan is to be an indication of the developer's intent, not necessarily to scale, and subject to change.
- (b) The sketch plan map should be approximately scaled, include the entire PD tract and lots, and show in the topography of the land, the location of proposed uses and major buildings, the proposed development density, housing types, layout of roads by functional classification, approximate rights-of-way, layout and configuration of common open space, and location of all entrances to the tract.
- (c) The developer also submits a brief narrative text that describes the general design and architectural policies for the PUD, the treatment of environmentally sensitive land located in the project tract, the proposed time frame for the phased development, and the phases selected as concept plans in the preliminary plan for the PUD tract.
- (d) Application for zoning. After the preapplication conference or conferences, the applicant for a PD zone district may make written application to the planning commission in accordance with current processing schedules and submittal timelines. All information required by this chapter shall accompany the application.

17.72.120. Planned Development Plan (PDP).

(a) Complete application. The complete application packet shall be submitted with detailed information to provide adequate review by decision-making bodies and the general public. The completed application shall be known as the PD Planned Development Plan. In addition to the requirements in 17.12.050 and 17.12.055. The application shall include the following:

- (1) A legal description of the total site.
- (2) Proof of ownership of all lands included in the Planned Development Plan (PDP) area.
- (3) A description of the character of the proposed development, the goals and objectives of the project, an explanation of how the development incorporates innovative design,

the rationale behind the assumptions and choices made by the applicant, and an explanation of the manner in which it has been planned to conform to the adopted Community Master Plan.

- (4) Statements clearly outlining the proposed maximum (up to and including) limits or amounts of all design standards contained in this Title that will be included, or alternate development standards requested to be applied to the PD.
- (5) A general description of the proposed open space, how this requirement for the development and an explanation of how said open space shall be integrated with surrounding developments, both existing and proposed, or how the payment of fees in-lieu of open space and/or in-kind improvements will provide a benefit to the Town.
- (6) A development schedule for the Planned Development Plan and submission of subdivision applications, if applying for concurrent review.
- (7) Quantitative data for the following:
 - (1) Total number and type of dwelling units for residential PDs and the total and type of square footage of each land use within a non-residential PD.
 - (2) Approximate parcel size.
 - (3) Proposed lot coverage ratios of buildings and structures.
 - (4) Proposed gross and net residential densities, and non-residential densities.
 - (5) Amount of required land dedication (parks, open space, wetlands, trails, recreation sites, etc.).
 - (6) Water and sewer demand for projected uses.
 - (7) The proposed maximum height(s) of buildings, setbacks, and related dimensional standards within the PD.
- (8) If residential units are proposed within a residential or mixed-use PD, a letter from the school district stating their ability to accommodate the projected number of students generated by the development and a statement of any applicable land dedication or fees.
- (9) Graphic Documents. Supporting maps, plans, and drawings that portray the basic concepts proposed in the application. The documents shall include, at a minimum, the following information.
 - (1) A vicinity map at a legible scale.
 - (2) The existing site conditions including topographic contours and watercourses, floodplains (i.e., 100-year), wetlands, wildlife habitat and corridors, unique natural features, and vegetation cover.
 - (3) Proposed subdivision boundary lines and site designs in specific or prototypical form. The general location of all existing buildings and improvements. Preliminary architectural standards, elevations, and planned construction materials of proposed buildings and structures.

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- (4) General location and size in acres or square feet of areas to be conveyed, dedicated, or reserved as common and private open spaces, public open spaces or parks, recreational areas, school sites, and similar public and quasi-public uses and any proposed fees in-lieu of land dedication, or combination thereof.
 - (5) Existing and proposed circulation system of arterial and collector-type streets and major points of access to public rights-of-way for vehicle, pedestrian, and bicycle traffic. Notations of proposed ownership, public or private, shall be included. The locations of local streets may be required at the discretion of the Planning Commission.
 - (6) A generalized grading plan for streets requiring substantial cuts and fills.
 - (7) Description and lot layout showing how 17.68 Hillside Overlay District and Stormwater Quality Control requirements impact site development.
 - (8) The proposed concept and general off-site connection methods for utility service including sanitary sewers, storm sewers, water, electric, gas, cable, and telephone lines.
 - (9) Preliminary drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.
 - (10) A preliminary lighting plan.
 - (11) Additional Information. The planning commission may require additional information from the applicant to evaluate the character and impact of the proposed PD on the Town, including not limited to fiscal impacts, traffic, wildlife, environmental impact etc. over the period of the generalized development schedule.

(b) Approval Procedure.

- (1) Step 1: The completed application packet and supplementary submittal materials shall be filed with the Town Clerk at least 30 days in advance of the regular meeting date of the planning commission at which the Planned Development Plan (PDP) will be heard. **The publicly noticed meeting date will be determined once the town receives all referral comments from parties of interest, and the staff and DRT have completed a technical review of the submittal. Changes to the original submittal by the applicant requiring substantive review may cause the public hearing to be delayed.**
- (2) Step 2: Within a reasonable time, the Town Administrator or designee shall review the application and determine it is complete or send notice to the applicant of deficiencies. The applicant shall address the deficiencies and provide missing or updated information to the Town Administrator. Upon determination that the application is complete, a completeness certification is provided to the applicant
- (3) Step 3: *Refer the application to parties of interest.* Staff shall send information about the application by regular mail or electronic e-mail to adjacent municipalities,

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- El Paso County, appropriate referral agencies, and other parties of interest. A list of all appropriate referral agencies shall be maintained by the town clerk. Parties of interest receiving a copy of the application and accompanying materials may, within 30 days after receipt, forward written reports of its findings and recommendations to the town. Failure of any reviewing agency or department to respond within the allotted time may be deemed as a response that the agency or department has no comment on the application and submission documents. Failure to submit a written report to the town shall not be deemed as approval or acceptance of the proposed PDP by such agency. Reports received by the town after the allotted referral time may, but need not be, accepted by the planning commission or the board of trustees at any time prior to the planning commission's or the board of trustee's action on the PDP.
- (4) Step 4: The planning commission shall hold a public hearing on the PDP under Title 16.20.090. *(drafting note- PC direction was a unified development code, therefore there will be one section on procedures.)*
 - (5) Step 5: The planning commission shall either recommend approval, approve with conditions, disapproval, or continue the hearing for 30 days. Consent of the applicant(s) is required for any continuance beyond 30 days. Lack of consent to continue or failure to reach an agreement on negotiated items shall be deemed a recommendation of denial.
 - (6) Step 6: A Public Hearing before the board of trustees shall be scheduled pursuant the procedures set forth in Title 16.20.090.
 - (7) Step 7: If the application is approved as presented, conditionally approved, or denied, the Board of Trustees shall, by resolution, either approve the necessary PUD designation, or disapprove said application. If approved, the PDP documents shall be recorded with the El Paso County Clerk and Recorder.
 - (8) Step 8: Within one year following the approval of the Planned Development Plan, the applicant shall file an application packet for a Final Development Plan (FDP).
 - (9) Step 9: If the applicant fails to apply for an FDP or the extensions of deadlines described above, then the Board of Trustees in its sole discretion may terminate the PDP following notice at a public hearing.
 - (10) Step 10: Minor Amendment to the Planned Development Plan. Minor changes of not more than 10% in development standards shall be processed by the Town Administrator and DRT. Any minor amendments beyond 10% but still considered minor by the Town Administrator shall be subject to review and consideration by the planning commission. Upon consideration of said changes, the planning commission shall take formal action in writing, either approving, approving with conditions, or disapproving the changes.
 - (11) Step 11: Major amendments to the Planned Development Plan include without limitation:
 - a. A change in land use or development concept.
 - b. An increase in density or building coverage.
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- c. An increase in the maximum allowed height of structures.
 - d. A realignment of major circulation patterns or a change in functional classification of the street network.
 - e. A reduction in approved open space or common amenities.
 - f. A reduction of off-street parking; or
 - g. Any changes in the development standards or written submittal impacting the intensity, density or design of such standards.
- (12) Step 12: Major amendments to the PDP review and recommendation require review and recommendation by the planning commission followed by approval, approval with conditions or denial by the board of trustees. An application to amend the PDP shall be submitted for consideration and review according to the process outlined above.

17.72.130. Final Development Plan ("FDP").

- (a) Overview. The FDP application is intended to specify design components of the PD or portions thereof and provide for the review of additional items not required by the PDP. An FDP application may be made for all or a portion of the entire PD district as previously approved at the PDP stage. All FDP's must include building locations and footprint dimensions and the location of the required open space dedication, and all required engineering. In any PD, an approved FDP for all or portions of the district must be subdivided before any building permits are issued for the construction of buildings and structures. The completed application shall be known as the FDP.
- (b) Submission Requirements. The FDP shall include all of the information required in the Planned Development Plan in its finalized, detailed form plus any additional items included below. Omissions are cause to continue or deny the application.
- (c) Written Documents. The applicant shall submit a written development plan which shall include the following additional information:
- (1) A final development schedule indicating the approximate date(s) when construction of the PD or phases of said development can be expected to begin and to be completed.
 - (2) If applicable, a description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; the total amount of open space (including a separate figure for the usable amount of open space); any in-lieu of dedication proposal, a statement explaining the anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated public open space.
 - (3) Copies of proposed development standards, final covenants, declarations, architectural design standards, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces if applicable, buildings, and other structures within the development.

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- (4) Final environmental studies of the proposed site(s) prepared and attested to by qualified professionals in the fields of soil quality, slope, topography, geology, water rights and availability, groundwater conditions, and impact on wildlife.
 - (5) Any required dedication, documentation and/or improvement agreements and bonds plus a title insurance commitment dated not older than 30 days prior to application.
 - (6) Any new items not submitted with the Planned Development Plan.
 - (7) Quantitative data for the following: final number of dwelling units, total amount of non-residential square footage by use type, calculations for previously agreed upon design and development standards, and footprint sizes of all proposed buildings.
 - (8) A statement that integrates pertinent elements of any pre-annexation and development agreements and contracts negotiated with the Town.
 - (9) Final traffic impact study.
 - (10) Final utility and water plans.

(d) Graphic Documents. The applicant shall submit finalized graphics which shall include the following information:

- (1) Final Site Plan and plan maps that have been revised since the Planned Development Plan approval.
- (2) Final landscape plan.
- (3) The planned pedestrian, bicycle, and vehicular circulation system including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict.
- (4) An erosion control and stormwater plan, including evidence that the FDP complies with the Town's adopted Stormwater Quality Control ordinance.
- (5) The proposed treatment of the perimeter of the PD including materials and techniques used such as screens, fences, walls, illustrated on a landscape plan.
- (6) Final drainage plan stamped by a licensed Colorado engineer.
- (7) Final engineering and construction plans for public improvements and private streets.
- (8) A phasing plan if the development is approved for phased development.
- (9) A detailed lighting plan depicting on-site streetlight location, height, and fixture type, with supplemental specifications.
- (10) Such additional information as may be required by the Planning Commission or Board of Trustees necessary to evaluate the character and impact of the proposed PD.

(e) Approval Procedure.

- (1) Applications for a Final Development Plan shall be submitted in accordance with Title 16 16.20.100. The FDP must be in conformance with the Planned Development Plan as approved or amended.
 - (2) The completed application packet and supplementary submittal materials shall be filed with the Town Administrator at least 30 days in advance of the regular meeting date of the planning commission at which the Final Development Plan will be heard. The publicly noticed meeting date will be determined once the town receives all referral comments from parties of interest, and the staff and DRT have completed a technical review of the submittal. Changes to the original submittal by the applicant requiring substantive review may cause the public hearing to be delayed.
 - (3) Within a reasonable time, the Town Administrator or designee shall review the application and determine it is complete or send notice to the applicant of deficiencies. The applicant shall address the deficiencies and provide missing or updated information to the Town Administrator. Upon determination that the application is complete, a completeness certification is provided to the applicant
 - (4) Upon determination that the application is complete, the Town Administrator shall refer the application to appropriate reviewing agencies in accordance with 17.72.120
 - (5) The planning commission shall hold a public hearing on the FDP in accordance with the provisions outlined in Title 16.
 - (6) The planning commission shall either recommend approval, approval with conditions, disapproval, or continue the hearing for 30 days. Consent of the applicant(s) is required for any continuance beyond 30 days. Lack of consent to continue or failure to reach an agreement on negotiated items shall be deemed a recommendation of denial.
 - (7) A Public Hearing before the Board of Trustees shall be scheduled pursuant to 17.72.120 Article. The Board of Trustees may approve, approve with conditions by resolution, or deny the application. If approved, the applicant shall provide two (2) signed mylars of graphic documents, (2) 24"x36" paper copies with original signatures and the applicant shall execute the FDP in a form acceptable to the El Paso County Clerk and Recorder and file it with the clerk and recorder. The recording fee shall be paid by the applicant.
- (f) Building Permits.** No building permits shall be issued on land within the PD until an FDP for that land has been approved by the planning commission and board of trustees and a certification of zoning compliance has been issued by the town administrator or designee.
- (g) Amendments to the Final Development Plan.** Minor changes of 10% or less in the location, siting, and height of buildings and structures may be authorized by the Town Administrator or designee.

