PLANNING COMMISSION

Wednesday, October 18, 2023 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

Approval of Minutes

1. Minutes from 9/20/2023

Public Hearing – *Chair will introduce the item and hear the applicant request. Chair will ask if any public member wishes to speak for or against the request. Public should address the Commission members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Chair will close the hearing and members will discuss the item, move a recommendation, and/or continue the hearing to a particular date.*

2. Application for a Conditional Use for Motorcycle Maint/Repair in a CC Zone, Hwy 105
3. Application to Replat Interior Lot Line, Parcel 7105308001, Hwy 105
4. Reconsider Application to Replat Glen Park Lots (Duran Walton)

Business Items

5. Consider Conditional Use for Motorcycle Repair in CC Zone, Hwy 105
6. Consider Replat Interior Lot Line (Wilson), Hwy 105
7. Reconsider Replat (Duran Walton), Glen Park
8. Distribute/Review Action Plan for Land Use Code Critical Issues Update (Consider Text Amendment to Add 2-family Units as Conditional Use to Residential Zoning and Administrative Plat Amendment)
9. Update on Status of Sign Code (Board Direction)

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 (11/15) and Future Items - Workshop to review "development review"

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.

PLANNING COMMISSION

Wednesday, September 20, 2023 at 5:00 PM

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

MINUTES

Call to Order. Chair Ihlenfeld called the meeting to order at 5:02 pm.

Roll Call. Present: Susan Miner, Mark Bruce, Tim Caves, Amy Hutson, Bill Fisher, Charlie Ihlenfeld. Excused: Lindsey Zapalac.

Approval of Minutes.

1. Minutes from August 16, 2023 Meeting. MOTION (Bruce, Hutson) to approve the minutes from 8/16 as presented. Motion passed 6-0.

2. Minutes from August 23, 2023 Special Meeting. MOTION (Hutson, Fisher) to approve the minutes from special meeting on 8/23. Motion passed 6-0.

Public Hearing & Business Items

3. Application for Conditional Use for Single Family Residential Dwelling. Chair Ihlenfeld introduced the hearing and Ms. Galaviz reviewed the request for a conditional use to build a single-family dwelling in a C1 zone. A neighbor Brittany Claypool stated that with clarification, she is supportive of a home in the commercial zone. Chair Ihlenfeld closed the hearing and took business item 5 next.

5. Consideration of Conditional Use for Single Family Residential in C1 Zone. Discussion took place about the area being primarily residential. MOTION (Hutson, Bruce) to recommend approval of conditional use for a residential dwelling. Motion passed 6-0.

4. Reconsider Vacation of Undeveloped El Moro Right of Way. Ms. Maria Duran provided the change to the revised application for the vacation of right of way El Moro. One of the three landowners abutting the right of way sold the residential property and the new owner was interested in participating in the vacation. Collins noted this is the traditional way that right of way vacation is conducted with abutting property owners getting a portion of the right of way. No person spoke for or against the vacation request. Chair Ihlenfeld closed the hearing.

6. Reconsider the Vacation of Undeveloped El Moro Right of Way. MOTION (Miner, Caves) recommended approval of the revised request to vacate El Moro right of way. Motion passed 6-0.

7. American Planning Association (APA) Colorado Chapter, Public Official Membership. Collins explained the new membership to the local APA chapter. Discussion took place about the various classes provided at the conference.

Public Comment. None.

Collins provided an update that the sign code will be reviewed at a Board workshop on 10/4. Discussion ensued between Commission members about Board members seeming not to respect the master plan for the downtown area and further discussion ensued about the time that Commission members put into the draft sign code.

Next Meeting (10/18) and Future Items. Questions were raised about the Illumination Point property.

** Conditional Use at 84 Hwy 105, Unit 5*

** Replat at 84 Hwy 105*

Adjourn. MOTION (Hutson, Bruce) to adjourn at 5:55 pm. Motion passed.

42 Valley Crescent
PO Box 208
Palmer Lake CO 80133
719-481-2953 – office

received 8/28/23

PAID CK# 1329

Office Use Only

Case Number: _____
Date: 8/28/23
Fees: $250.00
Check #: 1329
Rec'd By: [illegible]
Application Complete: M/ PC-101?

Conditional Use Application Form

Name of Applicant/Property Owner: Wilson's Corner

Address: 84 Hwy 105 unit 5 Phone#: 719 357-8867

Email: creighton@yaksmmx.com Greg@yaksmmx.com

Name of Proposal: Yak's Maintenance and Retail Shop

Legal Description or Address: 71053-08-001 Lots 40-50 Block 33 Plat of PL

Note: If the applicant is someone other than the property owner, the applicant must provide a notarized letter from the property owner giving permission to be represented in this action.

This is a Conditional Use – A request for a use not permitted under certain zoning categories subject to review by the Planning Commission and consideration by the Board of Trustees.

Criteria for approval of a conditional use – Include a "site plan" or building design where a structure is involved to address the following criteria in which the Planning Commission and the Board of Trustees must find evidence, both factual and supportive, provided by the applicant.

- The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this ordinance.
- The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other ordinance standards or other reasonable conditions of approval.
- If of benefit to the community, any proposed structures will be of a design complimentary to the surrounding area.

By signing this application, parties agree to the following:

- Town of Palmer Lake staff or its consultants may enter the property to inspect the property and evaluate the proposal.
- The applicant/petitioner is liable for all non-refundable fees and costs associated with the Town's review of this application. Fees may include, but are not limited, to engineering and consultant fees, public notice costs, publication/recording fees, and any other fees paid by the Town in connection with, or related to, review of this application.
- Payment of fees as described is due within 10 days of the date of filing and, if not received within 30 days will be considered past due. Payment of the above fees shall not relieve the payment of any other fees imposed by the Town.

As owner/applicant, I affirm the information contained in this application is accurate, and I agree to the above conditions.

Applicant Signature: _____ **Date:** 28 August 2023

If the applicant is not the owner:

As owner of the above property, I agree to the application.

Owner – Print: DAVID JAMES W

Owner – Signature: _____ **Date:** 8/28/23

LETTER OF INTENT FOR PURPOSES OF CONDITIONAL USE FOR CONSIDERATION BY THE TOWN OF PALMER LAKE PLANNING COMMISION

5 September 2023

To: Town of Palmer Lake,

From: Creighton Smith and Greg Nardone

Concerning: Yak's Motorcycle Maintenance and Detail Shop

It is our intent to lease the 2500 sq. ft. property with garage door at 84 Hwy 105 Unit 5. This is Wilson's Corner which is owned and operated by Dave Wilson and he has agreed to lease it to us. This will be a light maintenance shop and retail outlet. Our retail section will include but not be limited to Yak's branded merchandise and motorcycle riding gear, apparel, parts and various sundries and consumables. The retail section of this operation will be the primary profit and tax revenue generating resource as driven by the maintenance shops clientele. We feel that this location within the town of Palmer Lake in proximity to scenic Highway 105 and O'Mally's Pub and Grill will greatly supplement our already existing client base in the Tri-Lakes area.

Thank you for your consideration in this endeavor and we look forward to presenting our case to the Planning Commission. If you have any questions or concerns, feel free to contact us and we will be happy to discuss it. Our shop phone number is 719-357-8867. Thanks again and we look forward to meeting you.

Creighton Smith
GM Yak's MMX, LLC.
(Cell) 719-600-8632

5 Sept. 2023

Greg Nardone,
Owner/Principal Yak's MMX, LLC.
(Cell) 501-773-0979

LETTER OF INTENT TO LEASE FOR PURPOSES OF CONDITIONAL USE PERMISSION BY THE TOWN OF PALMER LAKE PLANNING COMMISION

5 September 2023

To: Town of Palmer Lake,

From: David Wilson

Concerning: Yak's Motorcycle Maintenance and Detail Shop

It is my intent to lease the 2500 sq. ft. property with garage door at 84 Hwy 105 Unit 5. This is Wilson's Corner which is owned and operated by me, David Wilson. I have met all parties and feel this business would be a good addition to my building and to the Town of Palmer Lake.

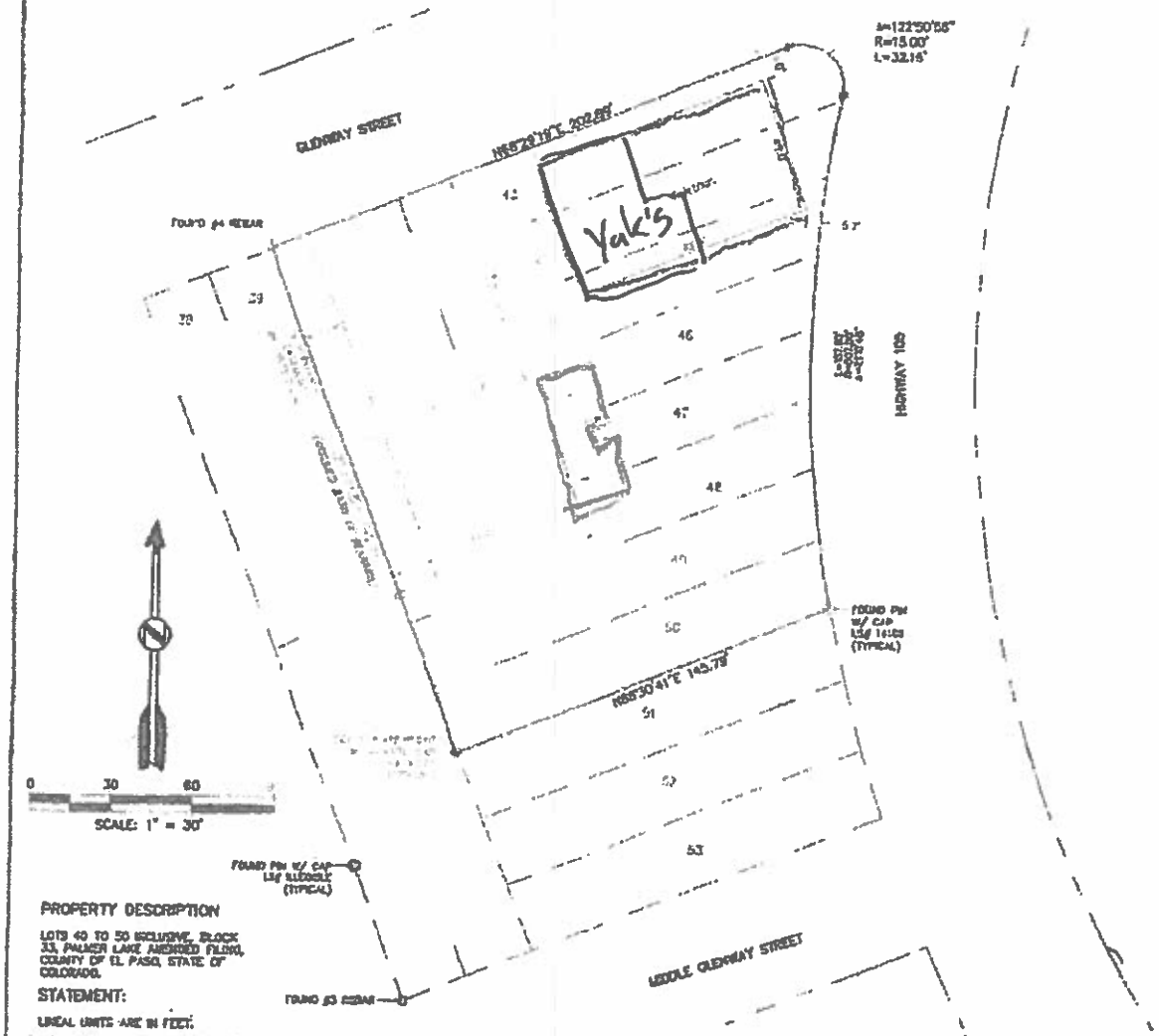
David Wilson
Owner/Principal Tri-Lakes Building
(Cell) 719-650-0599

Google Maps

Imagery ©2023 Maxar Technologies, Map data ©2023 Google 50 ft

IMPROVEMENT SURVEY PLAT

PART OF SECTION 5, T. 11 S, R. 67 W, 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO



STRUCTURE DETAIL
SCALE: 1"=10'

PROPERTY DESCRIPTION

LOTS 40 TO 50 INCLUSIVE, BLOCK 33, PALMER LAKE AMENDED FILING, COUNTY OF EL PASO, STATE OF COLORADO.

STATEMENT:

LINEAL UNITS ARE IN FEET.

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

BASIS OF BEARINGS:

CONSIDERING THE WEST LINE OF LOTS 40, 49 & 50 TO HAVE AN ASSUMED BEARING OF S21°13'58"E AND MONUMENTED AS SHOWN HEREON.

"NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon."

CERTIFICATE OF SURVEY:

This is to certify to Land Title Guarantee Company & Old Republic National Title Insurance Company that on June 1st, 2022 a survey was made under my direct supervision, of the hereon described property situated in El Paso County, Colorado. The survey was made on the ground using the normal standard of care of Professional Land Surveyors practicing in El Paso County, Colorado, and that this plat accurately represents said survey. The location and dimensions of all easements and rights of way in evidence or known to me and encroachments by or on the premises are accurately shown. This survey does not constitute a title search by High Prairie Survey Co., Inc. of the property shown and described hereon to determine:

1. Ownership of the tract of land.
2. Compatibility of this description with those of adjacent tracts of land.
3. Rights of way, easements and encumbrances of record affecting this tract of land. This survey was performed with the benefit of a title insurance commitment or a title insurance policy.

File No. SC35106313 Dated June 13th, 2022

Kurt Martell, [illegible]
For and on behalf of
High Prairie [illegible]

CERTIFICATE OF DEPOSIT:

Deposited this _____ day of _____ 20_____, in the County Surveyor's land survey plats/right-of-way surveys at reception number_____ in the office of the El Paso County Clerk and Recorder.