(h) Approval for Amendments to the Final Development Plan. The following changes will require review and approval by the planning commission and board of trustees at a duly noticed public hearing:

- (1) A change in the use or character of the development.
- (2) An increase in the overall land coverage of structures.
- (3) An increase in the intensity and density of use.
- (4) A reduction in approved open space.
- (5) A reduction of off-street parking and loading spaces.
- (6) A reduction in required pavement widths.
- (7) An increase in height over what was originally approved.
- (8) Change to the development standards as recorded with the PDP.
- (9) All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces may be made by the board of trustees after a report is prepared by the Town Administrator or designee, and upon recommendation by the planning commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the FDP was approved or by changes in the Planned Development Plan.
- (10) Any changes which are approved for the FDP must be recorded as amendments in accordance with the procedure established for the recording of the initial FDP documents with the exception that prior to making its recommendation to the board of trustees, the planning commission shall hold at least one public hearing with published notice of the general description of said hearing in the official publication of the Town at least 15 days in advance of the hearing.

(i) Review of Development Schedule. Each approved FDP must contain a detailed development schedule of public and private improvements. Town staff shall monitor the development schedule. Failure of the developer to substantially adhere to the approved schedule shall be cause for an FDP special review by the planning commission. Special review shall be conducted as a result of one or more of the following:

- (1) Failure to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within 18 months of the scheduled starting date or extensions thereto.
- (2) Inactivity or documented lack of progress on any stage of the project for more than two years from the last completed benchmark in the approved development schedule, as determined by either the staff or planning commission.

- (j) FDP Special Review process.** The FDP special review by the planning commission shall determine if the original assumptions and plans of the PD are still appropriate. During the review, the developer may request that the development schedule be formally amended. If no amendment is granted, the planning Commission shall forward a recommendation to the board of trustees that the FDP be declared null and void, in whole or in part.
- (k) Request for extensions to the starting dates by the developer.** The planning commission may extend, for not more than two periods of 12 months each, the time for beginning the project.
- (l) Hearing.** The Board of Trustees shall hold a public hearing to amend or void the FDP.

17.72.130. Periodic Reviews of All Planned Development Districts.

The planning commission will conduct a review of each project on a biennial schedule commencing on or about the anniversary date of the FDP approval. No fees will be charged to the owner of record for these reviews. The owner of record of PD projects may be asked by the planning commission or staff to appear at this review and make a progress report. The planning commission will decide and so note in the minutes as to whether adequate or no progress has been made by the owner of record.

17.72.140. Common Improvements and Common Open Space.

- (a) Legal Instruments.** The FDP shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, required open space, and other facilities provided by the FDP. No such instrument shall be accepted until approved by the Town attorney as to legal form and effect, and by the Board of Trustees. Such documentation shall conform to Section 24-67-105(6), C.R.S.
- (b) Covenants and Articles of Incorporation.** All required common open space and other facilities provided may be conveyed to a public agency or private association. If the common improvements, applicable open space, or recreational facilities are conveyed to a private association, the developer shall file, as a part of the aforementioned instruments, a declaration of covenants and restrictions, bylaws, and articles of incorporation that will govern the association.

17. 72.150. Other Provisions and Standards.

- (a) Enforcement.** The provisions of the approved FDP may be enforced by the Town and/or by the occupants, residents, and owners of the PD to the extent and in the manner provided by Section 24-67-106, C.R.S., as may be amended. In addition to and without limitation on such powers of enforcement, the approved PDP or the FDP of the development may provide for additional rights and remedies as against the landowner in the event of any violation of the provisions of the plan.

17.100.10 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:

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.

Commission means the town planning commission.

Community Master Plan means the Town of Palmer Lake's adopted Comprehensive Plan and which includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

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.

Dedication means an appropriation of land to some public use, made by the owner and accepted for such use by or on behalf of the public, and by which the owner reserves to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Design standards or design requirements means all requirements and regulations relating to design and layout of subdivisions as contained in these regulations.

Development means any change in the use of land or improvements thereon, including, but not limited to:

- The construction, enlargement, reconstruction or renovation of any improvements which require a building permit.
- A change in use or intensity of use on the land, or within a structure.
- The placement of temporary structures on the land.
- Site clearance, removal or addition of vegetation, grading, dredging, mining, drilling, cut and fill activities, dumping soil or other materials, removal of soil or contouring of a site.

Notwithstanding the foregoing, the following shall not be deemed to constitute development:

- Normal maintenance and repair of improvements which do not involve a change in use or intensity of use.
- Nonstructural interior improvements when they have no effect on the square footage of the existing improvements and are not associated with a change of use.

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 any other mutually agreed to terms and requirements.

Development Review Team means Town staff and contracted professionals including the Town Engineer, Town Planner, Town Attorney and other land use experts required in the review of development applications.

Easements mean areas within a subdivision other than streets or alleys that are reserved, conveyed, or dedicated for specialized or limited purpose(s).

FEMA means the Federal Emergency Management Agency.

Improvements means all facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business, or other nonresidential purpose(s).

Natural feature means the components or processes present or produced by nature including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

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.

Open Space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment 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:

- 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.
- Lands that might be a resource for the community, including farmland, rangeland, lakes, streams, rivers, wetlands, and forests.
- Lands that might be ecologically valuable areas, such as habitat for animals and plants, unique ecosystems, or fire protection.

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- 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;
 - 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.
 - Privately-owned landscaped areas, undeveloped portions of a lot, and rights-of-way are not considered open space.

Parties of 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.

Property lines mean those imaginary lines outlining the boundaries of properties on lots for the purpose of description in ownership, sale, lease, building development, or other separate use of property.

Planned Development (PD) or Planned Unit Development (PUD) means an area of land controlled by one or more landowners, developed under unified control or a unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions of the conventional land use regulations of the Palmer Lake zoning ordinance.

Redevelopment includes a site that is already substantially developed with 35 percent or more of existing imperviousness; with the creation or addition of impervious area (including removal and/or replacement), to include the expansion of a building footprint or addition or replacement of a structure; structural development including construction, replacement of impervious area that is not part of a routine maintenance activity; and land disturbing activities.

Right-of-way means the entire dedicated tract or strip of land that is to be used by the public for circulation and service. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way, as hereinafter established.

Road profile means a drawing reflecting a proposed or existing vertical section of a road, street, or alley, for which right-of-way is to be or has been conveyed to the town for road purposes. A road profile may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of a road, street, or ally.

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, signs, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area.

Staff or Town Staff means persons employed by the Town of Palmer Lake and may include contracted professionals.

Street means a public right-of-way, platted or unplatted, which provides vehicular and pedestrian access to adjacent properties

A Traffic Impact Analysis (TIA) means a study conducted by a traffic engineer that evaluates the availability and adequacy of the transportation system regarding traffic impacts due to proposed development including likely impacts of development that has been approved but not constructed. The TIA also forecasts additional traffic associated with a proposed development, identifies potential problems that might influence traffic flow, and suggests ways to mitigate any negative effects. When conducting a TIA, engineers typically evaluate factors such as the following.

- Roadway capacity
- Intersection operations
- Pedestrian safety
- Parking needs
- Environmental impacts

PALMER LAKE LUC UPDATE: ARTICLE 1 GENERAL LAND USE PROVISIONS

This document is Article 1 General Land Use Provisions. This combines the general provisions from both Titles- 16 Subdivision and 17-Zoning is the first step in creating critical updates to the Town's land use regulations. We will be sending out suggested updates by Article.

Since Article 1 combines both the General Provisions from Title 16 and 17, most of the text is new and expanded. Palmer Lake has a limited staff. We believe the more robust text will guide both staff, contract staff, the Planning Commission, and the Trustees in the review of land uses.

Article 2-Zoning will be next. Processes and Procedures will be tackled once we complete Article 3 General Standards Applicable to all Zone Districts Article 4- Special Requirements and Article 5- Subdivision Requirements.

We will provide a worksheet with each Article we draft for the Planning Commission and staff consideration.

APPROACH TO UPDATING THE DOCUMENT AND TRACKING OF CHANGES

- 1) As discussed with Staff and the Planning Commission, the Land Use Code Update will be repealed and replaced given the extent of the update and reorganization.
- 2) The following are used to indicate proposed changes.
 - a. ~~Strikeout~~ – Text to be deleted.
 - b. **Yellow highlight** - New sections or substantially simplified sections.
 - c. **Green highlight** - When Code sections get moved, the current section reference is noted. Section numbering highlighted in **green** simply means the new section number will need to be checked once that Article is complete. Final numbering will be addressed once the Code is reorganized.
 - d. **Blue highlight** - If an item requires further discussion, this will be noted in the footnotes and highlighted in **blue**.
 - e. *Commentary and sidebar comments* – Commentary and comments provide a rationale for the changes.
 - f. *Footnotes*- Footnotes to clarify why the text was updated or to indicate text that requires guidance from the Town Administrator or the Planning Commission
- 3) Once the Code Update is complete, the final draft will be reviewed to conform to the hyphenated numbering system used by MuniCode, the codifiers used by the Town of Palmer Lake.

TITLE 16 and Title 17 are combined

TITLE 16 LAND USE CODE

Commentary: *The table of contents for each article will be removed in the final draft.*

ARTICLE I – GENERAL LAND USE PROVISIONS

Commentary: *This article lays the foundation for all subsequent articles. It has been simplified and several sections required by Statute have been moved to this Title (e.g., Vested Rights). Definitions have been moved to the final article of Title 16. This Article combines all general provisions sections found in the Land Use Code.*

Article 1: General Land Use Provisions

- 16-1-10 Title
- 16-1-20 Jurisdiction
- 16-1-30 Legal Authority
- 16-1-40 Purpose and Intent
- 16-1-50 Interpretation and Rules of Construction
- 16-1-60 Transition from Previous Regulations and Effective Date
- 16-1-70 Pre-existing Development- Non-conforming uses, structures, signs, or lots
- 16-1-80 Relationship to the Palmer Lake Comprehensive Plans and Other Plans
- 16-1-90 Expiration of Land Use Approvals
- 16-1-100 Vested Property Rights
- 16-1-110. Application Fees and Cost Reimbursement Required¹
- 16-1-120 Correction of Obvious Errors
- 16-1-130 Enforcement
- 16-1-140 Violation Penalties
- 16-1-150 Severability

¹ **DISCUSSION:** In order to save staff time and the headache of accounting for deposits, we recommend that each applicant pay a non-refundable fee and then sign a cost reimbursement agreement to cover actual costs. This is what is now in place. As staff time permits, the Town staff should review its current 2023 master fee schedule for land use applications to ensure you are in line with nearby jurisdictions. Land Use application fees are well below those of neighboring jurisdictions. You do not want developers shopping for the least expensive jurisdiction. Also, there are a few adjustments recommended- i.e., add Pre-application- usually no charge, PUD plan and Final PUD Development Plan, CMRS facilities, and signs. There may be more, but we suggest waiting until the revised Land Use Code is adopted.

Sec. 16-1-10. - 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. 16-1-20. Jurisdiction **NEW**

Commented [BC1]: NEW SECTION

- (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.²

Sec. 16-1-30. Legal Authority.

Commented [BC2]: This is expanded from the existing 17.04.020

- (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.³
- (e) This Code is administered and enforced by the Town Administrator or a designee of the Town Administrator.

Commented [BC3]: Which format do you prefer for Statutory citations? Does MuniCode have a preference? See (a) vs. (b)

² Statute requires the adoption of an 'Official Map' sometimes referred to as an Official Zoning Map.

³ This section was missing statutory references.

Section 16-1-40 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) Regulated 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) Protecting the natural resources of the community.
- (14) Manage hazard risks; and provide protection from geologic, flood, and fire hazards and other dangers.

Commented [BC4]: Combines 17.04.030 and 17.04.040; incorporates basic themes of the recently adopted Community Master Plan. This also adds some of the purpose statements from Subdivision BUT does not include the addition of the MS4 citation- is too specific

Sec. 16-1-50. - 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,

Commented [BC5]: Slightly expanded text regarding interpretation and new subsection on rules of construction

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.⁴

(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, association, partnership, firm, or joint venture, 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.

Commented [BC6]: Do you think this is needed?

Sec- 16-1-60 Transition from Previous Regulations and Effective Date **NEW**

Commentary: This section outlines when the new rules are effective and how to handle development applications that are in process. It also addresses development applications that were approved under different rules.

- (a) This Code is effective as of thirty (30) days after final publication hereof.
- (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.

⁴ Added additional language about easements and covenants as most of recent development applications contains both. See existing 17.04.050.

(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. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 16-X-XX of this Code.

(e) 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.⁵

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.

(b) 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.