Signed _____

DATE:	REVISIONS:

High Prairie Survey Co.
LAND SURVEYING CONSTRUCTION STAKING
OIL AND GAS SURVEYING
303-621-0672 FAX 303-621-7749
P.O. BOX 304
ELBERT, COLORADO 80117

SCALE: 1"=30' | DATE: 06/06/2022 | CKD BY: CKD

TITLE: IMPROVEMENT SURVEY PLAT
PART OF SEC. 5, T11S, R67W, 6TH P.M.
EL PASO COUNTY, STATE OF COLORADO

CLIENT: WILSON'S CORNER LTD

SHEET 1 OF 1 | JOB NUMBER: 22088-CX

17.52.010. - Permitted uses.

Permitted uses in the CC zone are as follows:

(1) Restaurants.

(2) Service establishments, such as barbershops and beauty shops, watch and jewelry repair, pharmacies, pick-up stations for laundry or dry cleaning.

(3) Commercial (business) offices, including realty, insurance and travel agencies.

(4) Retail stores, including only the following: drug, clothing, boutiques, sporting goods, books, small grocery, antiques, gift, crafts, small office supply, bakery, print shops, furniture and florist.

(5) Art, photographic, health, dance and music studios.

(6) Day care centers.

(7) Nursing homes, housing ten or fewer full-time residents.

(8) Bed and breakfast establishments, having ten or fewer rooms.

(9) Private or government owned community buildings such as libraries, parks, museums, art galleries and post offices.

(10) Medical and dental clinics/offices.

(11) Funeral homes and mortuaries.

(Code 1973, § 17.38.010; Ord. No. 3-1995, § 2, 1995; Ord. No. 7-1999, § 1, 1999; Ord. No. 18-2000, § 18, 2000)

17.52.020. - Conditional uses.

Conditional uses in the CC zone are as follows:

(1) Educational institutions.

(2) Religious institutions.

(3) Licensed liquor and beer outlets.

(4) Hotel/motel.

(5) Light equipment sales and repair shops.

(6) Public and semi-public uses.

(7) Cabinetry, wood crafting shop.

(8) Nonprofit organizations.

(9) Video rental stores.

(10) Nursing homes, housing 11 or more full-time residents.

(11) Mixed-residential dwelling and commercial use occurring in the same building.

(12) Single-family and multifamily uses (R10,000, R3 and R4 subject to all requirements of those particular zones).

(13) Other such uses as listed and permitted which are not more detrimental, as determined by the planning commission and board of trustees.

(Code 1973, § 17.38.020; Ord. No. 18-2000, § 19, 2000)

17.52.030. - Lot sizes and dimensions.

(a) The sizes and dimensions of a lot in a CC zone shall be as follows:

(1) Minimum lot size: 6,600 square feet.

(2) Minimum lot width: 35 feet street frontage.

(b) No side yard setback shall be required provided the building's side wall is constructed of at least four-hour fire resistance material. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required. See section 17.44.030.

(Code 1973, § 17.38.030; Ord. No. 3-1995, § 4, 1995)

17.52.040. - Structure height and area.

The structure height and area requirements in a CC zone are as follows:

(1) Maximum building height: not to exceed 30 feet.

(2) Maximum area covered by structure: not to exceed 75 percent of lot.

(Code 1973, § 17.38.040; Ord. No. 3-1995, § 5, 1995)

17.52.050. - Required off-street parking and loading.

For required off-street parking and loading, see chapter 17.84.

(Code 1973, § 17.38.050; Ord. No. 3-1995, § 6, 1995)

17.52.060. - Signs.

Signs in the CC zone are permitted provided they comply with chapter 17.76.

(Code 1973, § 17.38.060; Ord. No. 3-1995, § 7, 1995; Ord. No. 18-2000, § 20, 2000)

17.52.070. - Sewerage.

Septic tanks may be permitted if all of the following conditions are met:

(1) Inability to tap existing sewer lines.

(2) Ability to meet current county sewage disposal regulations.

(3) Compliance with the provisions of chapter 16.48.

(Code 1973, § 17.38.070; Ord. No. 3-1995, § 8, 1995; Ord. No. 18-2000, § 21, 2000)

17.52.080. - Outdoor storage and buffering.

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.

(Code 1973, § 17.38.080; Ord. No. 3-1995, § 9, 1995)

178798

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Haley Zinnel, being first duly sworn, deposes and says that he is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 09/27/2023**

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

Haley Zinnel

Haley Zinnel
Sales Center Agent

Subscribed and sworn to me this 09/27/2023, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires June 23, 2026.

Karen Hogan

Karen Hogan
Notary Public
The Gazette

KAREN HOGAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224024441
MY COMMISSION EXPIRES 06/23/2026

Document Authentication Number
20224024441-514956

NOTICE OF PUBLIC HEARING
TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on Wednesday, October 18, 2023, at 5 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider a Conditional Use application for a motorcycle maintenance and detail shop, parcel ID 7105308001, in a CC zone, located at 84 Hwy 105, Unit 5. A recommendation will be made to the Board of Trustees on the same matter scheduled for Thursday, October 26, 2023, at 6 PM. A copy of the complete application is on file at the Town Clerk office at 719-481-2953. /s/ Dawn A. Collins, Town Clerk

Published in The Tri-Lakes Tribune September 27, 2023.

TOWN OF
Palmer Lake
COLORADO
est. 1889

TOWN OFFICE USE ONLY	
Date Received: 9/12/23	By: VA
Amount: $ 500-	Pmt Type: CHK.
☐ Approved ☐ Denied	Date:
Expires:	By:

VACATION & REPLAT APPLICATION

Name of Applicant/Property Owner: Wilson's Corner David James Wilson Linda L. Wilson

Name of Proposal: Replat Interior Lot Line To conform with current Building Codes.

Address: 84 Highway 105 City: Palmer Lake State: Colo Zip: 80133

Email: TRILAKESbuilding@gmail.com Tax Schedule #: 71053-08-001

This is a Vacation Plat – A map indicating a proposed elimination of a dedicated street, road easement or subdivision. It shall be prepared by a Colorado Registered Land Surveyor in accordance with a Subdivision Regulations. If approved, it shall be recorded with the County Clerk and Recorder's Office.

This is a Replat – A map which indicates an alternation from an approved Subdivision Final Plat. Such a proposal shall abide by the same regulations which affect a Final Plat submittal.

Please fill out the appropriate submission checklist to complete the application.

Location of Property: 84 Highway 105 Palmer Lake, Co 80133

Nearest Street Intersection: Glenway Street Existing Subdivision: Palmer Lake Amended Filing 1

Current Zoning and Uses of Surrounding Property: N: CC Restaurant

E: CC Restaurant

S: CC Restaurant

W: CC Residential

Signature of Owner: [signature] Date: 9/11/23

Applicants Name: Wilson's Corner David James and Linda L. Wilson

Address/Location: 84 Hgy 105 Palmer Lake, Co 80133

9/14/23

Item 3.

PROCEDURAL CHECKLIST
FOR
Vacation & Replat

To Amre Engineering Ticket

Planning Commission meetings are held the 3rd Wednesday of each month
Board of Trustees meetings are held the 2nd & 4th Thursday of each month

Please allow up to 10 business days for review and a minimum of 15 days for required publication.

All submittals need to be in compliance with the corresponding Palmer Lake Municipal Code. Coordination is required with Roads and Water Department.

United Notification Call Center (UNCC) be Contacted Prior to Submittal – 811 – I

Requirements of a Vacation/Replat:

- ☐ Name of the proposed Plan
- ☐ A specific legal description
- ☐ Name and address of owner or agent and of person preparing the plan
- X ☐ Date of preparation, scale, and Northpoint
- X ☐ A vicinity location map
- ? NA ☐ Topography with a contour interval of no more than 20 feet from the appropriate USGS quadrangle
- PLSD ☐ Proposed sewage treatment systems
- PLW ☐ Proposed water supply system with adequate evidence that sufficient water exists to supply the proposed development.
- N/A ☐ Proposed drainage compliance (pre & post development)
- ☐ Summary statement of the characteristics of the proposed area
- N/A ☑ NO Any potential hazards (radiation, flood, other environmental issues.)

Publication Procedures:

- X ☐ Site Plans (3 full size, 1 electronic) SEND TO ?
- ☑ Letter of Intent
- ☐ Complete application form and plans to the Town Clerk
- ☐ Pay an application fee ($~~250~~ 500 fee ~~+ $10 per acre~~) to the Town Clerk
- ☐ – Posting/publication of Public Hearing 15 days before the Planning Commission
- ☐ – Posting/publication of Public Hearing 15 days before the Board of Trustees
- ☐ – Public notice for each set of hearings (newspaper and signage)

B-325401458

LETTER of INTENT

WILSON'S CORNER
P. O. BOX 532
PALMER LAKE, CO 80133

To Whom this may Concern,
RE: Existing Building located at 84 Highway 105, Palmer Lake CO

This letter is for a replat of one existing interior lot line. The property is located at 84 Highway 105, Palmer Lake, CO 80133. We are requesting this replat of Lot 42 to bring the existing building, built in 1922, that encroaches on Lot 42, into compliance with the current zoning regulations. The current regulations state that the building will be a minimum of 5 feet from existing Lot lines in a CC zone. Moving the existing East Lot line of Lot 42, 5 feet to the West, will bring the existing building, into compliance with the current Regional Building Code and the Palmer Lake Zoning Code per the Commercial Convenience Regulations.

Thank you for your consideration,

David James Wilson and Linda L. Wilson

9/11/23

Item 3.

WILSON'S CORNER
P. O. BOX 532
PALMER LAKE, CO 80133

PROCEDURAL CHECKLIST

UNSC NOTICE ATTACHED

REPLAT OF LOT 42 EAST LOT LINE

LOTS 40-50 BLOCK 33
PALMER LAKE AMENDED FILING
EL PASO COUNTY COLORADO

PREPARED 9/11/23 SCALE (SEE SURVEY)

MAP. SEE SURVEY

TOPO MAP N/A

P.L.S.D. SEWER PROVIDER N/A

TOWN OF PALMER LAKE WATER DEPT. N/A

PROPOSED DRAINAGE N/A

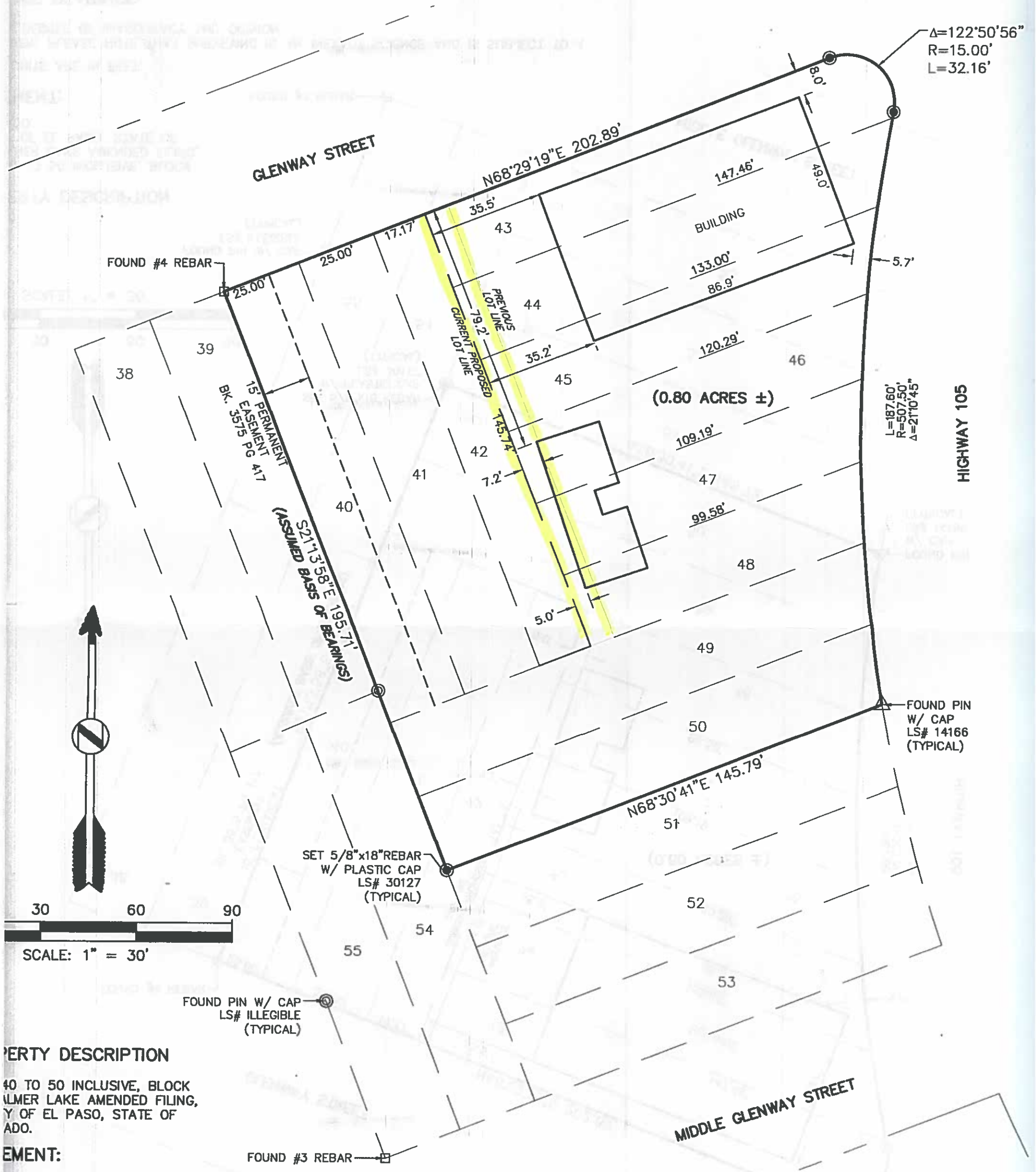
SUMMARY STATEMENT

COMMERCIAL BUILDING ON HWY 105
FLAT LOT-
BUILT IN 1922
CENTER OF PALMER LAKE
WELL MAINTAINED

LOT LINE ADJUSTI

PART OF SECTION 5, T. 11 S

COUNTY OF EL PASO, STA



ERTY DESCRIPTION

40 TO 50 INCLUSIVE, BLOCK
LMER LAKE AMENDED FILING,
Y OF EL PASO, STATE OF
ADO.

EMENT:

UNITS ARE IN FEET.

IMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A
N DEGREE OF INACCURACY AND OPINION.

S OF BEARINGS:

ERING THE WEST LINE OF LOT'S 40, 49 & 50 TO HAVE AN ASSUMED BEARING OF
58"E AND MONUMENTED AS SHOWN HEREON.

E: According to Colorado law you must commence any legal action based upon any
in this survey within three years after you first discover such defect. In no event
ny action based upon any defect in this survey be commenced more than ten years
he date of the certification shown hereon."

DATE:	REVISIONS:

REFERENCE DWG:

178797

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Haley Zinnel, being first duly sworn, deposes and says that he is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 09/27/2023**

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

Haley Zinnel

Haley Zinnel
Sales Center Agent

Subscribed and sworn to me this 09/27/2023, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires June 23, 2026.

Karen Hogan

Karen Hogan
Notary Public
The Gazette

KAREN HOGAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224024441
MY COMMISSION EXPIRES 06/23/2026

Document Authentication Number
20224024441-515711

NOTICE OF PUBLIC HEARING
TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on Wednesday, October 18, 2023, at 5 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider a replat of an interior lot line of Lot 42, parcel ID 7105308001, located at 84 Hwy 105. A recommendation will be made to the Board of Trustees on the same matter scheduled for Thursday, October 26, 2023, at 6 PM. A copy of the complete application is on file at the Town Clerk office at 719-481-2953. /s/ Dawn A. Collins, Town Clerk

Published in The Tri-Lakes Tribune September 27, 2023.

TOWN OF
Palmer Lake
COLORADO
est. 1889

TOWN OFFICE USE ONLY	
Date Received: 9/29	By: DAC
Amount: $	Pmt Type:
☐ Approved ☐ Denied	Date:
Expires:	By:

VACATION & REPLAT APPLICATION

Name of Applicant/Property Owner: Maria L Duran for Duran Walton Ventures LLC

Name of Proposal: Replat Glen Park Properties

Address: PO Box 1005 City: Palmer Lake State: CO Zip: 80133

Email: msgs4maria@live.com or drewwalton@reagan.com Tax Schedule #: 71082-03-001, 71082-03-002, 71082-016-001, 71082-06-002

This is a Vacation Plat – A map indicating a proposed elimination of a dedicated street, road easement or subdivision. It shall be prepared by a Colorado Registered Land Surveyor in accordance with a Subdivision Regulations. If approved, it shall be recorded with the County Clerk and Recorder's Office.

This is a Replat – A map which indicates an alternation from an approved Subdivision Final Plat. Such a proposal shall abide by the same regulations which affect a Final Plat submittal.

Please fill out the appropriate submission checklist to complete the application.

Location of Property: Lot 8-11 Blk 26; Lots 1-4 & Lots 14-20 Blk 31 Glen Park Palmer Lake

Nearest Street Intersection: Buena Vista & Rosita Existing Subdivision: Glen Park

Current Zoning and Uses of Surrounding Property: N: All the area is zoned Residential

E: _____

S: _____

W: _____

Signature of Owner: _____ Date: 09/22/23

Applicants Name: Maria L. Duran for Owner Duran Walton Ventures LLC & manager Drew J. Walton

Address/Location: PO Box 1005 Palmer Lake, CO 80133

BE IT KNOW BY THESE PRESENTS:

That Duran Walton Ventures LLC. being the owner of the following described Tract of land:

Lots 8 through 11, Block 26 and Lots 1 through 4 and 14 through 20, Block 31, Glen Park filed for record on June 30, 1886 in Book A at Page 83 as described in the Land Survey Plat file for record September 29, 2022 under Reception No. 222900292 in the Office of the Clerk and Recorder, County of El Paso, State of Colorado.

Together with portions of the Vacated Right-of-Ways of a portion of El Moro Street and Bijou Street adjacent to Block 26 and Block 31 vacated by Palmer Lake Ordinance No. _____ at Reception No. _____ in the Office of Clerk and Recorder, County of El Paso, State of Colorado.

Parcel 1: Lots 8 through 11, Block 26 contain a calculated area of 10,247 Sq. Ft. (0.2352 acres) more or less.

Parcel 2: Lots 1 through 4 and Lots 19 and 20, Block 31 contain a calculated area of 14,763 Sq. Ft. (0.3389 acres) more or less.

Parcel 3: Lots 14 through 18, Block 31 contain a calculated area of 12,585 Sq. Ft. (0.2889 acres) more or less.

Bijou Street: contains a calculated area of 7,347 Sq. Ft. (0.1687 acres) more or less.

El Moro Street: contains a calculated area of 3,310 Sq. Ft. (0.0760 acres) more or less.

Containing a total calculated area of 48,252 Sq. Ft. (1.1077 acres) more or less.

DEDICATION:

The above party in interest have caused said tract to be replatted into lots as shown hereon. This plat is drawn to a fixed scale as indicated hereon and accurately sets forth the boundaries and dimensions of said lots. The land as herein platted shall be know as "DURAN WALTON REPLAT OF A PORTION OF BLOCK 26 AND 31, GLEN PARK" in the Town of Palmer Lake, County of El Paso, State o Colorado.

IN WITNESS WHEREOF:

The aforementioned Duran Walton Ventures LLC. have executed this instrument this _____ day of _____ 2023.

_____
Drew J. Walton as Manager of Duran Walton Ventures LLC.
(Owner of Parcels 1, 2 and 3)

NOTARIAL:

STATE OF COLORADO }
COUNTY OF EL PASO } SS

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 2023.

By: Drew J. Walton as Manager of Duran Walton Ventures LLC.

Witness my hand and seal:

My Commission expires _____. Notary Public _____

GENERAL NOTES:

1) ● – Recovered monument, see notes.
   ○ – Set no. 5 Rebar and pink plastic cap marked "PLS 38556".
   (R) – Record bearing & distance
   (M) – Measured bearing & distance
   (C) – Calculated bearing & distance
   A.G. – Above Grade
   B.G. – Below Grade

   1) 3/4" Iron Pipe
   2) No. 5 Rebar
   3) No. 4 Rebar w/ yellow cap, LS 27270
   4) 1/4" Steel Rod (not accepted)
   5) No. 4 Rebar
   6) 1/2" Iron Pipe
   7) No. 5 Rebar w/ red cap, RLS 10108
   8) No. 4 Rebar w/ yellow cap, LS 37651
   9) No. 5 rebar w/ pink cap, PLS 38556

2) The basis of bearings is the westerly lines of Lots 12 and 13, Block 26, monumented as shown and assumed to bear North 19 degrees 14 minutes 17 seconds East.

3) This survey does not constitute a title search by Gould Land Surveying, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Gould Land Surveying, LLC relied upon a Commitment for Title Insurance prepared by Stewart Title Guaranty Company, Commitment No. 1733209 with an effective date of June 26, 2022 at 8:00 A.M.

4) The purpose of this survey is to vacated those portions of Bijou Avenue and El Moro Avenue as shown hereon and replat those vacated portions of Bijou Avenue, El Moro Avenue and Lots 8 through 11, Block 26 and Lots 1 through 4 and Lots 14 through 20, Block 31 into 4 lots. The field work was completed on July 14, 2022.

5) The subdivision plat of record does not contain any angles, bearings or distances and the lots in this part of the block are not evenly spaced. After reviewing the original plat document on file at the Clerk and Recorders office and not finding any additional information not shown on the microfilm copy, it was determined to rely on evidence found in the field, including monuments, occupation, graded roads, and geographic features. All bearings and distances shown are the result field measurements.

6) Unless noted otherwise, all monuments were found or set flush with ground and accepted as representing the boundary corner.

7) The lineal units used in this survey are U.S. Survey Feet. A U.S. Survey Foot is defined exactly as 1200/3937 meters.

8) Easements and other public documents shown or noted on this survey were examined as to location and purpose and were not examined as to restrictions, exclusions, conditions, obligations, terms, or as to the right to grant the same.

9) Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action be commenced more than ten years from the date of the certification shown hereon.

10) Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a class 2 misdemeanor pursuant to the Colorado Revised Statute 18-4-508.

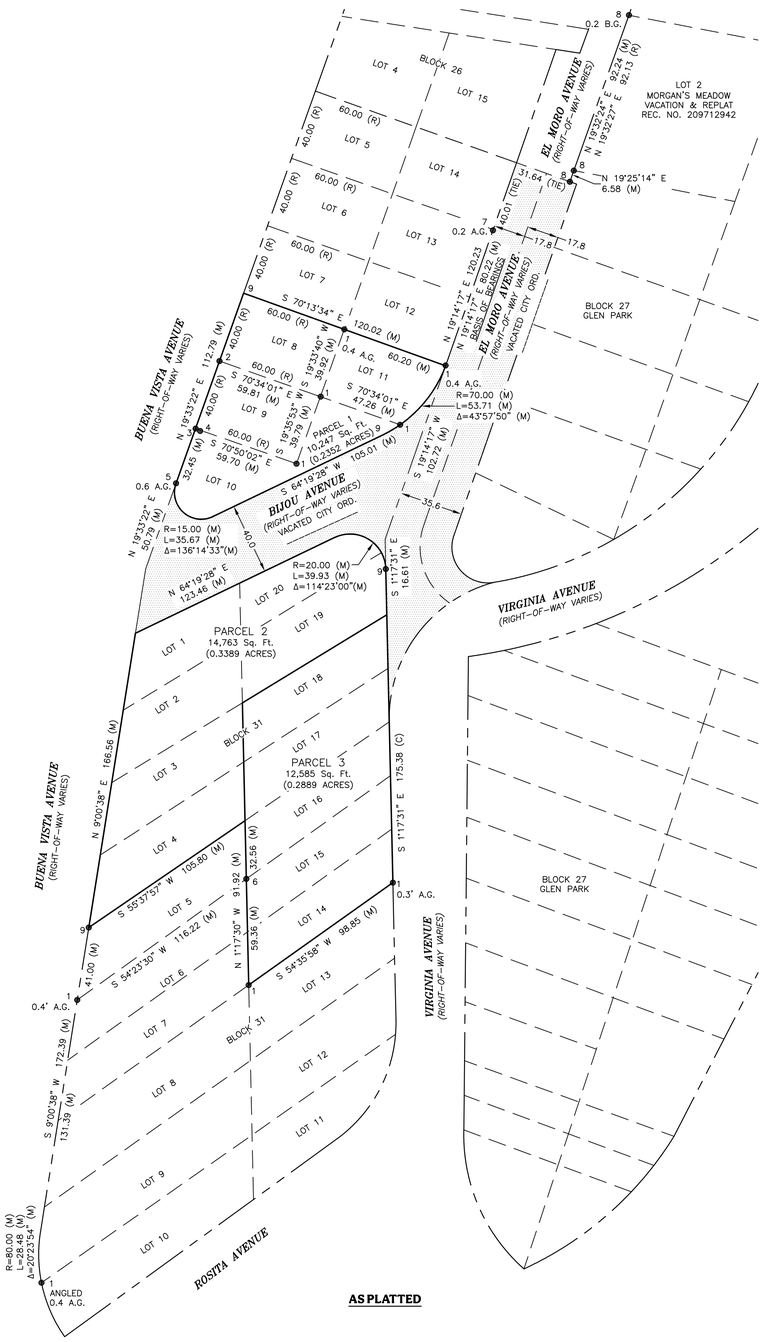
SURVEYOR'S CERTIFICATION:

I, Kenneth Gould Jr., a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat of DURAN WALTON REPLAT OF A PORTION OF BLOCKS 26 AND 31, GLEN PARK truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments and subdivision of land and have been met to the best of my professional knowledge, information and belief. This statement is neither a guaranty or warranty, either expressed or implied.

I attest the above on this 5th day of July, 2023.

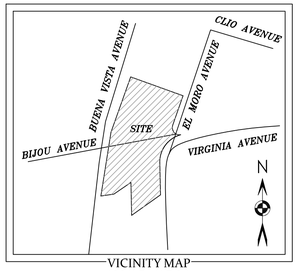
PRELIMINARY

Kenneth Gould Jr.
State of Colorado Professional Land Surveyor No. 38556
For and on behalf of Gould Land Surveying, LLC.