Commented [BC7]: NEW RULE less restrictive: We are going to expand what is allowed to be repaired under non-conforming uses. Current code does not allow any repair or addition:
17.88.020. - Enlargement or alternation.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTION](#)

No enlargement or alteration of a **nonconforming** use or structure shall take place. 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.

⁵ We will be adding provisions for condominiums, townhomes, and cooperatives per Statutory provisions.

Sec- 16-1-70 Pre-existing Development- Non-conforming uses, structures, signs, or lots **NEW SECTIONS AND MORE DETAILED**

Commentary: Currently nonconformities are addressed in Chapter 17.88. However, this section of the code only deals with non-conforming uses. IT DOES NOT ADDRESS NON-CONFORMING STRUCTURES, SIGNS, OR LOTS. It also does not allow any repair or expansion of a non-conforming use. CMI recommends that this section on nonconformities follow the previous section above that addresses the transition from previous regulations. We believe that leniency is important because there are a lot of uses, structures, and lots that preceded the current land use regulations.

- (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.
 - 3) A nonconforming use shall be deemed to be terminated or abandoned if a nonconforming 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 determines that the proposed use creates fewer adverse impacts on surrounding properties than the current nonconforming use. In making this determination the Planning Commission 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.

Commented [BC8]: This is the same rule as you have now.

Commented [BC9]: This adds additional leniency to uses that were allowed over the last 50 years.

(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.
- 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;

Commented [BC10]: This is not covered in the existing code- again this provides leniency - we believe this is important, especially throughout areas of Town like the Glen.

(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, building, 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, buildings, lots, site features, and signs subject to this Code.

Sec. 16-1-80 Relationship to the Community Master Plan, and Other Plans NEW

- (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 will be required prior to any zoning or subdivision approvals.
- (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 the Community Master Plan.

Commented [BC11]: Do you want the amendment process outlined in the adopted Community Master Plan in this Code?

Sec- 16-1-90 Expiration of Land Use Approvals. NEW

- (a) Approval by the Board of Trustees of any Planned Unit Development District PUD plan, Final PUD 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. 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.

Commented [BC12]: This clarifies the status of old PUDs per Matt Krob February 2023 memo. Also, there are NO records or approved PUD plans for any of the existing PUDs that are decades old.

Sec- 16-1-100 Vested Property Rights (SEE EXISTING 17.96)

Commentary: This Statutory section outlines how to vest a development for 3 threes or through a negotiation with the Town. Since 1987, this is standard language in all Colorado Municipal Codes though the detail often differs.

The question is WHERE in the Code should this be placed? Some jurisdictions place it in the general provisions and some place it in the Article on procedures. There are NO existing PUDs, subdivision plats, or other land use approvals that have asked to vest their development. Municipal attorneys concur that without the plat or plan note, there is no vesting! If a longer vesting period is requested and granted through a Development Agreement or annexation, the recorded plat or plan must include the certificate stating this is what was vested.

- (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 PUD 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.
- 5) A site-specific development plan shall be deemed approved upon the effective date of the ordinance 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.
 - 6) 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.
 - 7) 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.
 - 8) 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.

(d) 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.⁶

- 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.

(e) 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 approving such amendments.

(f) Vested Rights by Separate Agreement.⁷

- 1) The Town Board may, at its sole discretion, enter into a development 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) A commercial project or commercial component of a mixed-use project must result in clear benefits to the city as evidenced by 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.

(g) 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.

~~(h) Payment of costs.~~

~~In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site-specific development plan shall pay all costs occasioned to the Town pertaining to such~~

⁶ ATTORNEY KROB- if the language is not placed on the Plan or Plat is any vesting invalid? Most attorneys I work with say it is not valid.

⁷ This provides criteria to extend the 3-year vesting period.

application, including but not limited to publication of notices, public hearing and review costs, county recording fees and review costs. The site specific development plan shall not be recorded until all fees have been paid.

Commented [BC13]: This is directly from the Statute but is not needed because there is a separate section on cost reimbursement.

(h) 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. 16-1-110. Application Fees and Cost Reimbursement Required NEW

Commented [BC14]: This new section encompasses 16.60.020, 16.68.010, 17,12.055, and the above cost language in Vested Rights. This is in addition to the checklists the Town provides to the applicant.

(a) All applications submitted to the Town pursuant to this Code are subject to a nonrefundable fee as set forth in the Town of Palmer Lake Fee Schedule, as the same may be amended from time to time by resolution of the Board of Trustees. This application fee partially offsets the Town's expenses incurred during the application process, including but not limited to legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, planning fees, engineering fees, and legal services in reviewing the application, consultant fees and other staff costs incurred by the Town which are incurred as a result of, or which are otherwise related to, the application submitted and its subsequent review.

(b) In addition to such fee, the applicant shall enter into a cost reimbursement agreement to reimburse all of the Town's actual costs of reviewing and processing any application filed pursuant to this Code, including but not limited to zoning or rezoning, site plan approval, application for a planned development, application for a variance, conditional review use permit, subdivision of land, and special use permit for oil and gas operations. A sample cost reimbursement agreement is set forth in Appendix A to this Code and may be administratively amended from time to time. Unless exempted herein, no application submitted pursuant to this Code shall be processed unless the Town has received the applicable fee and a signed cost reimbursement agreement.

Commented [BC15]: Dawn and Attorney Krob to concur with the list of reimbursable costs. Does this reflect current practice?

Commentary: OPTION FOR CONSIDERATION. The Town need not perform or continue any review or processing services for the applicant if payment is not received within thirty (30) days after the date of the invoice. We often suggest this language so that if a developer is not paying their invoices per the signed cost reimbursement agreement, the Town stops the review and sometimes this avoids costly legal proceedings. **Krob Law to comment.**

(d) All incurred costs shall be paid in full prior to recording final documents and the issuance of permits.

Sec. 16-1-120. – Correction of Obvious Errors NEW

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. 16-1-150. - Severability

- (a) If any part, section, subsection, sentence, clause, or phrase of this Land Use Code 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.

Commented [BC16]: There is a Severability section in the Municipal Code- 1.01.070- Should this be repeated here? Krob Law/Dawn to opine

ARTICLE 2- WITH TRACKED CHANGES FOR DECEMBER 4, 2024, PUBLIC HEARING
NOVEMBER 29, 2024

RECOMMENDATION: This is the revised Article 2 for the Public Hearing on December 4, 2024. CMI is recommending conditional approval of both Articles 1 and 2 of the newly organized Title 17: Zoning.

Revisions have been made to each zone district based on the Planning Commission's changes to the Use Table and Dimensional Table at their September and October meetings.

Once all the Articles are completed, (Articles 1-8); the final draft will be reviewed by the Town Attorney and DRT. At this time, numbering formatting, and grammar will be updated. This will then be forwarded to the Planning Commission for their consideration. We expect this to be complete in the next few months. CMI is in the process of drafting Article 3-General Standards applicable to all Zone Districts. This includes: parking and loading standards and design, site design standards, building design standards, stormwater (hillside overlay district), lighting, landscaping, screening, and buffering; fences and walls. Article 4 will address special requirements that do not apply to all lands in the town(e.g. cluster development provision and flood-prone lands).

The following items were added and modified to this November 29, 2024, that will be heard by the Planning Commission on December 4, 2024.

1. CMI reinserted the text section for the Park and Open Space zone district.
2. The list of uses and dimensional standards in the each zone district was changed to match the tables.
3. **Symbology.** Track changes were used.
 - a. Yellow highlight indicates the text was checked and conformed to the table.
 - b. Red strikethrough indicates a use that was not in the tables.
 - c. Red text (not struck) indicates a use or text in the tables that was not in the text of the zone districts.
 - d. Red text with yellow highlight indicates a use in the text that was modified to match the table.

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

17.2.050 Use Table

17.2.060 Dimensional Requirements Table

17.2.70 Residential Agricultural (RA-5)

ARTICLE 2- WITH TRACKED CHANGES FOR DECEMBER 4, 2024, PUBLIC HEARING
NOVEMBER 29, 2024

- 17.2.80 Residential Large Lot (R-2.5)
- 17.2.90 Residential Low Density (R-1/2) *current R-1 and R-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) *current C-1 General Business and Commercial [North End]*
- 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)

ARTICLE 2- WITH TRACKED CHANGES FOR DECEMBER 4, 2024, PUBLIC HEARING
 NOVEMBER 29, 2024

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

Current Zone District	Description or Minimum lot or parcel size
RA	RA - Residential Agricultural (5 acres) <i>this includes Scenic Highway 105 corridor per Master Plan and lands on the edge of town that are called Environmentally Sensitive</i>
RE Estate (2½ acres or more)	R-2.5 - Residential Large Lot (2.5 acres)
R1 (1 acre or more) R-2- (½ acre or more)	R-1/2 Low Density Residential (1/2 acre)
R3 – (5,000 sq. ft. or more)	R-5,000 - Small Lot Residential (5,000 square feet)
R-10,000 Intermediate Medium Density Residential Zone (10,000 sq. ft. or more)	R-10,000 - Medium Density Residential Zone (10,000 square feet)
R4 - High Density Residential	R-MF (R-15,000)
CC Convenience Commercial Zone (6,600 sq. ft. or more)	Downtown Mixed Use (DMU)
C1 –General Business and Commercial (6,600 sq. ft. or more)	(North End) Business Industrial Mixed-use (BI-MU)
C2 – General Business and Commercial Zone (6,600 sq. ft. or more)	Village Mixed Use (VMU)
M1 – General Industrial	(North End) Business Industrial <i>combines M-1 with C1 per Future Land Use Plan</i>
O1 – Open	REC- OS Recreation and Open Space

(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

ARTICLE 2- WITH TRACKED CHANGES FOR DECEMBER 4, 2024, PUBLIC HEARING
NOVEMBER 29, 2024

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 are 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.

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. 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.¹

Sec. 17.2.050 Use Table

Drafting Note: CMI has provided the following table of land uses for the renamed zone districts. The new list of uses is a clean-up of uses that you no longer can regulate (e.g., foster homes) and reflects changes to State law as noted above. The Use Table reflects a move toward the impacts of uses. We have also removed uses that we believe are covered by broader categories or have a low probability of being a use that is proposed in Palmer Lake (e.g., waterskiing and snow skiing. For ease of reference, we have indicated the old name and the suggested name. We support the concept of noting the lot size within each zone district so RA would become RA (5), R-LL would include (2.5) etc.

Key to Zone Districts in the Table:

- RA – Residential Agricultural (RA)
- R-2.5 – Residential Large Lot (RE)
- R-1 – Low Density Single Family Detached Residential (R1 & R2)
- R-5,000 – Small Lot Single Family Residential (R3)
- R-MF – Multifamily Residential (R4)
- R-10,000 – Medium Density Single Family Residential (R-10,000)
- DMU – Downtown Mixed Use (CC)
- B-I-Mixed Use (C1)
- V-MU – Village Mixed Use (C2)
- Rec- OS – Recreation and Open Space (O-1)

Uses in the table are listed in the following groups:

- Agricultural Uses
- Residential Uses
- Commercial Uses
- Industrial Uses
- Public and Institutional Uses
- Parks, Recreation, and Open Space
- Utilities
- Accessory Uses (Some accessory uses are listed in the other groups in this table.)

¹ The minimum size requirement will prevent spot zoning.