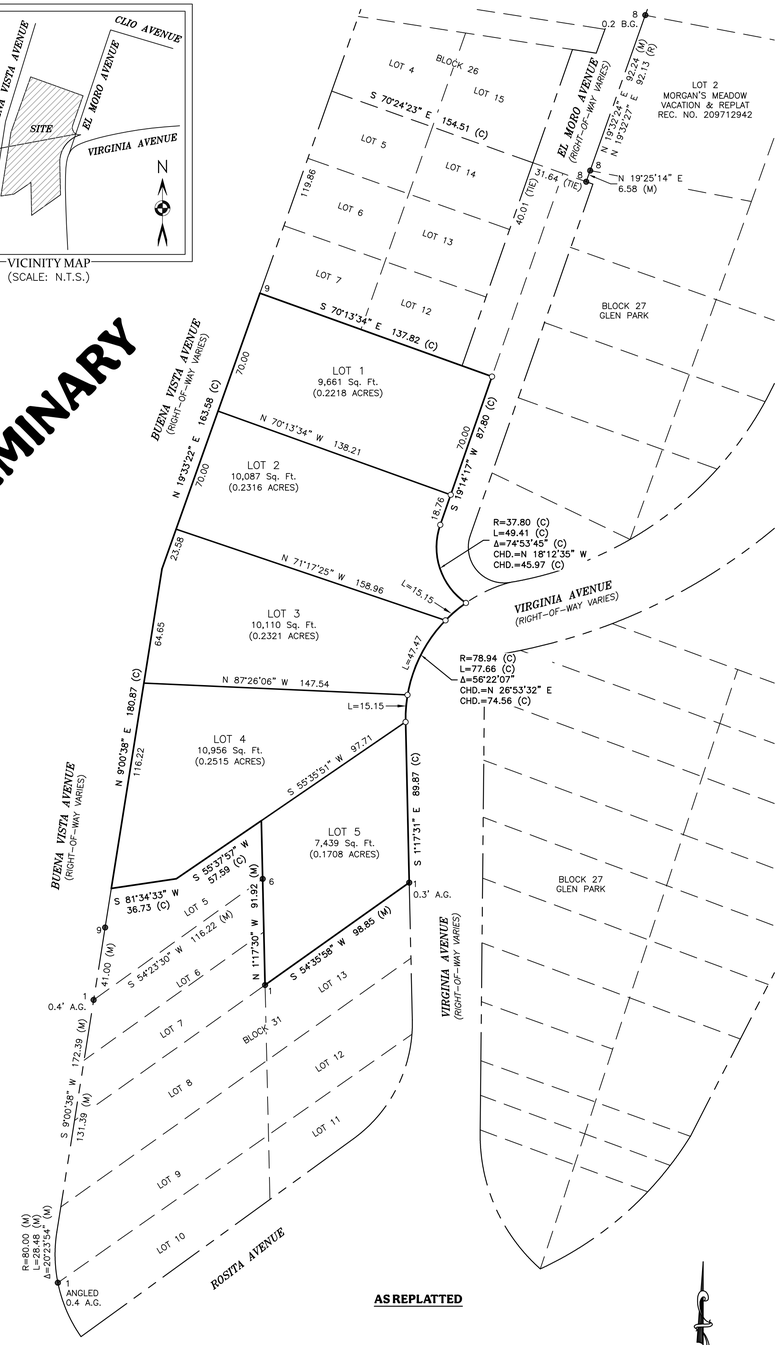


AS PLATTED

PRELIMINARY



VICINITY MAP
(SCALE: N.T.S.)



AS REPLATTED

PLANNING COMMISSION APPROVAL:

This plat was approved by the Palmer Lake Planning Commission on this ___ day of _____, 2023.

_____
Chair, Planning Commission

BOARD OF TOWN TRUSTEES APPROVAL:

This plat was approved by the Board of Town Trustees of Palmer Lake, Colorado on this ___ day of _____, 2023.

_____
Mayor of the Town of Palmer Lake

CLERK & RECORDER'S CERTIFICATE:

Accepted for filing in the office of the county clerk and recorders of El Paso County, Colorado.

this_____ Day of _____ at __o'clock ___.M., 2023, A.D.,

and is duly recorded under Reception No. _____

Clerk and Recorder:_____

GRAPHIC SCALE
40 0 20 40
(IN FEET)
1 inch = 40 ft.

OWNER:

Duran Walton Ventures LLC
P.O. Box 1005
Palmer Lake, CO 80133

Project No.: 22056
August 7, 2023
Rev.: September 14, 2023
Rev.: September 20, 2023
Rev.: October 3, 2023

A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

DURAN WALTON REPLAT OF A PORTION OF BLOCKS 26 AND 31, GLEN PARK

P.O. Box 7123
Woodland Park, CO 80863
(719) 687-8385
info@gouldls.com
GouldLandSurveying.com

Gould LAND SURVEYING

179512

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

Item 4.

Public Notice

NOTICE OF PUBLIC HEARING
TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on October 18, 2023, at 5 PM at the Town Hall at 28 Valley Crescent, Palmer Lake, to consider a request to replat Block 31, Lots 1 thru 4 and Lots 14-20, and Block 26, Lots 8-11, located at Buena Vista Ave. A recommendation will be made to the Board of Trustees on the same matter scheduled to be heard on October 26, 2023, at 6 PM. A copy of the complete application is on file at the Town Clerk office, at 719-481-2953. /s/ Dawn A. Collins, Town Clerk

Published in the Tri-Lakes Tribune October 4, 2023.

I, Haley Zinnel, being first duly sworn, deposes and says that he is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 10/04/2023**

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

Haley Zinnel

Haley Zinnel
Sales Center Agent

Subscribed and sworn to me this 10/04/2023, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires June 23, 2026.

Karen Hogan

Karen Hogan
Notary Public
The Gazette

KAREN HOGAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224024441
MY COMMISSION EXPIRES 06/23/2026

Document Authentication Number
20224024441-679786

TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO

DATE: October 2023	**ITEM NO.**	**SUBJECT**: Consider Conditional Use for Motorcycle Maint/Repair in CC Zone, Hwy 105
Presented by: Town Administrator /Clerk		

Background

A new business is interested in this location for motorcycle maintenance/repair at Hwy 105, which is a CC zone, found here - https://library.municode.com/co/palmer_lake/codes/code_of_ordinances?nodeId=COOR_TIT17ZO_CH17.52COCOCCZO

Thus, the owner of the property, along with the tenant for the space, is requesting a conditional use pursuant to Section 17.52.020 (5) or (13) as the Planning Commission interprets the conditional use.

Members will be in attendance to speak to the request.

Recommended Action

Consider a recommendation to the Board of Trustees for the conditional use as requested.

TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO

DATE: October 2023	**ITEM NO.**	**SUBJECT**: Consider Replat of an Interior Lot Line, Hwy 105 (Wilson)
Presented by: Town Administrator /Clerk		

Background

Mr. David Wilson will be in attendance to request the replat of a parcel located at Hwy 105 to clean up encroachment of a structure.

Staff has no concerns about this internal lot line replat.

Recommended Action

Consider a recommendation to the Board of Trustees for replat as requested.

TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO

DATE: October 2023	**ITEM NO.**	**SUBJECT**: Application to Replat Parcels – Duran Walton Ventures
Presented by: Town Administrator /Clerk		

Background

This request is to reconsider the replat for numerous lots, a total of five lots, subsequent to the vacation of the El Moro ROW, and deeding a small portion of one lot to comply with setbacks for an existing structure on the property line.

Note: the change before the Commission is that it is appropriately replatted to the traditional ROW vacation – middle of former ROW. The prior approved replat was drawn to include the former ROW up to the adjacent property line, which was incorrect and, without the prior approved permanent trail easement (now traditional vacation), the property line is redefined appropriately for the replat to five lots.

The applicant will be in attendance to speak to this request. Staff supports this revised replat.

Action to Consider

Move with a recommendation to the Board for the replat as requested.

TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO

DATE: October 2023	**ITEM NO.**	**SUBJECT**: Distribute/Review Action Plan for Land Use Code Critical Issues Update
Presented by: Town Administrator /Clerk		

To proceed with the Critical Updates to the Land Use Regulations, CMI needs reaffirmation of the following:

1) Sent and discussed the new Code Organization this past Spring. The Planning Commission concurred with this organizational structure. This is how the Critical Code update will be formatted. Please let us know if the Commissioners have any issues with the Table of Contents. (This was included in the land use regulations - code diagnosis starting on page 7 and attached as a separate file for ease of reference.)
2) The Code Update will be based on the Code Diagnosis completed by CMI and the worksheet results from the Planning Commission. These attachments were the basis of our approved Scope of Services and will guide the Code Update. Please familiarize yourselves with the work completed this past Spring.
3) There are a few code items that require immediate attention based on our discussion with staff and Commission direction over the last 6+ months.
    a. Before YE: Allow 2-family/duplex units in the higher density R zones where such dwelling units already exist and provide for the Administrative Plat Amendment Process to allow the consolidation of lot lines, movement of a lot line so long as no additional lots are created or to correct clerical errors on plats (this is provided for in the State Statute).
    b. Beginning in 2024: Allow for ADUs per guidance provided in the adopted Community Master Plan and update parking requirements in the downtown area to include shared parking and an in-lieu of parking fee provision.

As discussed with staff, we will tentatively schedule the following work sessions for the Critical Code Update:

OCTOBER 25TH - DEVELOPMENT REVIEW WORK SESSION (Virtual w/CMI)

NOVEMBER 8TH - DRAFT OF ADMINISTRATIVE PLAT AMENDMENT AND 2-Unit/DUPLEX PROVISION (worksheet with draft language will be sent out before the work session)

NOVEMBER 15TH – ARTICLE 1: GENERAL PROVISIONS (overview provided before work session)

NOVEMBER 21- JANUARY 2- CMI TO DRAFT ARTICLE 2 - including duplex in R zones with current duplexes and ADU addition and ARTICLE 3 GENERAL STANDARDS to include revisions to the parking standards.

RESUME PLANNING COMMISSION REVIEW OF ARTICLE 2 & ARTICLE 3 (drafts will be forthcoming as they are completed with worksheets as requested).

PLANNING COMMISSIONER INSIGHTS ON THE CURRENT CODE

The Palmer Lake Planning Commissioners undertook a review of the current, albeit dated subdivision and zoning regulations in the Spring of 2023, using a worksheet provided by Community Matters Institute. The purpose of the worksheet was to better understand possible issues that have arisen when using the existing land use regulations contained in the Town's municipal code.

SUMMARY OF FINDINGS

1. All of the seven members of the Planning Commission felt that the current code, with major portions, adopted back in the 1970s, was inconsistent and many sections were simply missing.

   - **Recommendation 1: Address inconsistencies.**
   - **Recommendation 2: Add missing sections. Examples include:**
     - Clarification that development applications need to be referred to referral agencies (see 16.20.040 Distribution and Review; 16.16.040 and 16.16.060). There should be one section on referrals to outside agencies including those required by Statute. Generally, all development applications should be referred to Town departments and outside utilities, service providers, and agencies for review and recommendations. We recommend one section that addresses application and referral.
     - Another example noted by Planning Commissioners was the addition of rules and procedures for accessory uses and conditional uses and generally clarifying what is a principal use, accessory use, conditional use, and temporary use. Commissioners also desire more guidance on Accessory Dwelling Units.
     - The subdivision regulations should include all types of subdivision including Administrative Plat Amendment, Plat and ROW vacation, and resubdivision/replat.
     - Consider moving certain land use regulations out of other chapters and into the Land Use regulations or provide a cross-reference. (e.g., Chapter 14- Exterior Lighting; CMRS (towers and antennas) and other cell tower regulations, Chapter 13-Water Conservation).
     - Add a new section on Landscape requirements.
     - Add a new section requiring a traffic impact analysis, a noted concern among Town residents.
2. Most found that there were too many sections outlining procedures and that the procedures were either incomplete, confusing, or inconsistently repetitive.

   - **Recommendation 3: Create one article or division called 'Administration and Procedures'. This section should address:**
     - the review process,
     - pre-application conference,

- determination of completeness,
- application referral,
- public notice requirements (including a table),
- record of decision, and,
- duration of approval.
- As suggested, this section can include a 'Review Procedures Chart' for all types of development applications. This chart would include who reviews and approves a development application with a reference to the appropriate code section.
- Add a section on Master Plan/Comprehensive Plan amendment as outlined in the recently adopted Master Plan.
- Add a section on rezoning procedures.
- Add appendices that provide examples of required documentation:
  - the required certifications and signature blocks for submittals,
  - Examples of annexation, development, and improvements agreements,
  - Examples of bonds and guarantees,
  - Standard drawings and specifications.

- **Recommendation 4: Consider creating a Land Use Code with subdivision and zoning in one chapter. (Combine Chapters 16 and 17).** The benefits of this approach include one section on combined general purpose statements, general provisions, all definitions in one chapter, all development review procedures in one chapter, and all development standards in one chapter.
- **Recommendation 5: Create one section that addresses fees and cost reimbursement.**

3. Those answering the questionnaire.

- **Recommendation 6: Create tables that outline the dimensional requirements for all principal and accessory uses.**
- **Recommendation 7: Address comments about dimensions noted by Commissioners and revise, as necessary.**
  - Increase the required setback along Hwy. 105.
- **Recommendation 8: Update the list of uses for all zone districts.**
- **Recommendation 9: For each zone district, at minimum, list the principal uses by right, including accessory uses, conditional uses, dimensional requirements, and any development standards.**
- **Recommendation 10: Review with Planning Commission existing zone districts and amend, as necessary. As one Commissioner noted: *All 'use' language should be updated to general use categories, currently uses are virtually the same.***

4. Most believe that the Code would benefit from better organization. In addition to one section on Administration and Procedures, consolidation was often mentioned to avoid inconsistencies and ensure requirements are easy to find.

- **Recommendation 11: Create one Article or Division called Supplemental Standards or Requirements that includes all general standards for any use that are applicable throughout the entire Town.**
    - Examples include Parking, Lighting, Landscaping, Access, and Site Design standards.
    - Parking regulations should include parking design, methods to reduce required parking, circulation, design, and maintenance. Parking requirements by use should be revisited and listed in table format.
    - The number of loading and stacking spaces needs to be added.
    - Consider adding building design standards as mentioned during the development of the Master Plan.
    - Consider adding a section to address noise and other external impacts (glare, vibration, odor, and smoke.)
- **Recommendation 12: Create one Article or Division called Special Requirements that outlines any special requirements that apply to certain land or type of use.**
    - Existing sections include Flood Plain, Hillside, and environmentally constrained land, home occupations, and Master Plan *(for multi-parcel developments that are mixed-use or involve several phases).*
    - Expand Chapter 17.88 to include non-conforming uses, lots, and buildings and provide further instruction on non-conforming uses that are abandoned for a period of time, and what cannot be done that would increase the non-conformity of a use, structure, or lot.
    - Combine variance procedures and add criteria for granting a variance.
    - Outline rezoning procedures.
    - Consider adding requirements for manufactured homes (this includes mobile homes), temporary and seasonal uses, industrial and commercial performance standards, and a new cluster development procedure to preserve open space and minimize infrastructure costs.

5. Amend the PUD requirements based on the Commissioner's comments and ensure compliance with State Statute (Section 24-67-106, C.R.S., as may be amended). Recommended amendments include:

- **Recommendation 13: Further define open space requirements to ensure there is an overall community benefit including a definition of public open space as noted by Commissioners.**
- **Recommendation 14: Address procedures for approval including the role of the Comprehensive Plan/Master Plan, PUD purpose (greater public benefit for more flexibility- it's not just another zone district) in the decision-making process, and allowable densities as noted by Commissioners.**
- **Recommendation 15: Clarify the criteria for review and approval of a PUD, especially the section on density and criteria for review including how it 'fits' with the neighborhood as noted by Commissioners and the need for a variety in building design.**
    - See comment: *17.72.060 Open Space; 17.72.070 Setbacks and 17.72.080- Regulations.*

- **Recommendation 16: Clarify minor and major amendments to an approved PUD; address PUDs that no longer have vested rights. (See 17.72.150)**
- **Recommendation 17: Further clarify when subdivision regulations need to be adhered to (See 17.72.120)**
    - Ensure that all subdivision plats and site plans are specifically vested for three years through the inclusion of the required certification.
    - 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 sixty (60) days prior to the date said approval is to be considered. (See CHAPTER 17.96. - VESTED PROPERTY RIGHTS- *Note: CMI has not found any subdivision plat or plan that has specifically requested the vesting of property rights*).

6. Planning Commissioners believe that site plans should be required for any non-residential development and any residential development with more than two dwelling units.

- **Recommendation 18: Create a section on Site Plan requirements.**
    - Site Plan Review Process
    - Site Plan Submittal Requirements
    - Amendments to approved Site Plans

7. Update Land Use Code definitions.

- **Recommendation 19: Ensure consistency between subdivision and zoning definitions and add definitions to the master list from code sections that have been added over time (e.g., Hillside definitions; flood plain; marijuana (17.104); exterior lighting (14.20.020).**
- **Recommendation 20: Define Multi-family and multi-use developments and add additional review criteria based on Commissioner comments. What is multi-family? What is considered multi-use?**
- **Recommendation 21: Add missing definitions. For example: Open Space; ADU; Short term rental; and remove definitions that are not currently found in the Code.**

Their full comments are noted below.

CODE ORGANIZATION AND OVERALL CONTENT

The intent of this first step was to identify sections that are missing, and sections that need to be updated and to address the overall organization of Chapter 16- Subdivision and Chapter 17- Zoning.

Question # 1: An overall goal of any Land Use Code Update (LUCU) is to simplify the code. Are there sections of the current chapters that you find redundant or inconsistent?

- *Yes*

- *Yes, How critical should the Town Master Plan be in the decision [to approve/to deny] a PUD and all other decisions?*
- *Yes, the suggestions from CMI on cleaning up the code and reorganizing it, addresses most of my concerns.*
- *Yes, redundant zoning.*
- *Yes, Inconsistent 'plan' procedures.*
- *Yes, the Code is redundant, inconsistent, and/or simply missing [sections].*
- *Yes, having PC, publications, and BOT actions repeated in multiple places.*
- *Yes, Subdivision regulations:*
    - *16.32.010 wording and no fees mentioned!*
    - *16.32.03 and .04- Does BOT go 1st before PC?*
    - *16.60.020-development should not cost the town.*
    - *16.32.030- Sign [regulations] should be in one place.*
    - *16.69.- All fees should be in one place.*
    - *16.72- Drainage in application procedure?*
- *Chapter 17- consolidate universal zoning requirements.*
- *I am in agreement with CMI's recommendation on the need to consolidate many of the redundancies within the current code. Consolidating the existing Chapters 16 & 17 into one Land Use Regulations section will help create a more consolidated, easy-to-navigate section.*

Question # 2: The current code does not list uses as principal, or accessory. In addition, there is no clear procedure for reviewing conditional uses. How have accessory uses been reviewed? How have conditional uses been reviewed? Has this created any difficulties when reviewing a development application?

- *Accessory uses are not reviewed – [not addressed]; just done, unless CUP, new, or other remodel.*
- *I like the idea of updating the use list to include principal, accessory as well as conditional uses.*
- *No, accessory uses have not been reviewed during my time on the Commission.*
- *Conditional uses feel random with new clear terms of application.*
- *Our town has seen very few significant submittals. I do not recall accessory uses being an issue on any submittal.*
- *Conditional uses have been reviewed based on a benefit to the community metric.*
- *Under permitted uses it lists the use AND accessory use but does not define the accessory use. I did not notice this before.*
- *Under conditional uses- Look what is listed [incomplete]... if the application is not listed then I consider public input and intent.*

Question # 3: Another issue with Palmer Lake's existing land use regulations is pyramid zoning (definition: Including more restrictive uses in less restrictive zone districts. Examples: Residential use (more restrictive) would be allowed in an area zoned commercial (less restrictive); commercial (more

restrictive) would be allowed in an area zoned industrial (less restrictive).) This was mentioned as an issue during the development of the new Community Master Plan.

If this change were implemented the community would benefit from a distinctive land use pattern and ensure that land designated for commercial use is not used solely for residential uses. **Do you concur with the removal of the pyramid zoning scheme?**

- *The less grey areas there are, the easier and better it is to make a sound decision.*
- *Remove pyramid zoning!*
- *I agree with the removal of pyramid zoning.*
- *Yes, each zone should clearly stand on its own.*
- *Need flexibility, a coffee shop in a residential neighborhood could be wonderful. Don't see the downside of commercial in an industrial zone.*
- *It seems in the past, each applicant would plead their case and just get approval without forethought on how that affects long-term growth.*

Question # 4: The land use code would benefit greatly from a more comprehensive list of uses and pre-determined criteria that allow staff to okay uses not listed. It would also include the size and type of accessory uses allowed in each zone district. Have there been instances where it has been difficult to determine if a use is allowed? How has this been handled?

- *Yes - add more comprehensive list of uses including accessory use, accessory dwelling unit (use is assumed); 'property right' though it's a single-family dwelling.*
- *Yes – Handle by referring to the Master Plan and extensive discussion.*
- *Originally unclear whether or not the trailer rental at Illumination Point was allowed. [It] became clear it wasn't allowed only after trailer biz pushed it too far.*
- *Yes, see above. If a person was known to members, PC would generally allow; Also, see Q 2 answer.*
- *I think a comprehensive list of uses and pre-determined criteria creates more visibility and a higher level of clarity for all involved.*

Question # 5: The entire code needs to be updated. In addition to the changes noted in our memo, are there rules or the placement of rules that have caused problems or have been difficult to find? (*The focus here is on the style and organization of the ordinance) If yes, what has been difficult to find or interpret? (Describe or draw what is confusing).*

- *Yes, combine common themes, instruct, and separate those different applications, uses, zoning, etc.*
- *Few significant submittals but agree that code reorganization is needed.*
- *Yes, because of the 'stream of conscientious' method of its organic growth.*

- *At one time the [allowable] building heights were all over the place. I was able to get a single height passed in all residential zones.*
- *Often when something came before us, it was difficult to find all the pertinent rules to be able to evaluate.*
- *After reviewing the outlined changes provided in the code diagnosis, I do not have any additional requests or recommendations.*
- *Sign Code rules are in many places. [Both subdivision and zoning.]*
- *Signs*
- *Conditional vs permitted vs accessory uses.*
- *PUD rules: procedures are not intuitive.*

SUBSTANTIVE QUESTIONS

Substantive questions impact the type and quality of development within the Town of Palmer Lake. Your answers to these questions will influence the degree of control you will have over new development as well as what is reviewed by the Planning Commission and the Town Board.

Question # 6: Do you believe that the dimensional requirements for all existing zone districts are appropriate?

- *No, reduce % of use/build on the parcel; current setbacks are wider than overall % of the parcel, so there is 0 green space-yard but setback, still address drainage landscaping, etc; reduce all density.*
- *No, certainly they're not ALL appropriate. I think they're largely okay; exceptions include the codification of the 105 corridor setbacks.*
- *I'm not sure. Some of the road frontage seems a lot especially if only 35% build on a large lot. Area of build for the lot sometimes not listed. I think some of the zone [districts] could be combined, and some renamed.*
- *Yes.*
- *I am not aware of any issues pertaining to the existing dimensional requirements that would necessitate a change but I am new to the Commission.*

Question # 7: Are there any uses that should be added or deleted from any of the existing zone districts? Should any of the existing zone districts be amended on the basis of the new Community Master Plan? Are there specific uses that are dated and therefore should be replaced? (Also see section on Pyramid Zoning). *We typically recommend eliminating the long and specific lists of permitted uses and replacing these lists with a more general description of the use. (e.g., Eating and drinking establishment means a permanent building containing a restaurant, café, bar tavern, or brewery which serves food and/or beverages, prepared, or consumed on the premises, within a building or on an outdoor patio, served to the customer at tables or counters.*

- *Add uses to zone districts.*
- *All 'use' language should be updated to general use categories, currently uses are virtually the same.*
- *Need much more study/research time to answer this question.*
- *Add an area specifically for multi-use.*
- *Delete R-4 no one wants per Master Plan.*
- *Combine some of the residential districts.*
- *Add to zone district- the more clear details given, the better we serve the Town and the requestor.*
- *I agree with recommendation to replace the specific lists of permitted uses and provide a general use description instead.*

Question # 8: Are there portions of the code or rules that have caused problems or resulted in decisions that you wish you did not have to make?

- *Hard core yes or no for PUD uses; ensure development is fitting into neighborhoods.*
- *Yes, density of PUDs.*
- *Few big questions: BUT the trailer rental guy represents a failure. Also, I worry the Erhardt property will be a strip mall development w/ a parking lot out front. Need Main Street guidelines.*
- *Sign [regulations] seem very subjective.*
- *Conditional use is subjective.*
- *PUD rules are not clear.*

8 A: Are there development proposals that you wish you could accept or encourage that are clearly not allowed given the current regulations in the zoning ordinance (e.g., is it okay to have a caretaker residence within the industrial zone district –Would this provide affordable housing? Could this be an allowable accessory use?)

- *Yes, variety of uses, density and building orientation (avoiding driveways that look like piano keys.)*
- *Industrial Zone: I don't believe that this is a good thing; It would just be a way that rental properties pop up all over town. [This is] not solving the problem but making new ones.*
- *Clear definition of what track housing is! My definition is when you repeat a floor plan over and over. Others think it is a certain level of quality, which I believe cannot be defined.*

8B: Have there been development proposals that are not in keeping with the newly adopted Community Master Plan? What language is needed in the regulations to address this issue?

- *Is multi-family less than 6 or less than 4?*

- *Dwelling unit- duplex or triplex*
- *Define 'public open space.'*
- *Can't imagine anyone living in our inhospitable industrial zone EXCEPT it backs up to forested Ben Lomond, so SURE! The industrial zone combined with the poorly planned TOPL yard, has screwed it up to the point where residential developers won't know how to deal with it.*
- *105 setbacks need to be codified.*
- *We might want to exclude shooting ranges in TOWN.*
- *The Master Plan says the density of ER Villas is acceptable, but the development itself is not in keeping with open vistas, non-tract housing.*
- *Industrial zone I feel could be multi-use area.*

Question # 9: Site Development Plan requirements. The requirements for a site plan need to be more fully explained. Is there a certain size of *or type of development that should submit a site development plan?* Should certain types or sizes of development requiring some sort of site plan be reviewed by the Planning Commission?

- *Any residential development that is more than two-family (5)*
- *Any non-residential project no matter what size (6)*
- *Any non-residential project over 1 acre (3)*
- *Any planned development (6)*
- *Other suggestions:*
    - *Site plan and description of use should be the only things considered at the pre-submittal [pre-application]*
    - *Any residential over 1 acre*

Question # 10: Other changes that should be addressed in the Subdivision or in the Zoning Ordinance?