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Table of Uses in Each Zone District – Page 1										
Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-	DMU	B-I-MU	V-MU	Rec-OS
Agricultural Uses										
Accessory structures and uses that assist in the production of value-added agricultural products	A									
Agricultural field operations*	P									
Animal boarding including kennels, veterinary facilities, and clinics	P	P								
Animal hospitals*	C	C							C	
Animal hospitals and kennels, provided that a minimum area of five acres is available for said kennel								C		
Equestrian riding stables and arenas, public or private	P	C								
Equestrian stabling and grazing	P	P								
Husbandry of domesticated farm or ranch animals	P	P								
Nursery/tree farm*	P									
Optional premises cultivation operations as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30								C		
Shelter for agricultural implements and tools used to maintain premises		A								

Table of Uses in Each Zone District – Page 2										
Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
Residential Uses										
Accessory dwelling unit limited to 750 square feet (per State Law this may need to be an administrative review but we could add pre-determined criteria)	C	C	C	C	C	C	C	C	C	C
Any residential development that is not mixed use or any residential development greater than 12 units per net residential acre					C					
Caretaker unit								P		
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 use							A		A	
One single detached dwelling per lot	P	P	P	P		P				
Duplexes (defined as two-family)				C	C					
Home based businesses as specified in Chapter 17.X.XX	A	A	A	A	A	A	A	A	A	

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Live/work									P	P	P	
Mixed, residential dwelling and commercial uses occurring in the same building										P	P	
Multi-family housing not to exceed twelve units per acre on the same lot as the principal use										A		
Multi-family residential, density greater than 12 units per acre										C	C	
Multi-unit attached residential dwellings not to exceed 6 units per structure with or without zero property lines						P						
Owner-occupied or nonprofit group home*	P	P	P		P							
Residential dwelling not to exceed 4 total dwelling units per lot									C			
Type I manufactured homes											C	
Commercial Uses												
Bed and breakfast establishments	C	C			C				P	P		
Childcare centers – 5 to 16 children) per CRS XXX			C		C	C				P	P	
Childcare in home (less than 5 children per CRS XXX												
Commercial accommodations only if parking can be provided onsite									C			
Daycare center, adult or child											P	
Eating and drinking establishments									P	P	P	
Financial Institutions									P	P	P	
Funeral homes and mortuaries										P		
Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries									P	P	P	

Table of Uses in Each Zone District – Page 3

Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
Light equipment sales and repair								P	P	
Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks							C	C	C	
Medical and dental clinics							P	P	P	
Micro-brewery, Micro-distillery, or Micro-winery							P	P	P	
Offices					C		P	P	P	
Personal or Business Services							P	P	P	
Recreation and cultural facilities, public or non-public							P			
Recreation and entertainment, indoor								P		
Recreation and entertainment, outdoor								C		
Retail sales							P	P	P	
Small businesses that provide services and limited and specialty retail establishments on the ground floor level							P	P	P	
Small inns and lodges ranging from 5 to 20 rooms only if located above ground floor of nonresidential uses							P			

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Any establishment with a drive-thru facility										C	C	C	
Vehicle fuel sales											P	P	
Vehicle sales, leasing, rental, and service											C		
Vehicle wash											C		
Industrial Uses													
Building materials and supply sales, provided any outdoor storage is screened from view											P		
Composting facility											P		
Contractor shop and yard											P		
Industrial, artisan											P		
Industrial, light											P		
Light assembly of prefabricated parts; or arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries											P	P	
Light manufacturing											P	C	
Mini-warehouses and storage rental spaces												C	
Outdoor storage											C	C	
Recycling or donation drop off											C		
Vehicle repair, major											C		
Warehouses and wholesale businesses											P		
Wholesale operations provided that traffic impacts can be mitigated													C
Public and Institutional Uses													
Cemetery	P	P	P										
Emergency services including ambulance services											C	C	
Institutional and quasi-public uses*						C							

Table of Uses in Each Zone District – Page 4

Note: Asterisk (*) – See Definitions for more specific description of this use.													
Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS			
Non-public schools*		C		C		C	C	C	C				
Nursing homes, hospitals								C	C				
Public buildings, including police and fire stations or facilities, and civic facilities	P	P	P	P	P								
Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices							P	P	P				
Public schools for primary education (K-12)	P	P	P	P	P	P	P	P	P				
Religious institutions*	P	C	C	C	C	C	C	C	C				
Parks, Recreation, and Open Space													
Golf courses and low-impact recreational uses								C				P	
Picnic grounds with facilities												P	
Public parks, recreation, trails and open space	P	P	P	P	P	P	P	P	P	P			
Skating rinks, which shall be, if covered or with seating stands, in accordance with the Community Master Plan													C
Sporting courts, tennis courts, swimming pools, and other similar recreational facilities	A	A											P
Stadiums													C
Trails including use by bicycle, horse riding, hiking													P
Utilities													

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Solar energy systems - accessory and small	A	A	A	A	A	A	A	A	A	A	A
Solar energy systems - community scale									P		
Utilities, major facilities									P		
Utilities, minor facilities	P	P	P	P	P	P			P	P	
Wireless communication facilities (WCF)									P	P	C
Accessory Uses and Structures											
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	A	A	A	A	A	A	A	A	A	A	A
Any permanent accessory structure that exceeds 720 square feet per lot	C	C	C	C	C	C	C	C	C	C	C
Private garages subordinate in size to the principal structure	A	A	A	A	A	A					
Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot	A	A	A	A	A	A					A

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Note: Asterisk (*) – See Definitions for more specific description of this use.	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-1-MU	V-MU	Rec-OS
Use Key: A – Accessory C – Conditional P - Permitted										
Parks, Recreation, and Open Space Uses (continued)										
Skating rinks, which shall be, if covered or with seating stands, in accordance with the Community Master Plan										C
Sporting courts, tennis courts, swimming pools, and other similar recreational facilities	A	A								P
Outdoor Arena with seating for no more than 150 patrons										C
Trails including use by bicycle, horse riding, hiking										P
Utilities										
Solar energy systems - accessory and small	A	A	A	A	A	A	A	A	A	A
Solar energy systems - community scale								P		
Utilities, major facilities								P		
Utilities, minor facilities	P	P	P	P	P	P		P	P	
Wireless communication facilities (WCF)								P	P	C
Accessory Uses and Structures										
Accessory structures or uses 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	A	A	A	A	A	A	A	A	A	A
Any permanent accessory structure that exceeds 720 square feet per lot	C	C	C	C	C	C	C	C	C	C
Private garages subordinate in size to the principal structure	A	A	A	A	A	A				

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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-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS ³
Minimum lot area (ac.)	5 ac.	2.5 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 (feet)	250'	150'								
Minimum lot frontage (feet)			75'	50'	100'	50'	35'	35'	35'	
Maximum net density (du/ac)					12 du /ac					
Maximum front setback from back of sidewalk (feet)							10'			
Minimum setback:										
From Highway 105 (feet) ¹	200' ⁵	200' ⁵								
From front property line (feet)	50'	25'	25'	25'	25'	25'	See note ⁷	20'	20'	
From side property line (feet)	25'	10'	10'	7.5' ⁶	10'	7.5'	see note ¹	see note ¹	see note ¹	
From rear property line (feet)	25'	25'	25'	25'	25'	25'	10' from any ROW	25'	25'	
From property line on each adjacent street on a corner lot (feet)	25'	25'	25'		25'			25'	25'	
From a different zone district (feet)					25'					
Maximum impervious coverage (percent)	15%	35%	15%	45%	65%	25%	None	65%	65%	10% ⁴
Maximum building height (feet)	30'	30'	30'	30'	32	30'	see note ²	30'	30'	25'

¹ No side yard setback if side wall construction is at least four-hour fire resistance; otherwise, 5 feet.
² 32 feet with 3rd story stepped back.
³ 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.
⁴ Structures shall not exceed cover more than 10% of the proposed area, with the exception of indoor skating rinks and stadiums.
⁵ 200 feet or the average setback on all parcels within 750 feet, whichever is greater.
⁶ Minimum side yard setback from property line: 7.5 feet per floor.
⁷ Minimum zero (0) feet from back of sidewalk to ten (10) feet maximum from the back of the sidewalk.

SEC 17.2.70 RESIDENTIAL AGRICULTURAL ZONE (RA)

(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. Husbandry of domesticated farm or ranch animals.
- c. 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%.
- d. 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%.
- e. Animal boarding, including kennels, and veterinary facilities, and clinics.
- f. Equestrian riding stables and arenas, public or private.
- g. Equestrian stabling and grazing.
- ~~h. Bed and breakfast establishments.~~
- ~~h.~~ Small Solar energy systems,²
- ~~j.~~ Public parks Parks, recreation, trails and Open Space 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.~~ m. Public schools for primary education (K-12).

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² 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-h.~~ Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- ~~p-d.~~ 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 and uses that assist in the production of value-added agricultural products.
- ~~b.~~ Accessory dwelling unit limited to seven hundred and fifty (750) square feet.³
- ~~e-a.~~ Private garages subordinate in size to the principal structure.
- ~~d.~~ Shelter for agricultural implements and tools used to maintain premises
- ~~e-b.~~ Home based businesses as specified in Chapter 17.X.XX
- ~~f-c.~~ Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
- ~~g-d.~~ Sporting courts, tennis courts, swimming pools, and other similar recreational facilities
- ~~e.~~ Solar energy systems – accessory and small
- ~~f.~~ Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principql structure and are located on the same lot.
- ~~h.-.~~

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

- ~~a.~~ Childcare facilities
- ~~Group homes exceeding eight (8 persons)~~
- ~~a.~~ Accessory dwelling unit limited to 750 square feet.
- ~~b.~~ Bed and breakfast establishments
- ~~c.~~ Animal hospitals*
- ~~b-d.~~ Any permanent accessory structure that exceeds 720 square feet.

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(c) Dimensional Requirements

- (1) Minimum lot size: five (5) acres.

³ This could include guest or worker's quarters. I don't think we need to list this as the impact is the same as an ADU.

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- (2) Minimum lot width: two hundred and fifty (250) feet.
 - (3) Minimum front yard setback from property line, fifty (50) feet.
 - (4) Minimum setback from State Highway 105: one hundred (~~400~~200) feet or the average setback on all parcels within 750 ft. whichever is greater.
 - ~~(5) Minimum setback from each adjacent street on a corner lot: twenty-five (25) feet.~~
 - ~~(5)(6)~~ Maximum impervious coverage: 15%
 - ~~(6)(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.
 - ~~(7)(8)~~ Maximum building height, 30 feet.
 - ~~(8) Maximum area to be covered by buildings, twenty-five (25) percent.~~
 - (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
- (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 17.XX Animal Raising and Keeping.
 - (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 sewer system. (See 16.40.100)
 - (7) Design standards for building form and siting are set forth in Section 17-3-X.

SEC 17.2.80 RESIDENTIAL LARGE LOT (R-LL)

(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 17.XX Animal Raising and Keeping. The R-LL zoning district promotes the continuance of single family neighborhoods by:

- Allowing for larger lot development that assists in retaining the rural character of Palmer Lake.
- Allowing for agricultural and home-based businesses to help provide homeowners with additional economic means for maintaining permanent residency.
- 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. Husbandry of domesticated farm or ranch animals.
- c. Animal boarding, including kennels, and veterinary facilities, and clinics.
- d. Equestrian stabling and grazing, private.
- ~~e. Bed and breakfast establishments.~~
- ~~f. e. Small accessory solar energy systems.⁴~~
- ~~g. f. Public parks, recreation, trails and open space Parks and Open Space.~~
- h. g. Public buildings, including police and fire stations or facilities, and civic facilities.
- ~~i. 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.~~
- j. h. Cemetery.
- k. i. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- l. 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.

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⁴ Defined term per Statute

Public schools for primary education (K-12)

(2) Permitted Accessory Uses and Structures.

- a. Accessory dwelling unit limited to seven hundred and fifty (750) square feet.⁵
- 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.
- ~~b.c.~~ Private garages subordinate in size to the principal structure.
- ~~c.d.~~ Shelter for agricultural implements and tools used to maintain premises.
- ~~d.e.~~ Sporting courts, tennis courts, swimming pools, and other similar recreational facilities.
- ~~e.f.~~ Home based businesses as specified in Chapter 17.X.XX.
- ~~f.g.~~ Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
- ~~g.h.~~ Solar energy systems – accessory and small.

(3) 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
- d. Any permanent accessory structure that exceeds 720 square feet per acre of land.
- e. 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.
- ~~f. Group homes exceeding eight (8 persons).~~
- ~~f.g. Bed and breakfast establishments.~~
- ~~g. —~~

(c) Dimensional Requirements.

- (1) Minimum lot size: two and one-half (2.5) acres.
- (2) Minimum lot width: one hundred and fifty (150) feet.

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⁵ This could include guest or worker’s quarters- I don’t think we need to list this as the impact is the same as an ADU.

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- (3) Minimum front yard setback from property line: twenty-five (25) feet.
- (4) ~~Minimum setback from State Highway 105: two hundred (200) feet~~ Minimum setback from State Highway 105: two hundred (200) feet or the average setback on all parcels within 750 ft., whichever is greater.
- (5) Maximum impervious coverage: 35%.
- (6) 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.
- (7) Maximum building height, 30 feet.
- (8) Minimum Side Yard Setback: ten (10) feet.
- (9) Minimum Rear Yard Setback: twenty-five (25) feet.
- ~~(9)(10)~~ Minimum setback from property line on each adjacent street on a corner lot: twenty-five (25) feet.
- ~~(10)(11)~~ 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.XX.
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 17.XX Animal Raising and Keeping.
- (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 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.

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(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 1/2 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.

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(b) Use Regulations.

(1) Principal Permitted Uses.

- a. One (1) single detached dwelling unit per lot.
- b. ~~Parks and Open Space~~ Public Parks, recreation, trails and open space.
- c. Public buildings, including police and fire stations or facilities, and civic facilities.
- d. Cemetery.
- e. Public schools for primary education (K-12).
- f. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- 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.

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(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. ~~Examples of residential accessory uses and structures include, but are not limited to sheds, play areas and equipment, landscape areas and gardens and well houses, pools.~~
- b. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot
- ~~b-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.
 - ~~c. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities provided they are located in the rear yard of the lot.~~
 - ~~d. Keeping of animals as specified in Chapter XX.X.XX.~~

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

- ~~a. Accessory dwelling units subordinate in size to the principal structure.~~
- a. Accessory dwelling unit limited to 750 square feet
- ~~b. Duplexes and multifamily attached units not to exceed a four-plex.~~

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~~e-b.~~ **Childcare facilities** centers – 5 to 16 children.