- *I think the organization is poor and could be improved.*
- *Tables could be utilized.*
- *Need landscape regulations, I like El Paso County's LDC Chapter 6 re: Landscaping. Actually, these regulations are overly complicated, but parking lot screening is well-addressed.*
- *Main Street Regulations*
- *Sidewalks/Trails required for all non-residential development.*
- *105 Overlay Zone.*

Sections that are confusing and need clarification (these comments related to the Code Diagnosis prepared by CMI. We have removed the page numbers for ease of reading, but these are available and will prove useful in any code update.:

Subdivision:

1. *Who pays for the new maps? Are these on paper or digital? Style or just location?*
2. *Can we reduce the number and encourage the use of public lots for overflow?*
3. *Define the transition between residential and non-residential.*
4. *Add the orientation to the line of site.*
5. *Camping has been of interest on private land in the Airbnb world.*
6. *What about alternative construction methods like super-insulated, passive solar, and straw bales?*
7. *Have all the right-of-way issues in the Glen been resolved by vacation?*
8. *Hand drawn or CAD. Digital copies?*
9. *Need to address and include 105.*
10. *16.12.10 NOTE: Does this include the Comprehensive/Master Plan?*
11. *16.16.020 Last paragraph - Who defines "sufficient"?*
12. *16.20. 020 4th bullet - If there are no curb cuts do we require that to be brought up to code/standard? 5th bullet - are public hearings before the hearing? Last section - is there an incremental review for infrastructure improvements? 1st section - public pedestrian facilities - does that include bus stops?*
13. *Why can't we make COOT live up to our standards?*
14. *17.04.030 Last paragraph in bold - does this impact property owner rights?*
15. *first section - Master Plan should be updated at the time of any changes to the code.*
16. *17.72.040 Do you want to require mixed uses? Yes*
17. *17.72.070 Amend per Master Plan - Yes; Add additional criteria? Yes, not tract housing!*
18. *17.72.090 Should pre-application be a must? Yes*
19. *17.72.110 - last bold paragraph - Who is the governing body?*
20. *4th bullet Abandoned signs - Who pays for the removal of these signs?*
21. *17.XX Landscaping 3rd paragraph water-efficient - who defines "efficient"?*
22. *17.92 Zoning Officer- can we make this a required position, so it’s not eliminated due to budget cuts?*

Town of Palmer Lake Land Use Code Diagnosis

Virtual Workshop

April 26, 2023

Community Matters Institute
303 730 0396

FOCUS

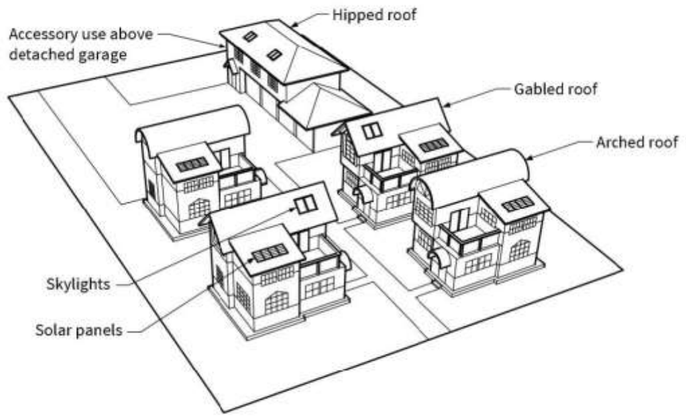
- Worksheet
- Code Issues

Virtual Workshop

April 26, 2023

Community Matters Institute
303 730 0396

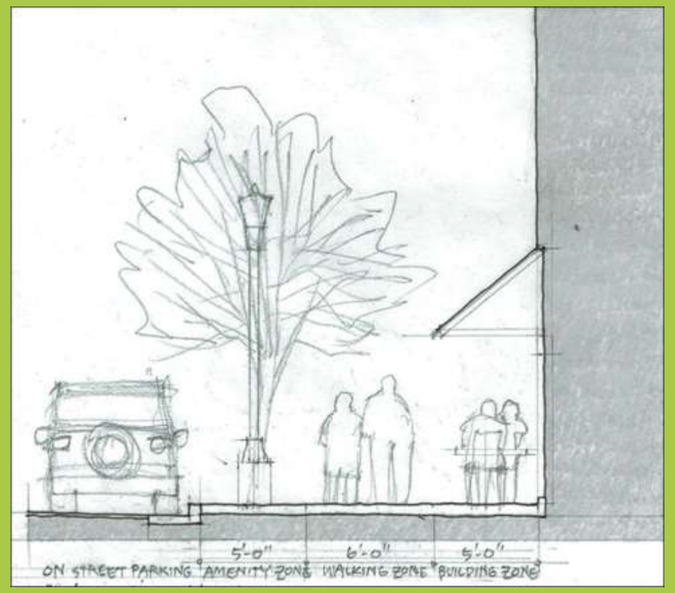
Why Update Your Land Use Regulations?



- Appropriate regulations **preserve property values.**
- Land use regulations function as a **set of tools** that shape the places you live, work, and play.
- Land use regulations help **preserve valued characteristics of place.**
- Better regulations will help attract the land uses you want - **they are a first-choice economic development tool.**
- Reasons to Update Code from Commissioners:
  - **Address Inconsistencies**
  - **Add missing sections**
  - **Remove pyramid zoning**
  - **Better organization**
  - **Require site plans**

Code Organization and Overall Content

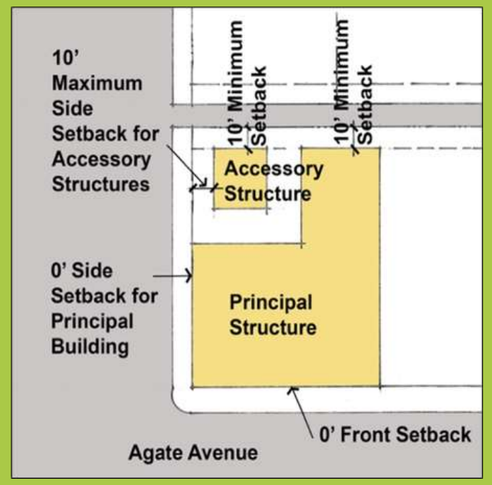
Worksheet Findings from the Commissioners



Commissioners generally agreed that:

- *"the 'code is redundant, inconsistent or generally missing sections"*
- *"Consolidating the existing Chapters 16 & 17 into one Land Use Regulations section will help create a more consolidated, easy-to-navigate section."*
- *"The suggestions from CMI on cleaning up the code and reorganizing it, address most of my concerns."*

Worksheet Findings from the Commissioners



#1: Simplify the code and remove inconsistencies.

Examples noted by Commissioners:

- *"Remove or combine unused zone districts.*
- *"Like the idea of combining subdivision and zoning- this avoids repetition of definitions, purpose, etc."*
- *"Create one section on procedures- this aids in addressing inconsistencies*
- *"PC, publications, BOT actions repeated in multiple places*."

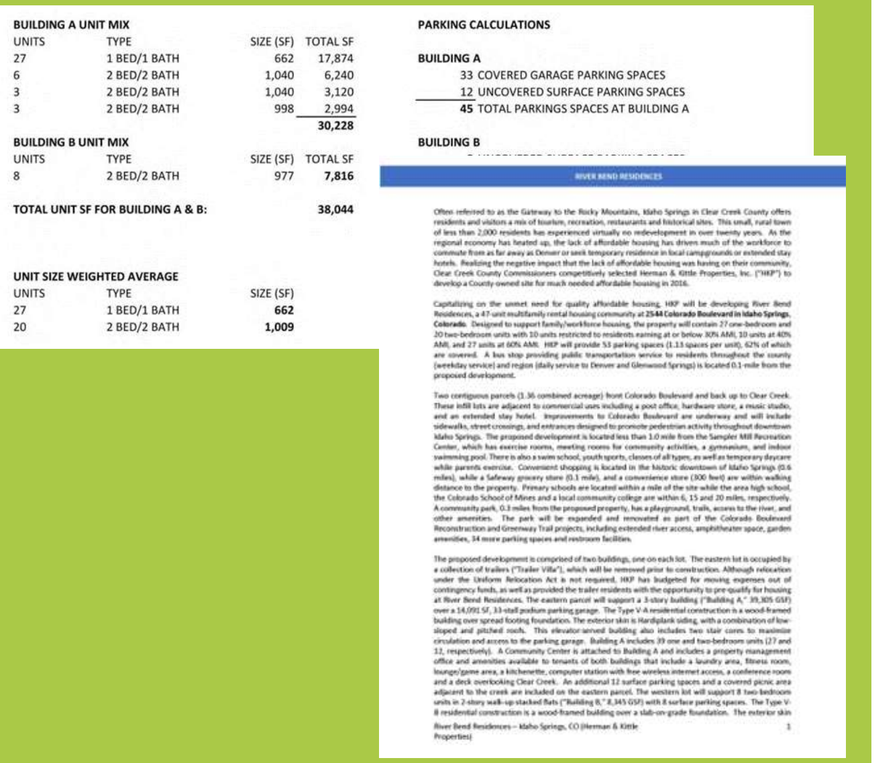
Worksheet Findings from the Commissioners

Recommend #2: Add Missing Sections

Examples:

- Beef up the section on required **referrals** for development applications: Town departments, outside utilities, service providers, and agencies (16.20.40)
- Add those that are required by Statute (e.g. Section 31-23-225, C.R.S. Major activity notice- 5-acre rule)
- **Uses:** Address accessory uses, temporary uses, and conditional uses- "*Conditional vs permitted vs accessory uses- clarify!*"
- Add missing **subdivision types**- e.g. Administrative plat Amendment, replat/resubdivision, clarify minor subdivision.

Worksheet Findings from the Commissioners



BUILDING A UNIT MIX

UNITS	TYPE	SIZE (SF)	TOTAL SF
27	1 BED/1 BATH	662	17,874
6	2 BED/2 BATH	1,040	6,240
3	2 BED/2 BATH	1,040	3,120
3	2 BED/2 BATH	998	2,994
			30,228

BUILDING B UNIT MIX

UNITS	TYPE	SIZE (SF)	TOTAL SF
8	2 BED/2 BATH	977	**7,816**

TOTAL UNIT SF FOR BUILDING A & B: **38,044**

UNIT SIZE WEIGHTED AVERAGE

UNITS	TYPE	SIZE (SF)
27	1 BED/1 BATH	**662**
20	2 BED/2 BATH	**1,009**

PARKING CALCULATIONS

BUILDING A

33 COVERED GARAGE PARKING SPACES
12 UNCOVERED SURFACE PARKING SPACES
45 TOTAL PARKINGS SPACES AT BUILDING A

BUILDING B

RIVER BEND RESIDENCES

Often referred to as the Gateway to the Rocky Mountains, Idaho Springs in Clear Creek County offers residents and visitors a mix of tourism, recreation, restaurants and historical sites. This small, rural town of less than 2,000 residents has experienced virtually no redevelopment in over twenty years. As the regional economy has heated up, the lack of affordable housing has driven much of the workforce to commute from as far away as Denver or seek temporary residence in local campgrounds or extended stay hotels. Realizing the negative impact that the lack of affordable housing was having on their community, Clear Creek County Commissioners competitively selected Herman & Kittle Properties, Inc. ("HKP") to develop a County-owned site for much needed affordable housing in 2016.

Capitalizing on the unmet need for quality affordable housing, HKP will be developing River Bend Residences, a 47-unit multifamily rental housing community at **2544 Colorado Boulevard in Idaho Springs, Colorado**. Designed to support family/workforce housing, the property will contain 27 one-bedroom and 20 two-bedroom units with 10 units restricted to residents earning at or below 30% AMI, 10 units at 40% AMI, and 27 units at 60% AMI. HKP will provide 53 parking spaces (1.13 spaces per unit), 62% of which are covered. A bus stop providing public transportation service to residents throughout the county (weekday service) and region (daily service to Denver and Glenwood Springs) is located 0.1 mile from the proposed development.

Two contiguous parcels (1.36 combined acreage) front Colorado Boulevard and back up to Clear Creek. These infill lots are adjacent to commercial uses including a post office, hardware store, a music studio, and an extended stay hotel. Improvements to Colorado Boulevard are underway and will include sidewalks, street crossings, and entrances designed to promote pedestrian activity throughout downtown Idaho Springs. The proposed development is located less than 1.0 mile from the Sampler Mill Recreation Center, which has exercise rooms, meeting rooms for community activities, a gymnasium, and indoor swimming pool. There is also a swim school, youth sports, classes of all types, as well as temporary daycare while parents exercise. Convenient shopping is located in the historic downtown of Idaho Springs (0.6 miles), while a Safeway grocery store (0.1 mile), and a convenience store (300 feet) are within walking distance to the property. Primary schools are located within a mile of the site while the area high school, the Colorado School of Mines and a local community college are within 6, 15 and 20 miles, respectively. A community park, 0.3 miles from the proposed property, has a playground, trails, access to the river, and other amenities. The park will be expanded and renovated as part of the Colorado Boulevard Reconstruction and Greenway Trail projects, including extended river access, amphitheater space, garden amenities, 34 more parking spaces and restroom facilities.

The proposed development is comprised of two buildings, one on each lot. The eastern lot is occupied by a collection of trailers ("Trailer Villa"), which will be removed prior to construction. Although relocation under the Uniform Relocation Act is not required, HKP has budgeted for moving expenses out of contingency funds, as well as provided the trailer residents with the opportunity to pre-qualify for housing at River Bend Residences. The eastern parcel will support a 3-story building ("Building A," 39,305 GSF) over a 14,091 SF, 33-stall podium parking garage. The Type V-A residential construction is a wood-framed building over spread footing foundation. The exterior skin is Hardiplank siding, with a combination of low-sloped and pitched roofs. This elevator-served building also includes two stair cores to maximize circulation and access to the parking garage. Building A includes 39 one and two-bedroom units (27 and 12, respectively). A Community Center is attached to Building A and includes a property management office and amenities available to tenants of both buildings that include a laundry area, fitness room, lounge/game area, a kitchenette, computer station with free wireless internet access, a conference room and a deck overlooking Clear Creek. An additional 12 surface parking spaces and a covered picnic area adjacent to the creek are included on the eastern parcel. The western lot will support 8 two-bedroom units in 2-story walk-up stacked flats ("Building B," 8,345 GSF) with 8 surface parking spaces. The Type V-B residential construction is a wood-framed building over a slab-on-grade foundation. The exterior skin

River Bend Residences – Idaho Springs, CO (Herman & Kittle Properties) 1

#3: New Article on Administration and Procedures

Commissioners noted that procedures were repeated, inconsistent, and often missing information. The basic steps that are required include:

- Pre-application conference,
- Determination of completeness,
- Application referral,
- Public notice requirements (including a table),
- Record of decision, and
- Duration of approval.