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~~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-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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~~g-d.~~ Any permanent accessory structure that exceeds 720 square feet per acre of land.

(c) 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 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.
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 17.XX Animal Raising and Keeping.
- (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.
- (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

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by gravity flow within 500 feet of a lot, the property shall connect to the 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.

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2. Public schools for primary education (K-12)

~~2-3. Parks and Open Space~~ Public parks, recreation, trails and open space.

~~3-4.~~ 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.

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~~4. 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.

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. ~~Examples of residential accessory uses and structures include, but are not limited to sheds, play areas and equipment, landscape areas and gardens and pools.~~

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2. Home-based businesses as specified in Chapter 17.X.XX.

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3. Private garages subordinate in size to the principal dwelling unit.

4. Uses that are customarily incidental to ny of the permitted uses and are located on the same lot.

~~4-5.~~ Solar energy systems – accessory and small.

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

~~1. Duplexes~~

~~2. Accessory dwelling units subordinate in size to the principal structure.~~

1. Accessory dwelling unit limited to 750 square feet.

~~3-2.~~ Childcare facilities center – 5 to 16 children.

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~~4. Group homes exceeding eight (8 persons).~~

~~5.3.~~ 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.

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~~6.4.~~ Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.

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~~7.5.~~ Any permanent accessory structure that exceeds ~~500~~720 square feet per acre-of-lot.

(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.
- (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. ~~Parks and Open Space~~ **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.**
- 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.~~

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(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.**
- ~~b-d.~~ **Home-based businesses as specified in Chapter 17.X.XX**
- ~~e.~~ **Private garages subordinate in size to the principal dwelling unit.**
- ~~d-f.~~ **Solar energy systems – accessory and small.**

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

- a. **Duplexes**
- b. **Any permanent accessory structure that exceeds 500 square feet per acre of land including accessory dwelling units subordinate in size to the principal structure.**
- c. ~~Accessory dwelling unit limited to 750 square feet.~~
- ~~e-d.~~ **Accessory dwelling units subordinate in size to the principal structure.**

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~~d-e.~~ Childcare facilities.

~~e-f.~~ Group homes exceeding eight (8 persons).

~~f-g.~~ 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.

~~g-h.~~ 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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(c) Dimensional Requirements.

- (1) Minimum lot size: ~~6,500-5,000~~ square feet.
- (2) Minimum lot width: 50 feet street frontage.
- (3) Front yard setback from property line: ~~48-25~~ feet.
- (4) Minimum side yard setback from property line: 7.5 feet per floor.
- (5) Rear yard setback from property line: ~~40-25~~ 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.

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. Single Family Residential~~

~~b. Bed and breakfast establishments.~~

~~c. Parks and Open Space~~ Public parks, recreation, trails and open space.

~~d. b.~~ Public buildings, including police and fire stations or facilities.

~~e. c.~~ Public schools for primary education (K-12).

~~f. 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

~~g. 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.

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(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.

~~b. c.~~ Home-based businesses as specified in Chapter 17.X.XX.

~~c. d.~~ Private garages subordinate in size to the principal structure.

~~d. e.~~ Solar energy systems – accessory and small.

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

~~a.~~ Any permanent accessory structure that exceeds 500 square feet per acre of land and is subordinate in size to the principal structure. 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.

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c. Accessory dwelling unit limited to 750 square feet

d. Duplexes

e. Offices

e-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.

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d-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.

e-h. Childcare facilitiescenters – 5 to 16 children.

i. Bed and breakfast establishments

f-i. 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: ~~45-25~~ 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: 32feet.
- (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.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;

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- d. Reduce the visual intrusion of parking areas, screened outdoor storage areas, and similar accessory areas and structures;
 - 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.
 - (7) Design standards for building form and siting are set forth in Section 17-3-X.

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

(a) **Intent.** The intent of this district is to promote 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, ~~ten units or smaller, 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. ~~Bed and breakfast, ten units or smaller.~~

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~~m-n.~~ **Retail sales.**

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~~n-o.~~ **Medical and dental clinics.**

~~o.~~ **Light assembly of prefabricated parties.**

~~p.~~ **Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.**

~~q.~~ **Light assembly of prefabricated parts; or arts/crafts shops such as woodworking, pottery, jewelry or other craft based industries.**

~~p-r.~~ **Light manufacturing.**

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~~q-s.~~ **Contractor shop and yard.**

~~r-t.~~ **Vehicle Fuel Sales.**

~~e-u.~~ **Vehicle Sales, leasing, rental, and service.**

~~t.~~ **Vehicle Wash.**

~~u-v.~~ **Industrial, Artisan.**

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~~v-w.~~ **Industrial, Light.**

~~w.~~ **Wholesale, Warehouse or Fulfillment center.**

~~x.~~ **Warehouses and wholesale businesses.**

~~x-y.~~ **Utility Facility, Minor.**

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~~y-z.~~ **Utility Facility Major.**

~~z-aa.~~ **Composting facility.**

~~aa-bb.~~ **Recycling or Donation Drop-off.**

~~bb-cc.~~ **Wireless Communication Facilities (WCF).**

~~cc-dd.~~ **Caretaker Unit.**

~~dd-ee.~~ **Live/Work.**

~~ee-ff.~~ **Mixed, residential dwelling and commercial uses occurring in the same building.**

~~ff.~~ **Daycare center, Adult or child.**

~~gg.~~ **Storage containers and pods.**

~~gg.~~ **Recreation and cultural facilities, public or non-public.**

~~hh.~~ **Recreation and Entertainment, Indoor.**

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~~ii.~~ **Recreation and Entertainment, Outdoor.**

~~jj.~~ **Small businesses that provide services and limited and specialty retail establishments on the ground level.**

~~kk.~~ **Childcare centers – 5 to 16 children.**

~~jj-ll.~~ **Solar energy systems- community scale.**

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(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.**

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- b. Multi-family housing not to exceed 12 units per acre on the same lot as the principal use.
- c. Home-based businesses in any dwelling unit as specified in Chapter 17.X.XX.
- d. Solar energy systems– accessory and small.

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

- a. ~~Any permanent accessory~~ Accessory dwelling unit limited to structure that exceeds 750 square feet ~~per acre of land.~~
- b. Any permanent accessory structure that exceeds 720 square feet.
- ~~b.c.~~ Outdoor storage.
- ~~e.~~ Kennels, provided that a minimum of five acres is available for said kennel.
- d. Vehicle repair, Major. ~~(No commercial vehicles)~~ wash.
- e. Vehicle repair, major.
- ~~e.f.~~ Vehicle Sales, leasing, and rental, Major and service. ~~(No commercial vehicles)~~
- ~~f.~~ Drive in commercial use.
- g. Emergency services including ambulance services.
- h. Any establishment with drive-thru facility.
- i. Recreation and entertainment, outdoor.
- j. Golf courses and low-impacted recreational uses.
- ~~g.~~ Nursing homes, hospitals.
- k. Recycling or donation drop off.
- ~~h.~~ Emergency services including Ambulance services.
- ~~i.~~ Multi-family residential, Density greater than 6 units per building and/or 12 units per acre.
- ~~j.~~ m. Animal hospitals and Kennels, provided that a minimum area of five acres is available for said kennel.
- ~~k.~~ n. Nursing homes, hospitals.
- ~~h.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.
- ~~m.p.~~ Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquette halls, event and conference centers, and excluding RV parks.
- ~~n.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.

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~~e-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: 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.

- (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.

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- (5) 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) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (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.
- (8) Design standards for building form and siting are set forth in Section 17-3-X.

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

(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 small 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.

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~~j.~~ ~~o.~~ Medical and dental clinics.

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~~k.~~ ~~p.~~ Utility Facility, Minor.

~~l.~~ ~~q.~~ Wireless Communication Facilities (WCF).

~~m.~~ ~~r.~~ Live/Work.

~~n.~~ ~~s.~~ Mixed, residential dwelling and commercial uses occurring in the same building.

~~o.~~ ~~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.

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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. 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 ~~detached~~ accessory structure that exceeds 500720 square feet per ~~acre of land~~ lot.

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b. Accessory dwelling unit limited to 750 square feet.

~~b.~~ ~~c.~~ Outdoor storage.

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~~c.~~ ~~d.~~ Mini-warehouses and storage rental spaces.

~~d.~~ ~~e.~~ Light manufacturing.

~~e.~~ Nursing homes, hospitals.

f. Any establishment with a drive-thru facility.

~~f.~~ ~~g.~~ Emergency services including Ambulance services.

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~~g.~~ Multi-family residential, Density greater than 12 units per acre.

h. Multi-family residential, density greater than 12 units per acre

~~h.~~ ~~i.~~ Animal hospitals.

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~~i.~~ ~~j.~~ Nursing homes, hospitals.

~~j.~~ ~~k.~~ Type I manufactured homes.

~~k.~~ ~~l.~~ Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks.

~~l.~~ ~~m.~~ Wholesale operations provided that traffic impacts can be mitigated.

~~m.~~ ~~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

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adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.

A-2. 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.

- (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.

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

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.**

(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 in the rear or upper floors of any small retail business.
- h. Bed and breakfast establishments, having ten or fewer rooms.
- 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.

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- ~~n.~~ Public schools for primary education (K-12).
- ~~h.o.~~ Public or private parks, recreation, trails and open spaces, parks, and common areas.
- ~~m.p.~~ Medical and dental clinics/offices.

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(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 in any dwelling unit as specified in Chapter 17.X.XX.
- d. Solar energy systems– accessory and small.

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

- a. Any permanent detached accessory structure that exceeds 500,720 square feet per acre of land/lot.
- b. Accessory dwelling unit limited to 750 square feet.
- c. Commercial accommodations only if parking can be provided onsite.
- ~~b.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 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.
- ~~e.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.
- ~~d.g.~~ Residential dwelling units including accessory dwelling units not fronting on Highway 105 and not to exceed four (4) total dwellings per lot.
- ~~e.h.~~ Commercial accommodations only if parking can be provided onsite.
- ~~f.i.~~ Any establishment with a drive-thru facility.

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(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

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installed that conforms to the requirements of the town's adopted public works standards manual. Parking is not permitted in the build-to zone.

- (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: ~~40 feet or 3 stories 32 feet with 3rd story stepped back, whichever is less.~~
- (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.
 - 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.

Dawn Collins

From: Lindsey Michelle <l.zapalac12@gmail.com>
Sent: Tuesday, December 3, 2024 8:53 AM
To: Dawn Collins
Subject: Re: Planning Commission - 12/2 Workshop and 12/4 Special Meeting notices
Attachments: Article 2 comments 12.2.24.pdf

-----**WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.**-----

Good morning, Dawn-

PC had no further comments on PD Code or Article 1, however on Article 2 there were a few items commissioners felt still needed to change and/or clarify. I've attached the notes w/redline but also summarized here for your reference.

PC is prepared to recommend conditional approval of Article 2 tomorrow with the below conditions - also understanding that we will have a chance to review all articles once the final draft is submitted for review.

1. PC wants R1 to stay 1 acre min. I know this has been included in all the previous iterations we've reviewed, but I don't think anyone noticed until we got into the zoning map last night. It would impact quite a few parcels currently in R1 that could potentially be subdivided into 1/2 acre lots and we would like this to remain lower density.
2. We had requested to remove recycling/donation drop off from the list of industrial uses but it still shows up in the tables and use list for B-I-MU.
3. PC would like all residential to remain at 30ft height max - need to update R-MF to 30'
4. Accessory Uses & Structures - a question came up on how many accessory structures are allowed and of what size. How is subordinate defined in relation - can we clarify if it's based on footprint or SF?
How many accessory structures are allowed per property? Or do the impervious percentages take care of that? ex. If someone has a 2500sf home, can they build an accessory structure that is 2000+sf?)
5. Some confusion on how we are determining impervious coverage percentages per zone. Consensus was this should be 20% in R1 (R-MF was 25%) but overall PC would like to understand how these percentages per zone were determined.

Please let me know if you have any questions!

Thanks so much,
Lindsey

On Tue, Nov 26, 2024 at 12:08 PM Dawn Collins <dawn@palmer-lake.org> wrote:

All,

Please note the enclosed notices for 12/2 and 12/4. The packet for the special meeting on 12/4 will be distributed Fri-Sat., depending on material completed.

RECOMMENDATION: This is the revised Article 2 for the Public Hearing on December 4, 2024. CMI is recommending conditional approval of both Articles 1 and 2 of the newly organized Title 17: Zoning.

Revisions have been made to each zone district based on the Planning Commission's changes to the Use Table and Dimensional Table at their September and October meetings.

Once all the Articles are completed, (Articles 1-8); the final draft will be reviewed by the Town Attorney and DRT. At this time, numbering formatting, and grammar will be updated. This will then be forwarded to the Planning Commission for their consideration. We expect this to be complete in the next few months. CMI is in the process of drafting Article 3-General Standards applicable to all Zone Districts. This includes: parking and loading standards and design, site design standards, building design standards, stormwater (hillside overlay district), lighting, landscaping, screening, and buffering; fences and walls. Article 4 will address special requirements that do not apply to all lands in the town(e.g. cluster development provision and flood-prone lands).

The following items were added and modified to this November 29, 2024, that will be heard by the Planning Commission on December 4, 2024.

1. CMI reinserted the text section for the Park and Open Space zone district.
2. The list of uses and dimensional standards in the each zone district was changed to match the tables.
3. **Symbology.** Track changes were used.
 - a. Yellow highlight indicates the text was checked and conformed to the table.
 - b. Red strikethrough indicates a use that was not in the tables.
 - c. Red text (not struck) indicates a use or text in the tables that was not in the text of the zone districts.
 - d. Red text with yellow highlight indicates a use in the text that was modified to match the table.

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
- 17.2.050 Use Table
- 17.2.060 Dimensional Requirements Table
- 17.2.70 Residential Agricultural (RA-5)

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17.2.80 Residential Large Lot (R-2.5)

17.2.90 Residential Low Density (R-1/2) *current R-1 and R-2*

Commented [LZ6]: PC would like R1 to remain 1 acre

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) *current C-1 General Business and Commercial [North End]*

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)

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

Current Zone District	Description or Minimum lot or parcel size
RA	RA - Residential Agricultural (5 acres) <i>this includes Scenic Highway 105 corridor per Master Plan and lands on the edge of town that are called Environmentally Sensitive</i>
RE Estate (2½ acres or more)	R-2.5 - Residential Large Lot (2.5 acres)
R1 (1 acre or more) R-2- (½ acre or more)	R-1/2 Low Density Residential (1/2 acre)
R3 – (5,000 sq. ft. or more)	R-5,000 - Small Lot Residential (5,000 square feet)
R-10,000 Intermediate Medium Density Residential Zone (10,000 sq. ft. or more)	R-10,000 - Medium Density Residential Zone (10,000 square feet)
R4 - High Density Residential	R-MF (R-15,000)
CC Convenience Commercial Zone (6,600 sq. ft. or more)	Downtown Mixed Use (DMU)
C1 –General Business and Commercial (6,600 sq. ft. or more)	(North End) Business Industrial Mixed-use (BI-MU)
C2 – General Business and Commercial Zone (6,600 sq. ft. or more)	Village Mixed Use (VMU)
M1 – General Industrial	(North End) Business Industrial <i>combines M-1 with C1 per Future Land Use Plan</i>
O1 – Open	REC- OS Recreation and Open Space

Commented [LZ7]: PC wants R1 to stay 1 acre & R2 ½ acre (uses can all stay the same)

(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

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 are 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 citing 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.

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, ¼ section lines, ½ 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.

Item 3.

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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. 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.¹

Sec. 17.2.050 Use Table

Drafting Note: CMI has provided the following table of land uses for the renamed zone districts. The new list of uses is a clean-up of uses that you no longer can regulate (e.g., foster homes) and reflects changes to State law as noted above. The Use Table reflects a move toward the impacts of uses. We have also removed uses that we believe are covered by broader categories or have a low probability of being a use that is proposed in Palmer Lake (e.g., waterskiing and snow skiing. For ease of reference, we have indicated the old name and the suggested name. We support the concept of noting the lot size within each zone district so RA would become RA (5), R-LL would include (2.5) etc.

Key to Zone Districts in the Table:

- RA – Residential Agricultural (RA)
- R-2.5 – Residential Large Lot (RE)
- R-1 – Low Density Single Family Detached Residential (R1 & R2)
- R-5,000 – Small Lot Single Family Residential (R3)
- R-MF – Multifamily Residential (R4)
- R-10,000 – Medium Density Single Family Residential (R-10,000)
- DMU – Downtown Mixed Use (CC)
- B-I-Mixed Use (C1)
- V-MU – Village Mixed Use (C2)
- Rec- OS – Recreation and Open Space (O-1)

Uses in the table are listed in the following groups:

- Agricultural Uses
- Residential Uses
- Commercial Uses
- Industrial Uses
- Public and Institutional Uses
- Parks, Recreation, and Open Space
- Utilities
- Accessory Uses (Some accessory uses are listed in the other groups in this table.)

Commented [LZ8]: See above, PC wants R1 to stay at 1 acre min

¹ The minimum size requirement will prevent spot zoning.

Table of Uses in Each Zone District – Page 1										
Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-	DMU	B-I-MU	V-MU	Rec-OS
	Agricultural Uses									
Accessory structures and uses that assist in the production of value-added agricultural products	A									
Agricultural field operations*	P									
Animal boarding including kennels, veterinary facilities, and clinics	P	P								
Animal hospitals*	C	C							C	
Animal hospitals and kennels, provided that a minimum area of five acres is available for said kennel								C		
Equestrian riding stables and arenas, public or private	P	C								
Equestrian stabling and grazing	P	P								
Husbandry of domesticated farm or ranch animals	P	P								
Nursery/tree farm*	P									
Optional premises cultivation operations as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30								C		
Shelter for agricultural implements and tools used to maintain premises		A								

Table of Uses in Each Zone District – Page 2										
Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
	Residential Uses									
Accessory dwelling unit limited to 750 square feet (per State Law this may need to be an administrative review but we could add pre-determined criteria)	C	C	C	C	C	C	C	C	C	C
Any residential development that is not mixed use or any residential development greater than 12 units per net residential acre					C					
Caretaker unit								P		
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 use							A		A	
One single detached dwelling per lot	P	P	P	P		P				
Duplexes (defined as two-family)				C	C					
Home based businesses as specified in Chapter 17.X.XX	A	A	A	A	A	A	A	A	A	

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Live/work										P	P	P	
Mixed, residential dwelling and commercial uses occurring in the same building											P	P	
Multi-family housing not to exceed twelve units per acre on the same lot as the principal use											A		
Multi-family residential, density greater than 12 units per acre											C	C	
Multi-unit attached residential dwellings not to exceed 6 units per structure with or without zero property lines								P					
Owner-occupied or nonprofit group home*	P	P	P					P					
Residential dwelling not to exceed 4 total dwelling units per lot										C			
Type I manufactured homes												C	
Commercial Uses													
Bed and breakfast establishments	C	C						C		P	P		
Childcare centers – 5 to 16 children) per CRS XXX			C					C	C		P	P	
Childcare in home (less than 5 children per CRS XXX													
Commercial accommodations only if parking can be provided onsite										C			
Daycare center, adult or child												P	
Eating and drinking establishments										P	P	P	
Financial Institutions										P	P	P	
Funeral homes and mortuaries											P		
Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries										P	P	P	

Table of Uses in Each Zone District – Page 3

Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-	10,000	DMU	B-I-MU	V-MU	Rec-OS
Light equipment sales and repair									P	P	
Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks								C	C	C	
Medical and dental clinics								P	P	P	
Micro-brewery, Micro-distillery, or Micro-winery								P	P	P	
Offices					C			P	P	P	
Personal or Business Services								P	P	P	
Recreation and cultural facilities, public or non-public								P			
Recreation and entertainment, indoor									P		
Recreation and entertainment, outdoor									C		
Retail sales								P	P	P	
Small businesses that provide services and limited and specialty retail establishments on the ground floor level								P	P	P	
Small inns and lodges ranging from 5 to 20 rooms only if located above ground floor of nonresidential uses								P			

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Any establishment with a drive-thru facility									C	C	C	
Vehicle fuel sales										P	P	
Vehicle sales, leasing, rental, and service										C		
Vehicle wash										C		
Industrial Uses												
Building materials and supply sales, provided any outdoor storage is screened from view										P		
Composting facility										P		
Contractor shop and yard										P		
Industrial, artisan										P		
Industrial, light										P		
Light assembly of prefabricated parts; or arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries										P	P	
Light manufacturing										P	C	
Mini-warehouses and storage rental spaces												C
Outdoor storage										C	C	
Recycling or donation drop off										C		
Vehicle repair, major										C		
Warehouses and wholesale businesses										P		
Wholesale operations provided that traffic impacts can be mitigated												C
Public and Institutional Uses												
Cemetery	P	P	P									
Emergency services including ambulance services										C	C	
Institutional and quasi-public uses*						C						

Commented [LZ9]: Not allowed

Table of Uses in Each Zone District – Page 4

Note: Asterisk (*) – See Definitions for more specific description of this use.	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-1-MU	V-MU	Rec-OS
Use Key: A – Accessory C – Conditional P - Permitted										
Non-public schools*		C		C		C	C	C	C	
Nursing homes, hospitals								C	C	
Public buildings, including police and fire stations or facilities, and civic facilities	P	P	P	P	P					
Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices							P	P	P	
Public schools for primary education (K-12)	P	P	P	P	P	P	P	P	P	
Religious institutions*	P	C	C	C	C	C	C	C	C	
Parks, Recreation, and Open Space										
Golf courses and low-impact recreational uses								C		P
Picnic grounds with facilities										P
Public parks, recreation, trails and open space	P	P	P	P	P	P	P	P	P	P
Skating rinks, which shall be, if covered or with seating stands, in accordance with the Community Master Plan										C
Sporting courts, tennis courts, swimming pools, and other similar recreational facilities	A	A								P
Stadiums										C
Trails including use by bicycle, horse riding, hiking										P
Utilities										

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Solar energy systems - accessory and small	A	A	A	A	A	A	A	A	A	A
Solar energy systems - community scale								P		
Utilities, major facilities								P		
Utilities, minor facilities	P	P	P	P	P	P		P	P	
Wireless communication facilities (WCF)								P	P	C
Accessory Uses and Structures										
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	A	A	A	A	A	A	A	A	A	A
Any permanent accessory structure that exceeds 720 square feet per lot	C	C	C	C	C	C	C	C	C	C
Private garages subordinate in size to the principal structure	A	A	A	A	A	A				
Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot	A	A	A	A	A	A				A

Commented [LZ10]: PC would like more clarification "Accessory Uses & Structures" in each zone – how many accessory structures are allowed? How is subordinate defined in relation? (ex. If someone has a 2500sf home, can they build an accessory structure that is 2000+sf?)

Note: Asterisk (*) – See Definitions for more specific description of this use.	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B+MU	V-MU	Rec-OS
Use Key: A – Accessory C – Conditional P - Permitted										
Parks, Recreation, and Open Space Uses (continued)										
Skating rinks, which shall be, if covered or with seating stands, in accordance with the Community Master Plan										C
Sporting courts, tennis courts, swimming pools, and other similar recreational facilities	A	A								P
Outdoor Arena with seating for no more than 150 patrons										C
Trails including use by bicycle, horse riding, hiking										P
Utilities										
Solar energy systems - accessory and small	A	A	A	A	A	A	A	A	A	A
Solar energy systems - community scale								F		
Utilities, major facilities								F		
Utilities, minor facilities	P	P	P	P	P	P		P	P	
Wireless communication facilities (WCF)								P	P	C
Accessory Uses and Structures										
Accessory structures or uses 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	A	A	A	A	A	A	A	A	A	A
Any permanent accessory structure that exceeds 720 square feet per lot	C	C	C	C	C	C	C	C	C	C
Private garages subordinate in size to the principal structure	A	A	A	A	A	A				

Commented [LZ11]: This page looks to be duplicated from above table?

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Sec. 17.2.060 Dimensional Requirements Table

Table of Dimensional Standards										
Key: ac - acre ' - feet du – dwelling units sf – square feet	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-1-MU	V-MU	Rec-OS ³
Minimum lot area (ac.)	5 ac.	2.5 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 (feet)	250'	150'								
Minimum lot frontage (feet)			75'	50'	100'	50'	35'	35'	35'	
Maximum net density (du/ac)					12 du /ac					
Maximum front setback from back of sidewalk (feet)							10'			
Minimum setback:										
From Highway 105 (feet) ¹	200' ⁵	200' ⁵								
From front property line (feet)	50'	25'	25'	25'	25'	25'	See note 7	20'	20'	
From side property line (feet)	25'	10'	10'	7.5' ⁶	10'	7.5'	see note 1	see note 1	see note 1	
From rear property line (feet)	25'	25'	25'	25'	25'	25'	10' from any ROW	25'	25'	
From property line on each adjacent street on a corner lot (feet)	25'	25'	25'		25'			25'	25'	
From a different zone district (feet)					25'					
Maximum impervious coverage (percent)	15%	35%	15%	45%	65%	25%	None	65%	65%	10% ⁴
Maximum building height (feet)	30'	30'	30'	30'	32'	30'	see note 2	30'	30'	25'

Commented [LZ12]: 30ft in all residential

¹ No side yard setback if side wall construction is at least four-hour fire resistance; otherwise, 5 feet.
² 32 feet with 3rd story stepped back.
³ 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.
⁴ Structures shall not exceed cover more than 10% of the proposed area, with the exception of indoor skating rinks and stadiums.
⁵ 200 feet or the average setback on all parcels within 750 feet, whichever is greater.
⁶ Minimum side yard setback from property line: 7.5 feet per floor.
⁷ Minimum zero (0) feet from back of sidewalk to ten (10) feet maximum from the back of the sidewalk.