Recommendations # 4, # 11 and # 12

Combined Zoning and Subdivision- Preferred by the Planning Commission

Example of New Land Use Code Organization:

Articles I: **General Provisions**

Article 2: **Districts and Uses**

- ***explains PUD Zone, adds tables, adds charts***

Article 3: **General Standards**

Article 4: **Special Requirements**

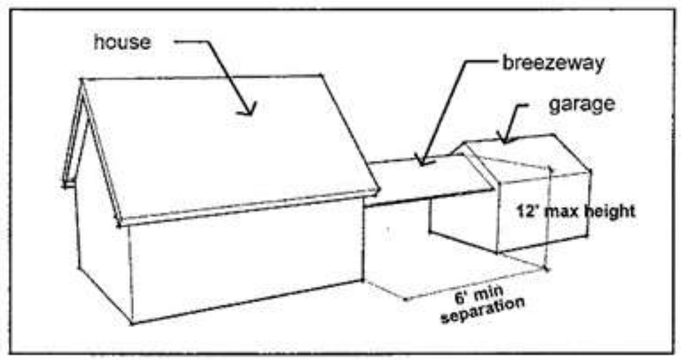
Article 5: **Subdivision Requirements**

Article 6: **Administration & Procedures**

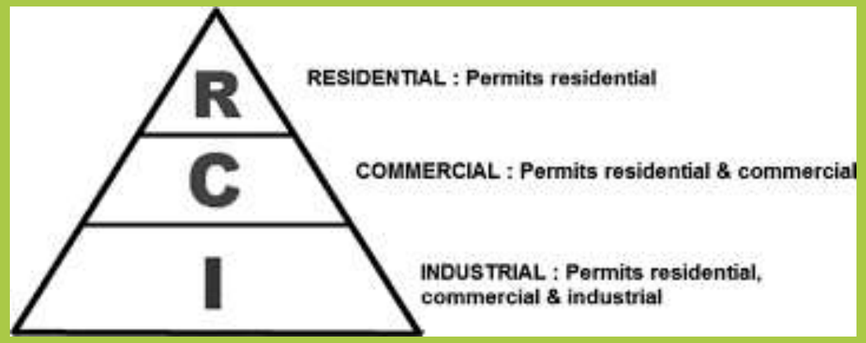
Article 7: **Annexations**

Article 8: **Definitions**

Appendices- examples of certification blocks, etc.



Additional Organizational Recommendations

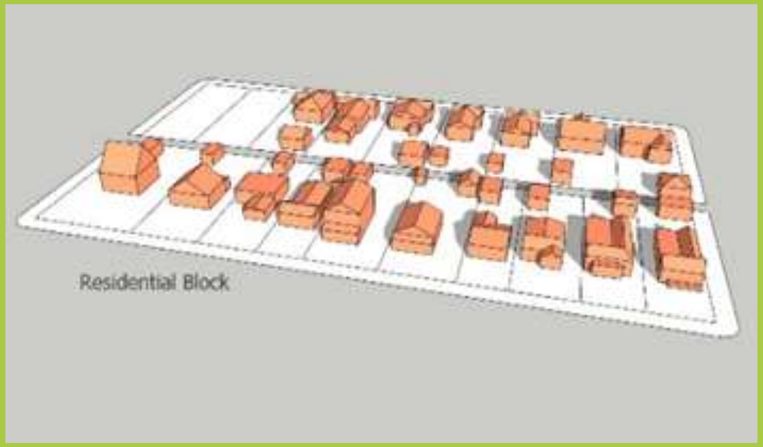


Recommendations 5, 6, 7, 8, and 9

- Add a section on **Fees and Cost** reimbursement.. "*16.32.010 wording and no fees mentioned!*" "*All fees should be in one place.*"
- All agreed **remove pyramid zoning**, and add a more **comprehensive list of uses.**
  - Update list of uses- *'they are virtually the same."*
- Many also wanted a **'relook' at the zoning districts** as well as the **dimensional requirements** for each zone district.
  - Add a table with all dimensional requirements- *principal and accessory*

Recommendations # 9 and #10

Commissioners overwhelmingly wanted better organization of the zone districts; ensure that each is unique!



Based on worksheet comments, each zone district should include:

INTENT OF DISTRICT USE REGULATIONS

1) Uses by Right
2) Accessory Uses
3) Conditional Uses

DIMENSIONAL REQUIREMENTS

1) Min. lot area
2) Min. Lot width
3) Max. gross density
4) Setbacks
5) Maximum Impervious Cover
6) Maximum Building Height

DEVELOPMENT STANDARDS

Specific standards unique to the zone district

PUD comments:

- *"define open space"*
- *"PUD is not specific enough*
- *"105 setbacks need to be codified"*
- *"Role of the Master Plan"*

Overview of Colorado PUD Statute

- Enables municipalities to **negotiate** almost every aspect of the proposed development in return for PUD approval.
- **Greater flexibility in return for greater public benefit:** quality, amenities, or something else the community wants.
- **PUD is a 'deal'** between Town and Developer:
  - ✓ Minimum number of units and acres
  - ✓ Densities allowed
  - ✓ Useable Public Open Space
  - ✓ Compliance with Master Plan/Comprehensive Plan
- Often includes **both a written zone submittal as well as a physical plan.**
- Statute requires **quantitative data!**

The PUD district is a master planned development therefore development standards, dimensional requirements, and permitted uses may be negotiated and be different than in existing zone districts.

It must not be a workaround of existing zoning!

Recommendations Based on Commissioner Input- 13, 14, and 15

- *"Clarify approval process" "PUD rules not clear."*
- *"Define 'public open space."*
- *"Add additional criteria – not tract housing"*
- *"Add Landscaping requirements to PUD and generally to Code- look at El Paso County."*
- *"Simplify and clarify definite requirements when dealing with PUDs- not specific enough"*
  - *17.72.060 Open Space*
  - *17.72.070 Setbacks*
  - *17.72.080- Regulations"*

PUD's

- Purpose and Criteria for Review

Does the Purpose need to be updated?

When reviewing a PUD:

Ensure **conformance** with the Purpose (17.72.020) and criteria for review (17.72.100 (2))

Existing Purpose examples:

- PC and BOT "shall consider the purposes of this chapter in approving or denying any requests for a planned unit development plan."
- "To encourage flexibility, innovation of quality design, and variety of development types in order to promote the most suitable and appropriate use of a site."
- "Useable Open Space and recreational areas"
- "Preserve unique, natural, scenic and historical and cultural features of the site."

PUD's:

Do the Purpose and Review Criteria need to be updated?

Ensure **conformance/utilize** review criteria (17.72.100 (2))

Examples from the Code:

- "Compatibility of proposed plan with the surrounding area."
- "Harmony of the proposed plan with the character of the neighborhood and the proposed site."
- "Effect of the proposed plan upon the immediate area."
- "Effect of the proposed plan on future development of the area."
- "Whether or not an exception from the zoning ordinance requirements is warranted by virtue of the design incorporated in the development plan."
- "Whether the proposed change is in conformance with the town comprehensive plan."

Additional PUD recommendations #16 & # 17

- **An Old PUD** that has not moved forward… *See Krob memo*
- **Major vs. Minor PUD Plan Amendment** Does the Planning Commission wish to make this decision? Do you want staff recommendations? Further criteria?
- **Subdivision Required** - New applications for development cannot rely on old plats. "*No lot shall be sold unless either the required improvements have been installed or the installation of the improvements is a condition of sale of the subdivided lot.*" *Clarifying requirements with Town Attorney*

Worksheet Findings from the Commissioners

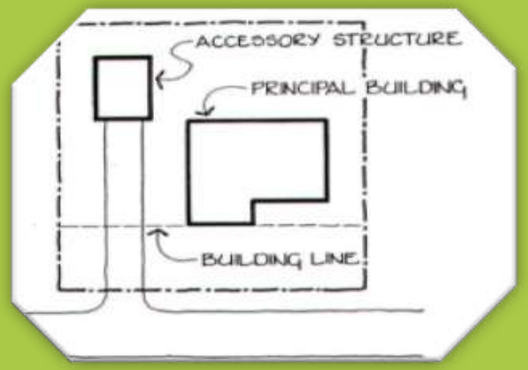
Substantive Questions

Commissioners generally agreed that:

- *Dimensional requirements should be revisited: "% of the lot that can be used", "105 setback," "required road frontage."*
- *" clearer details for the zone districts"*
- *"better list of uses"*
- *Site plan requirements for anything that is more than 2 -family.*
- *"Require sidewalk/ trail connections for non-residential development."*

Recommendations # 18, 19, 20 & 21

- **Site Plan Required**
- **One Set of Definitions**



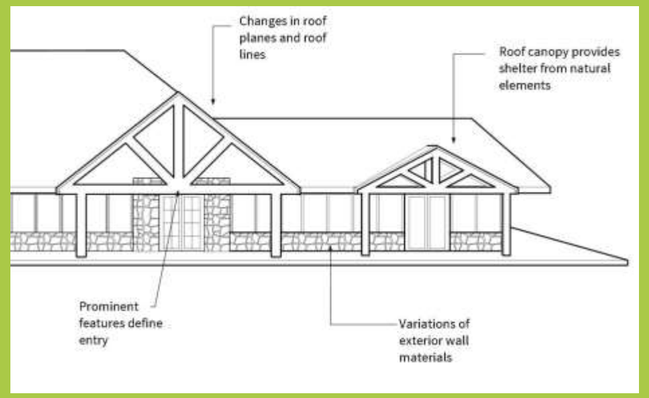
Site Plan required for all development EXCEPT Single and two-unit residences.

- Add review process
- Submittal requirements
- Amendments
- Vested property rights

Update Definitions- critical but often overlooked

- Open space
- Multi-family
- Multi-use
- ADU'S
- Short-term rental

Summary of Critical Code Updates



Goal 1: Reorganize the Code

- Needs to be easier to use!
- Combine Subdivision and Land Use chapters
- Clear administration and procedures sections- avoid duplication

Goal 2: Zone Districts

- Eliminate pyramid zoning
- Districts should reflect the Master Plan
- Better list of uses
- Review dimensional requirements

Goal 3: Add Missing Sections, examples include:

- Rezoning
- Accessory Uses, Conditional Uses, and Temporary Uses
- Update parking and loading requirements
- Landscape requirements
- Site Plan requirements

Goal 4: Ensure compliance with Statutes, Update PUD

- Add requirement for “Major Activity Notice”
- Update PUD per Commissioner comments

Goal 5: Define terms and remove inconsistencies

Commissioner Questions, Insights, and Opportunities

April 26, 2023

Community Matters Institute
303 730 0396

PALMER LAKE LAND USE REGULATIONS: CODE DIAGNOSIS

COLORADO CASE LAW PROVIDES THAT ADOPTED MASTER PLANS, ALSO REFERRED TO A COMPREHENSIVE PLANS, ARE ADVISORY ONLY. ZONING PROVIDES THE MEANS FOR GIVING LEGAL EFFECT TO THE PLAN'S GOALS AND POLICIES. COLORADO REVISED STATUTES [C.R.S. § 31- 23-303] STATE THAT ZONING REGULATIONS "SHALL BE MADE IN ACCORDANCE WITH A COMPREHENSIVE PLAN."

INTRODUCTION

Palmer Lake's land use regulations are derived from the Town's 1973 Municipal Code. While portions of the land use regulations have been updated over the last 50 years, the land use regulations require a major update and must include new sections to ensure proper review of development applications and implementation of the newly adopted Community Master Plan.

To move forward with a code update and in some cases rewrite outdated sections, two items needed to be addressed.

1) The Town adopted a new Community Master Plan in the Fall of 2022. This comprehensive plan replaces the Town's 1995 Master Plan as amended. The new Community Master Plan provides the required basis to update the land use regulations.
2) The Town hired MuniCode to complete a code update and recodification, which was adopted by the Board of Trustees on November 17, 2022. The code update and recodification did not change any of the adopted land use regulations.
3) This code diagnosis represents a review of the Town's land use regulations. This includes Chapters 16- Subdivision and Chapter 17-Zoning of the Town's municipal code by Community Matters Institute. This initial code diagnosis is a precursor to

a more detailed review once funding becomes available to update and rewrite the Town's land use regulations. The land use code diagnosis was informed by discussions with staff, primarily the Town Administrator and Town Attorney, and participation from the Town Planning Commission. Additionally, the Institute conducted confidential reconnaissance interviews with both the Town Board and Planning Commission during the development of the Community Master Plan. The following resources also informed the diagnosis.

- 2022 Community Master Plan,
- Development Review Applications and Checklists (various),
- Palmer Lake Zoning Map,
- 2021 El Paso County 'Your El Paso County Master Plan,
- Attendance at Planning Commission meetings and review of minutes,
- Review of development application submittals.

The following pages recommend revisions to specific sections of Title 16 and 17. Recommended revisions are organized by chapter, and section number.

Information from this report will inform the scope and detail of a grant application to the Colorado Department of Local Affairs. This initial code diagnosis will become the framework for addressing code modifications.

In addition to outlining sections that require substantive revision of existing code provisions, Community Matters Institute has outlined several important steps that will aid staff in their review of upcoming development applications.

Accompanying this initial code diagnosis is a worksheet for Town Staff and the Planning Commission. Answers to this worksheet will further inform a to-be-funded code update. A major goal is to develop a code that is more "user-friendly", through the use of tables and illustrations. Town staff and the Planning Commission will also need to determine if they wish to move to a unified 'Land

Development Code' where all land use regulations are found in one Chapter of the Code (Annexation, Subdivision, Zoning, and signs.)