SEC 17.2.70 RESIDENTIAL AGRICULTURAL ZONE (RA)

(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. Husbandry of domesticated farm or ranch animals.
- c. 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%.
- d. 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%.
- e. Animal boarding, including kennels, and veterinary facilities, and clinics.
- f. Equestrian riding stables and arenas, public or private.
- g. Equestrian stabling and grazing.
- h. Small Solar energy systems.²
- i. Public parks, recreation, trails and open space.
- j. Public buildings, including police and fire stations or facilities, and civic facilities.
- k. 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.
- l. Cemetery.
- m. Public schools for primary education (K-12).
- n. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.

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

- o. 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.X.XX
- c. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
- d. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities
- e. Solar energy systems – accessory and small
- f. 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.

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

- a. Accessory dwelling unit limited to 750 square feet.
- b. Bed and breakfast establishments
- c. Animal hospitals*
- d. Any permanent accessory structure that exceeds 720 square feet.

(c) Dimensional Requirements

- (1) Minimum lot size: five (5) acres.
- (2) Minimum lot width: two hundred and fifty (250) feet.
- (3) Minimum front yard setback from property line, fifty (50) feet.
- (4) Minimum setback from State Highway 105: one hundred (200) feet or the average setback on all parcels within 750 ft. whichever is greater.
- (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

(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 17.XX Animal Raising and Keeping.
- (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 sewer system. (See 16.40.100)
- (7) Design standards for building form and siting are set forth in Section 17-3-X.Sec 17.2.80 RESIDENTIAL LARGE LOT (R-LL)

(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 17.XX Animal Raising and Keeping. The R-LL zoning district promotes the continuance of single-family neighborhoods by:

- Allowing for larger lot development that assists in retaining the rural character of Palmer Lake.
- Allowing for agricultural and home-based businesses to help provide homeowners with additional economic means for maintaining permanent residency.
- 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. Husbandry of domesticated farm or ranch animals.
- c. Animal boarding, including kennels, and veterinary facilities, and clinics.
- d. Equestrian stabling and grazing, private.
- e. Public parks, recreation, trails and open space
- f. Public buildings, including police and fire stations or facilities, and civic facilities.
- g. Cemetery.

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- h. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- i. 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.

Public schools for primary education (K-12)

(2) Permitted Accessory Uses and Structures.

- a. Accessory dwelling unit limited to seven hundred and fifty (750) square feet.³
- 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.X.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

(3) 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
- d. Any permanent accessory structure that exceeds 720 square feet per acre of land.
- e. 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.
- f. Bed and breakfast establishments.

³ This could include guest or worker’s quarters- I don’t think we need to list this as the impact is the same as an ADU.

(c) Dimensional Requirements.

- (1) Minimum lot size: two and one-half (2.5) acres.
- (2) Minimum lot width: one hundred and fifty (150) feet.
- (3) Minimum front yard setback from property line: twenty-five (25) feet.
- (4) Minimum setback from State Highway 105: two hundred (200) feet or the average setback on all parcels within 750 ft., whichever is greater.
- (5) Maximum impervious coverage: 35%.
- (6) 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.
- (7) Maximum building height, 30 feet.
- (8) Minimum Side Yard Setback: ten (10) feet.
- (9) Minimum Rear Yard Setback: twenty-five (25) feet.
- (10) Minimum setback from property line on each adjacent street on a corner lot: twenty-five (25) feet.
- (11) 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.XX.
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 17.XX Animal Raising and Keeping.
- (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 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 LOW-DENSITY SINGLE FAMILY DETACHED RESIDENTIAL (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 parking⁴. 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.

(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. Public schools for primary education (K-12).
- f. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- 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.X.XX.
 - a. Private garages, subordinate in size to the principal dwelling.
 - b. Solar energy systems – accessory and small.

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

⁴ Off-street parking requirements can be found in Article 3.

- a. Accessory dwelling unit limited to 750 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.

Commented [LZ13]: How many accessory structures are allowed per property? Or does the impervious percentages take care of that? Clarify subordinate – footprint or square footage?

Commented [LZ14]: 1 acre min

Commented [LZ15]: Should this be higher in R1? Consensus was this should be 20% in R1, but overall PC would like to understand how these percentages per zone were determined.

(c) 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 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.
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 17.XX Animal Raising and Keeping.
- (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 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.

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.

- 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 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.

(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.
- (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.

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- 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
- b. Any permanent accessory structure that exceeds 500 square feet per acre of land including accessory dwelling units subordinate in size to the principal structure.
- c. Accessory dwelling unit limited to 750 square feet.
- d. Accessory dwelling units subordinate in size to the principal structure.
- e. Childcare facilities.
- f. Group homes exceeding eight (8 persons).
- g. 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.
- h. 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.

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.

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- 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 limited to 750 square feet
- d. Duplexes
- e. Offices
- 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: 32 feet.
- (11) Minimum Distance between structures: fifteen (15) feet

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(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.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;
 - 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.
- (7) Design standards for building form and siting are set forth in Section 17-3-X.

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

(a) **Intent.** The intent of this district is to promote 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.

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- 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.
 - 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. Recycling or Donation Drop-off.
 - bb. Wireless Communication Facilities (WCF).
 - cc. Caretaker Unit.
 - dd. Live/Work.
 - ee. Mixed, residential dwelling and commercial uses occurring in the same building.
 - ff. Recreation and cultural facilities, public or non-public.
 - gg. Recreation and Entertainment, Indoor.
 - hh. Small businesses that provide services and limited and specialty retail establishments on the ground level.
 - ii. Childcare centers – 5 to 16 children.
 - jj. Solar energy systems- community scale.
- (2) Permitted Accessory Uses and Structures.

Commented [LZ17]: remove

- 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 limited to 750 square feet.
- b. Any permanent accessory structure that exceeds 720 square feet.
- c. Outdoor storage.
- d. Vehicle wash.
- e. Vehicle repair, major.
- f. Vehicle Sales, leasing, rental, and service.
- g. Emergency services including ambulance services.
- 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.

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

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

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
- (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 limited to 750 square feet.
- 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, hospitals.
- 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 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.

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

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.**

(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 limited to 750 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 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.

(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: 32 feet with 3rd story stepped back.
- (9) Minimum Distance between structures: five (5) feet.
- (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. 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.

DECEMBER 3, 2024

RECOMMENDATION: This is the revised Article 2 for the Public Hearing on December 4, 2024. CMI is recommending conditional approval of both Articles 1 and 2 of the newly organized Title 17: Zoning.

THIS IS A CLEAN COPY EXCEPT FOR CHANGES REQUESTED BY THE PLANNING COMMISSION AT THEIR DECEMBER 2, 2024 WORK SESSION. THIS ARE NOTED IN BLUE INK.

Revisions have been made to each zone district based on the Planning Commission's changes to the Use Table and Dimensional Table at their September and October meetings.

Once all the Articles are completed, (Articles 1-8); the final draft will be reviewed by the Town Attorney and DRT. At this time, numbering formatting, and grammar will be updated. This will then be forwarded to the Planning Commission for their consideration. We expect this to be complete in the next few months. CMI is in the process of drafting Article 3-General Standards applicable to all Zone Districts. This includes: parking and loading standards and design, site design standards, building design standards, stormwater (hillside overlay district), lighting, landscaping, screening, and buffering; fences and walls. Article 4 will address special requirements that do not apply to all lands in the town(e.g. cluster development provision and flood-prone lands).

The following items were added and modified to this November 29, 2024, that will be heard by the Planning Commission on December 4, 2024.

1. CMI reinserted the text section for the Park and Open Space zone district.
2. The list of uses and dimensional standards in the each zone district was changed to match the tables.
3. Symbology. Track changes were used.
 - a. Yellow highlight indicates the text was checked and conformed to the table.
 - b. Red strikethrough indicates a use that was not in the tables.
 - c. Red text (not struck) indicates a use or text in the tables that was not in the text of the zone districts.
 - d. Red text with yellow highlight indicates a use in the text that was modified to match the table.

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

17.2.050 Use Table

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- 17.2.060 Dimensional Requirements Table
- 17.2.70 Residential Agricultural (RA-5)
- 17.2.80 Residential Large Lot (R-2.5)
- 17.2.90 Residential Low Density (R-1/2) *current R-1 and R-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) *current C-1 General Business and Commercial [North End]*
- 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)

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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

Current Zone District	Description or Minimum lot or parcel size
RA	RA - Residential Agricultural (5 acres) <i>this includes Scenic Highway 105 corridor per Master Plan and lands on the edge of town that are called Environmentally Sensitive</i>
RE Estate (2½ acres or more)	R-2.5 - Residential Large Lot (2.5 acres)
R1 (1 acre or more) R-2- (½ acre or more)	R-1 Low Density Residential (1 acre) add new district R-2- ½ ACRE OR MORE
R3 – (5,000 sq. ft. or more)	R-5,000 - Small Lot Residential (5,000 square feet)
R-10,000 Intermediate Medium Density Residential Zone (10,000 sq. ft. or more)	R-10,000 - Medium Density Residential Zone (10,000 square feet)
R4 - High Density Residential	R-MF (R-15,000)
CC Convenience Commercial Zone (6,600 sq. ft. or more)	Downtown Mixed Use (DMU)
C1 –General Business and Commercial (6,600 sq. ft. or more)	(North End) Business Industrial Mixed-use (BI-MU)
C2 – General Business and Commercial Zone (6,600 sq. ft. or more)	Village Mixed Use (VMU)
M1 – General Industrial	(North End) Business Industrial <i>combines M-1 with C1 per Future Land Use Plan</i>
O1 – Open	REC- OS Recreation and Open Space

- (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 are 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 citing 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. 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.¹

Sec. 17.2.050 Use Table

Drafting Note: CMI has provided the following table of land uses for the renamed zone districts. The new list of uses is a clean-up of uses that you no longer can regulate (e.g., foster homes) and reflects changes to State law as noted above. The Use Table reflects a move toward the impacts of uses. We have also removed uses that we believe are covered by broader categories or have a low probability of being a use that is proposed in Palmer Lake (e.g., waterskiing and snow skiing). For ease of reference, we have indicated the old name and the suggested name. We support the concept of noting the lot size within each zone district so RA would become RA (5), R-LL would include (2.5) etc.

Key to Zone Districts in the Table:

RA – Residential Agricultural (RA)
 R-2.5 – Residential Large Lot (RE)
 R-1 – Low Density Single Family Detached Residential (R1 & R2)
 R-5,000 – Small Lot Single Family Residential (R3)
 R-MF – Multifamily Residential (R4)
 R-10,000 – Medium Density Single Family Residential (R-10,000)
 DMU – Downtown Mixed Use (CC)
 B-I-Mixed Use (C1)
 V-MU – Village Mixed Use (C2)
 Rec- OS – Recreation and Open Space (O-1)

Uses in the table are listed in the following groups:

- Agricultural Uses
- Residential Uses
- Commercial Uses
- Industrial Uses
- Public and Institutional Uses
- Parks, Recreation, and Open Space
- Utilities
- Accessory Uses (Some accessory uses are listed in the other groups in this table.)

¹ The minimum size requirement will prevent spot zoning.

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Table of Uses in Each Zone District – Page 1										
Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-	DMU	B-I-MU	V-MU	Rec-OS
	Agricultural Uses									
Accessory structures and uses that assist in the production of value-added agricultural products	A									
Agricultural field operations*	P									
Animal boarding including kennels, veterinary facilities, and clinics	P	P								
Animal hospitals*	C	C							C	
Animal hospitals and kennels, provided that a minimum area of five acres is available for said kennel								C		
Equestrian riding stables and arenas, public or private	P	C								
Equestrian stabling and grazing	P	P								
Husbandry of domesticated farm or ranch animals	P	P								
Nursery/tree farm*	P									
Optional premises cultivation operations as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30								C		
Shelter for agricultural implements and tools used to maintain premises		A								

Table of Uses in Each Zone District – Page 2										
Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
	Residential Uses									
Accessory dwelling unit limited to 750 square feet (per State Law this may need to be an administrative review but we could add pre-determined criteria)	C	C	C	C	C	C	C	C	C	C
Any residential development that is not mixed use or any residential development greater than 12 units per net residential acre					C					
Caretaker unit								P		
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 use							A		A	
One single detached dwelling per lot	P	P	P	P		P				
Duplexes (defined as two-family)				C	C					
Home based businesses as specified in Chapter 17.X.XX	A	A	A	A	A	A	A	A	A	

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Live/work								P	P	P	
Mixed, residential dwelling and commercial uses occurring in the same building									P	P	
Multi-family housing not to exceed twelve units per acre on the same lot as the principal use									A		
Multi-family residential, density greater than 12 units per acre									C	C	
Multi-unit attached residential dwellings not to exceed 6 units per structure with or without zero property lines						P					
Owner-occupied or nonprofit group home*	P	P	P			P					
Residential dwelling not to exceed 4 total dwelling units per lot								C			
Type I manufactured homes										C	
Commercial Uses											
Bed and breakfast establishments	C	C				C		P	P		
Childcare centers – 5 to 16 children) per CRS XXX			C			C	C		P	P	
Childcare in home (less than 5 children per CRS XXX											
Commercial accommodations only if parking can be provided onsite								C			
Daycare center, adult or child										P	
Eating and drinking establishments								P	P	P	
Financial Institutions								P	P	P	
Funeral homes and mortuaries									P		
Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries								P	P	P	

Table of Uses in Each Zone District – Page 3

Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
Light equipment sales and repair								P	P	
Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks							C	C	C	
Medical and dental clinics							P	P	P	
Micro-brewery, Micro-distillery, or Micro-winery							P	P	P	
Offices					C		P	P	P	
Personal or Business Services							P	P	P	
Recreation and cultural facilities, public or non-public							P			
Recreation and entertainment, indoor								P		
Recreation and entertainment, outdoor								C		
Retail sales							P	P	P	
Small businesses that provide services and limited and specialty retail establishments on the ground floor level							P	P	P	
Small inns and lodges ranging from 5 to 20 rooms only if located above ground floor of nonresidential uses							P			

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Any establishment with a drive-thru facility										C	C	C	
Vehicle fuel sales											P	P	
Vehicle sales, leasing, rental, and service											C		
Vehicle wash											C		
Industrial Uses													
Building materials and supply sales, provided any outdoor storage is screened from view											P		
Composting facility											P		
Contractor shop and yard											P		
Industrial, artisan											P		
Industrial, light											P		
Light assembly of prefabricated parts; or arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries											P	P	
Light manufacturing											P	C	
Mini-warehouses and storage rental spaces												C	
Outdoor storage											C	C	
Recycling or donation drop off											C		
Vehicle repair, major											C		
Warehouses and wholesale businesses											P		
Wholesale operations provided that traffic impacts can be mitigated												C	
Public and Institutional Uses													
Cemetery	P	P	P										
Emergency services including ambulance services											C	C	
Institutional and quasi-public uses*							C						

Table of Uses in Each Zone District – Page 4

Note: Asterisk (*) – See Definitions for more specific description of this use.	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
Use Key: A – Accessory C – Conditional P - Permitted										
Non-public schools*		C		C		C	C	C	C	
Nursing homes, hospitals								C	C	
Public buildings, including police and fire stations or facilities, and civic facilities	P	P	P	P	P					
Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices							P	P	P	
Public schools for primary education (K-12)	P	P	P	P	P	P	P	P	P	
Religious institutions*	P	C	C	C	C	C	C	C	C	
Parks, Recreation, and Open Space										
Golf courses and low-impact recreational uses								C		P
Picnic grounds with facilities										P
Public parks, recreation, trails and open space	P	P	P	P	P	P	P	P	P	P
Skating rinks, which shall be, if covered or with seating stands, in accordance with the Community Master Plan										C
Sporting courts, tennis courts, swimming pools, and other similar recreational facilities	A	A								P
Stadiums										C
Trails including use by bicycle, horse riding, hiking										P
Utilities										

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Solar energy systems - accessory and small	A	A	A	A	A	A	A	A	A	A
Solar energy systems - community scale								P		
Utilities, major facilities								P		
Utilities, minor facilities	P	P	P	P	P	P		P	P	
Wireless communication facilities (WCF)								P	P	C
Accessory Uses and Structures										
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	A	A	A	A	A	A	A	A	A	A
Any permanent accessory structure that exceeds 720 square feet per lot	C	C	C	C	C	C	C	C	C	C
Private garages subordinate in size to the principal structure	A	A	A	A	A	A				
Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot	A	A	A	A	A	A				A

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<p>Note: Asterisk (*) – See Definitions for more specific description of this use.</p> <p>Use Key: A – Accessory C – Conditional P - Permitted</p>	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS	
	Parks, Recreation, and Open Space Uses (continued)										
Skating rinks, which shall be, if covered or with seating stands, in accordance with the Community Master Plan											C
Sporting courts, tennis courts, swimming pools, and other similar recreational facilities	A	A									P
Outdoor Arena with seating for no more than 150 patrons											C
Trails including use by bicycle, horse riding, hiking											P
Utilities											
Solar energy systems - accessory and small	A	A	A	A	A	A	A	A	A	A	A
Solar energy systems - community scale									P		
Utilities, major facilities									P		
Utilities, minor facilities	P	P	P	P	P	P			P	P	
Wireless communication facilities (WCF)									P	P	C
Accessory Uses and Structures											
Accessory structures or uses 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	A	A	A	A	A	A	A	A	A	A	A
Any permanent accessory structure that exceeds 720 square feet per lot	C	C	C	C	C	C	C	C	C	C	C
Private garages subordinate in size to the principal structure	A	A	A	A	A	A					

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Sec. 17.2.060 Dimensional Requirements Table ADD EXISTING R-1 TO ZONE DISTRICTS BASED ON DIRECTION FROM PLANNING COMMISSION ON DECEMBER 2, 2024

Table of Dimensional Standards										
Key: ac - acre ' - feet du – dwelling units sf – square feet	RA	R-2.5	R-1/2	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS ³
Minimum lot area (ac.)	5 ac.	2.5 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 (feet)	250'	150'								
Minimum lot frontage (feet)			75'	50'	100'	50'	35'	35'	35'	
Maximum net density (du/ac)					12 du /ac					
Maximum front setback from back of sidewalk (feet)							10'			
Minimum setback:										
From Highway 105 (feet) ¹	200 ⁵	200 ⁵								
From front property line (feet)	50'	25'	25'	25'	25'	25'	See note ⁷	20'	20'	
From side property line (feet)	25'	10'	10'	7.5' ⁶	10'	7.5'	see note ¹	see note ¹	see note ¹	
From rear property line (feet)	25'	25'	25'	25'	25'	25'	10' from any ROW	25'	25'	
From property line on each adjacent street on a corner lot (feet)	25'	25'	25'		25'			25'	25'	
From a different zone district (feet)					25'					
Maximum impervious coverage (percent)	15%	35%	15%	45%	65%	25%	None	65%	65%	10% ⁴
Maximum building height (feet)	30'	30'	30'	30'	32' 30'	30'	see note ²	30'	30'	25'

¹ No side yard setback if side wall construction is at least four-hour fire resistance; otherwise, 5 feet.
² ~~32 feet with 3rd story stepped back.~~
³ 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.
⁴ Structures shall not exceed cover more than 10% of the proposed area, with the exception of indoor skating rinks and stadiums.
⁵ 200 feet or the average setback on all parcels within 750 feet, whichever is greater.
⁶ Minimum side yard setback from property line: 7.5 feet per floor.
⁷ Minimum zero (0) feet from back of sidewalk to ten (10) feet maximum from the back of the sidewalk.

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SEC 17.2.70 RESIDENTIAL AGRICULTURAL ZONE (RA)

(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. Husbandry of domesticated farm or ranch animals.
- c. 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%.
- d. 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%.
- e. Animal boarding, including kennels, and veterinary facilities, and clinics.
- f. Equestrian riding stables and arenas, public or private.
- g. Equestrian stabling and grazing.
- h. Small Solar energy systems.²
- i. Public parks, recreation, trails and open space.
- j. Public buildings, including police and fire stations or facilities, and civic facilities.
- k. 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.
- l. Cemetery.
- m. Public schools for primary education (K-12).
- n. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.

² 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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- o. 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.X.XX
 - c. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
 - d. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities
 - e. Solar energy systems – accessory and small
 - f. 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.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Accessory dwelling unit limited to 750 square feet.
 - b. Bed and breakfast establishments
 - c. Animal hospitals*
 - d. Any permanent accessory structure that exceeds 720 square feet.
- (c) Dimensional Requirements
- (1) Minimum lot size: five (5) acres.
 - (2) Minimum lot width: two hundred and fifty (250) feet.
 - (3) Minimum front yard setback from property line, fifty (50) feet.
 - (4) Minimum setback from State Highway 105: one hundred (200) feet or the average setback on all parcels within 750 ft. whichever is greater.
 - (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 17.XX Animal Raising and Keeping.
- (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 sewer system. (See 16.40.100)
- (7) Design standards for building form and siting are set forth in Section 17-3-X.Sec 17.2.80 RESIDENTIAL LARGE LOT (R-LL)

(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 17.XX Animal Raising and Keeping. The R-LL zoning district promotes the continuance of single-family neighborhoods by:

- Allowing for larger lot development that assists in retaining the rural character of Palmer Lake.
- Allowing for agricultural and home-based businesses to help provide homeowners with additional economic means for maintaining permanent residency.
- 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. Husbandry of domesticated farm or ranch animals.
- c. Animal boarding, including kennels, and veterinary facilities, and clinics.
- d. Equestrian stabling and grazing, private.
- e. Public parks, recreation, trails and open space
- f. Public buildings, including police and fire stations or facilities, and civic facilities.
- g. Cemetery.

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- h. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- i. 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.

Public schools for primary education (K-12)

(2) Permitted Accessory Uses and Structures.

- a. Accessory dwelling unit limited to seven hundred and fifty (750) square feet.³
- 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.X.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

(3) 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
- d. Any permanent accessory structure that exceeds 720 square feet per acre of land.
- e. 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.
- f. Bed and breakfast establishments.

³ This could include guest or worker's quarters- I don't think we need to list this as the impact is the same as an ADU.

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(c) Dimensional Requirements.

- (1) Minimum lot size: two and one-half (2.5) acres.
- (2) Minimum lot width: one hundred and fifty (150) feet.
- (3) Minimum front yard setback from property line: twenty-five (25) feet.
- (4) Minimum setback from State Highway 105: two hundred (200) feet or the average setback on all parcels within 750 ft., whichever is greater.
- (5) Maximum impervious coverage: 35%.
- (6) 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.
- (7) Maximum building height, 30 feet.
- (8) Minimum Side Yard Setback: ten (10) feet.
- (9) Minimum Rear Yard Setback: twenty-five (25) feet.
- (10) Minimum setback from property line on each adjacent street on a corner lot: twenty-five (25) feet.
- (11) 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.XX.
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 17.XX Animal Raising and Keeping.
- (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 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.

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SEC 17.2.90 LOW-DENSITY SINGLE FAMILY DETACHED RESIDENTIAL (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 parking⁴. 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.

(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. Public schools for primary education (K-12).
- f. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- 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.X.XX.
 - a. Private garages, subordinate in size to the principal dwelling.
 - b. Solar energy systems – accessory and small.

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

- a. Accessory dwelling unit limited to 750 square feet
- b. Childcare centers – 5 to 16 children.

⁴ Off-street parking requirements can be found in Article 3.

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- 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.

(c) 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 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.
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 17.XX Animal Raising and Keeping.
- (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 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.

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(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.

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.

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 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.

(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.

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- (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.
- (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.

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- 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
- b. Any permanent accessory structure that exceeds 500 square feet per acre of land including accessory dwelling units subordinate in size to the principal structure.
- c. Accessory dwelling unit limited to 750 square feet.
- d. Accessory dwelling units subordinate in size to the principal structure.
- e. Childcare facilities.
- f. Group homes exceeding eight (8 persons).
- g. 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.
- h. 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.

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- (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.

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.

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- 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 limited to 750 square feet
 - d. Duplexes
 - e. Offices
 - 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: 32 feet.
- (11) Minimum Distance between structures: fifteen (15) feet

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(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.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;
 - 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.
- (7) Design standards for building form and siting are set forth in Section 17-3-X.

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

(a) **Intent.** The intent of this district is to promote 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.

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- 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.
 - 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. Recycling or Donation Drop-off.
 - bb. Wireless Communication Facilities (WCF).
 - cc. Caretaker Unit.
 - dd. Live/Work.
 - ee. Mixed, residential dwelling and commercial uses occurring in the same building.
 - ff. Recreation and cultural facilities, public or non-public.
 - gg. Recreation and Entertainment, Indoor.
 - hh. Small businesses that provide services and limited and specialty retail establishments on the ground level.
 - ii. Childcare centers – 5 to 16 children.
 - jj. Solar energy systems- community scale.
- (2) Permitted Accessory Uses and Structures.

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- 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 limited to 750 square feet.
 - b. Any permanent accessory structure that exceeds 720 square feet.
 - c. Outdoor storage.
 - d. Vehicle wash.
 - e. Vehicle repair, major.
 - f. Vehicle Sales, leasing, rental, and service.
 - g. Emergency services including ambulance services.
 - 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.

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- (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.

- (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) 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) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (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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(8) Design standards for building form and siting are set forth in Section 17-3-X.

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

(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.

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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 limited to 750 square feet.
- 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, hospitals.
- 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 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.

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

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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.**
- (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.

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- 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 limited to 750 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 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.
- (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.

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- (8) Maximum building height: 32 feet with 3rd story stepped back.
 - (9) Minimum Distance between structures: five (5) feet.
- (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. 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.