There are significant organizational issues in both Chapters 16 and 17. A reorganization will reduce redundancy[1] and ensure consistency in the review of all types of applications. Charts and tables outlining the review process will also aid in reducing redundancy and provide clear instructions regarding review procedures.

The following code diagnosis includes a section-by-section review and outlines many, but not all of the code issues. Review of this code diagnosis by staff, the Planning Commission, and Board should focus on critical sections that are missing or require a substantial rewrite.

The sole purpose of this code diagnosis is to provide staff and the Planning Commission with a better understanding of what needs to be added and updated to the Town's land use regulations. This is not a comprehensive list, and the diagnosis is further hampered by the lack of organization of the existing code.

[1] For example, Publication and noticing requirements are repeated throughout both Chapters 16 and 17. To ensure consistency and save staff time, these requirements should be in one section. It is addressed in five different sections in Chapter 16.

PART 1: SUMMARY OF RECOMMENDATIONS

This part highlights 24 significant issues with the existing chapters 16 and 17 of the Palmer Lake Municipal code that comprise most of the land use regulations for the town. It is by no means comprehensive as it is not a line-by-line review. It is suggestive of the need for the Town of Palmer Lake to undertake a comprehensive update of its land use regulations.

1) The Land Use regulations require a more structured organizational format. This will make it easier to find information and it will remove redundancy in both Chapters 16 and 17. CMI has provided an example of how we would like to organize a Land Use Code. This follows the summary of recommendations.

2) The zoning districts include 'pyramid zoning." Pyramid zoning is where zoning ordinance permits a more restricted zone classification in a less restricted zone. For example. A residential use (more restrictive) would be allowed in an area zoned commercial (less restrictive); commercial (more restrictive) would be allowed in an area zoned industrial (less restrictive). For example, an R-2 Residential may allow dwellings and duplexes. The R-4 Residential allows everything in R-1 plus multi-family buildings. The C-1 Commercial district allows everything in R-2 plus retail and service establishments, and so on. Palmer Lake is a very special place with small-town charm. Each district should include appropriate uses for that district and should not 'stack' the districts.

3) Each zone district should include the following type of uses: Principal uses, accessory uses, and conditional review uses. A use table should be added.

4) The lists of permitted uses and conditional review uses need to be updated. This is especially true for non-residential uses. Many of the terms are dated. There are uses missing.

5) Temporary uses are not addressed.

6) There is not a section that deals with Variances.

7) The Subdivision regulations are lacking a complete section on Public Improvements and Land Dedication. The code needs to clearly outline the requirements for a Subdivision Improvements agreement.

8) The Subdivision regulations need to include all types of subdivision and clarify what division of land is not subject to the subdivision regulations.

9) Subdivision submission requirements and standards need to be updated and should be consistent with the Town's adopted Public Works Manual. (The adopted County ECM needs to be vetted to ensure all standards work for Palmer Lake.)

10) There are a few sections of the what is normally found in the Land Use Regulations contained in Chapter 14 Building and Construction. These are noted below. (Wireless Communications)

11) Sign requirements need to be removed from each zone district and placed in the sign ordinance.

12) Vested Property rights need to include additional provisions (e.g., State length of vesting period per 24-68-104, allow vesting by separate agreement.)

13) Zoning uses need to be updated.

14) Uses allowed by right in each zone district need to include principal uses, accessory uses, and conditional review uses.

15) The code needs an article called Land Use Applications and Procedures. This will ensure there are clear procedures for every type of application and that the procedures, particularly posting, notice and publication are consistent.

16) The PUD section requires updates and there are a few missing sections as noted. There are also several policy decisions that will require discussion with both the Planning Commission and Board of Trustees. There needs to be a better description of what constitutes a minor amendment and a major amendment to an approved PUD. If a property was previously designated as a PUD, but this PUD was never realized nor was a Final Development Plan submitted, does a new PUD for that property constitute a rezoning? (See 17.72.150 and detailed notes below.)

17) There is no section on ZONING CHANGES (SEE 31-23-305). A PUD is a change of zone and there are likely many instances where a change in zone is requested. This needs to be detailed including how changes are then made to the Official Zoning Map.

18) In the new Article called Land Use applications and procedures, include site plan submittal requirements and procedures.

19) There is no section in the Code that addresses fences. This could be added to a new section called Landscaping, Buffering, Fences, and Walls.)

20) Add a section on Access, Approaches, Driveways, and Curb Cuts.

21) The code needs a section on “visibility at intersections”. (Aka Site Distance Triangle)

22) The section on Parking and Loading needs a total overhaul Some of the parking requirements are excessive. This section of the code should include mechanisms to reduce parking requirements through joint-use reductions. Even the required size of the parking space is missing.

23) The section on non-conforming uses needs to be expanded to include non-conforming lots, buildings and structures.

24) There is no procedure for the review of conditional *review* uses. The term review should be added to the title.

PART 2: SUGGESTED REORGANIZATION OF PALMER LAKE'S LAND USE REGULATIONS (CHAPTERS 16 AND 17)

This part of the diagnosis contains an example of how the organization of land use regulations can be improved by combining all of the land use regulations into one Chapter. Such a reorganization would help to reduce redundancy and ensure consistency in the review of all types of applications.

TITLE = 16 LAND USE CODE UPDATE ORGANIZATION (BOTH 16 AND 17 IN ONE CHAPTER)

ARTICLE 1: GENERAL PROVISIONS

16-1-10	Title of provisions
16-1-20	Jurisdiction-
16-1-30	Authority
16-1-40	Reserved
16-1-50	Purpose
16-1-60	Interpretation and Rules of Construction
16-1-70	Repeal of Prior Regulations and Effective Date
16-1-80	Relationship to the Comprehensive Plan, Other Plans and Other Regulations
16-1-90	Expiration of Land Use Approvals
16-1-100	Vested Property Rights

16-1-110. Fees. Application Fees and Cost Reimbursement Required[2]

16-1-120 Correction of Obvious Errors

16-1-130 Enforcement

16-1-140 Violation Penalties

16-1-150 Severability

ARTICLE 2: DISTRICTS AND USES

16-2-10 Zoning districts established.

16-2-20 Minimum Size for New Districts

16-2-30. Official Zoning Map.

16-2-40 Special classification of hillside lands and floodplain areas.

16-2- 50 Use Table

16-2-60 Unlisted uses.

16-2-65 Dimensional Requirements Table

16-2-80 – Planned Development or PUD Planned Unit Development District.

16-2-90. - HSP Hillside/Ridgeline Protection Overlay District. (If not mapped move to Special Requirements)

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[2] 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.

ARTICLE 3 - GENERAL STANDARDS APPLICABLE TO ALL DISTRICTS

A. Site Design Standards (such as zoning and site functions, setback encroachments, transition between residential and non-residential uses, street appeal, grading, and site specifications)

B. Parking, Loading Vehicle and Pedestrian Regulations

C. Landscaping Standards (includes Fences, Walls, Screens, and Buffers)

D. Building Design Standards (discussed by PC and Advisors)

E. Lighting Standards

F. Noise and Other External Effects *(glare, vibration, odor, smoke, etc.)*

G. Signs

H. Historic Landmarks and Historic Districts

ARTICLE 4: SPECIAL REQUIREMENTS

A. Flood Hazard and Other Critical Areas

B. Watercourse Alteration

C. Master Plan *(for multi-parcel developments that are mixed use or involve several phases)*

D. Industrial and Commercial Performance Standards

E. Hillside Development Regulations (if not an overlay on specific land)

F. Flood Hazard and environmentally constrained (should also deal with changes in Floodplain from FEMA or CLOMAR/LOMR)

G. Cluster Development- new concept

H. Wireless Communication Facilities 9 MOVE FROM Chapter 14)

I. RV Parks and Campgrounds (is this needed in Palmer Lake

J. Manufactured Homes

K. Variances

L. Sexually Oriented Businesses and Service

M. Temporary and seasonal uses

N. Home Occupations

O. Animal Raising and Keeping (move from Chapter 7)

P. Solar Energy Installments

ARTICLE 5: SUBDIVISION REQUIREMENTS

A. General Provisions

B. Purpose

C. Applicability

D. Fee and Cost Reimbursement

E. Administration and Interpretation

F. Types of Subdivisions

1. Administrative Plat Amendment
2. Major Subdivision
3. Minor Subdivision
4. Replat/Resubdivision
5. Subdivision Waiver
6. Vacation of a Plat, Right of Way, or Easement

G. Application Process

1. Sketch Plan *(master plan for multiple lot mixed use project or multi-phase development)*
2. Preliminary Plat
3. Final Plat
4. As-built Plat
5. Condominium Plat

H. Public Improvements

1. Scope
2. Agreement Required
3. Security
4. Required Improvements

5. Conditional Acceptance and Warranty
6. Guarantees
7. Maintenance and Repair
8. Final Acceptance
9. Construction of Facilities by the Town
10. Reimbursement

I. Land Dedication *(Parks, Trails, Open Space, Schools, Public Facilities, and Drainage)*

J. Easements

K. Standards *(anything not in the Construction and Design Standards)*

ARTICLE 6: TYPES OF APPROVAL REQUIRED – SUBMITTAL REQUIREMENTS AND REVIEW PROCESS

A. Administration and Boards (need references to Board of Adjustment and Planning Commission found in Chapter 2)

B. Public Hearings

C. Notice of Public Hearing

D. Administrative Approvals

E. Site Plan Requirements

F. Conditional Review Uses

G. Planned United Development Procedures

H. Rezoning and Amendments

I. Appeals

J. Variances

K. Administrative Exceptions

ARTICLE 7: ANNEXATION

A. Purpose and Legislative Declaration

B. Eligibility

C. Review Process

D. Criteria for Approval

E. Standards

F. Submittal Requirements

G. Public Notice Requirements

ARTICLE 8: DEFINITIONS

Definitions (but should not include any rules, simply define the term)

APPENDIX: CERTIFICATIONS AND SIGNATURE BLOCKS

APPENDIX: AGREEMENTS - ANNEXATION, DEVELOPMENT, AND IMPROVEMENTS

APPENDIX: BONDS AND GUARANTEES

APPENDIX: STANDARD DRAWINGS

APPENDIX: SPECIFICATIONS

AMENDMENTS TO TEXT AND MAP (ERRATA SHEET)

PART III: PRELIMINARY COMMENTS ON THE CURRENT LAND USE CODE FOR PALMER LAKE.

This part contains a section-by-section review of Palmer Lake's current land use code as outlined in Chapters 16 and 17 of the Municipal Code. It outlines many, but not all, of the current code issues. The intent of this part is to help staff, the Planning Commission, and the Board to recognize and focus on critical sections that are missing or require a substantial rewrite. The comments do not represent a comprehensive diagnosis of the current code. Such a diagnosis is hampered by the poor organization of the existing code. A thorough code diagnosis is typically undertaken at the time a municipality determines that the code needs to be updated, and the funds are available to undertake such an update.

Title 16 - SUBDIVISIONS There are several critical sections that are missing from this chapter. The Chapter also would benefit greatly from a re-organization and the addition of tables and process charts. Those sections that are in bold are considered critical.	
Chapter 16.04 - GENERAL PROVISIONS AND DEFINITIONS	General comment, applicable throughout Title16: Source notes will be of little value after revision of the entire code.

16.04.010 - Short title.	CHANGE if you decide to have all land use regulations in one Chapter called Land Use Code that would include subdivision, zoning, sign, and other land use regulations.
16.040.020 Legal Authority	If you move to a Land Use Add enabling authority for all forms of land use regulation including CRS 24-20-101, et seq, PUD CRS 24-07-101 et seq; HB 1041 24-65.1-101. Reformat as last Article in the LDC for ease of reference, similar to a glossary.
16.04.030 – Purpose (or Intent).	Update purpose statements e.g., provide for roadway connectivity and improved mobility. Integrate relevant community goals and guiding objectives from the Community Master Plan. For example: ▪ Provide a safe, efficient, continuous, and connected transportation system. ▪ Discourage development if the roads that access the development cannot accommodate the additional traffic without degrading the current level of service (LOS).
16.04.040 - Jurisdiction.	No change
16.04.050 – Plats and Plans.	Update to clarify what is a Plat and what is a Plan; clarify dedication language and add statement about required improvements agreements.

	Note that this section requires a Major Street Plan
16.04.060 – Conflict with other provisions.	Integrate into new Severability General comment applicable throughout code: standardize references to Board of Trustees.
NEW SECTION- Applicability	The Subdivision Code is missing a section on applicability. This generally defines subdivision and also outlines what types of land division are not subject to subdivision. This includes the division of land created by lien, mortgage or deed of trust etc; the creation of a cemetery lot, easements, contingency contracts etc.
NEW SECTION- types of subdivision	This should include administrative plates, minor subdivisions, major subdivisions, resubdivision (replats), subdivision exemptions, and vacation of subdivisions. This can be placed here or at the beginning of the Procedures Section (16.12)
NEW SECTION PUBLIC IMPROVEMENTS this needs to be at the beginning of the Subdivision section before the processing of any application. The detail regarding Public Improvements should then be outlined in a NEW separate section called Public Improvements. **NEW SECTION ON LAND DEDICATION**- Outline what is expected upfront and then create one section that includes all land dedication requirements and in-lieu of fees	Any applicant needs to know upfront that there are requirement improvements (16.60.30), and that the applicant will need to enter into a subdivision improvements agreement. THIS IS DIFFERENT FROM A PERFORMANCE GUARANTEE. OR A MAINTENANCE AGREEMENT. At a minimum, the code requires language that states: *The applicant shall sign a subdivision improvement agreement agreeing to construct any required public improvement shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the completion of said improvements in accordance with design and time specifications This new section should also outline all of the improvements required of the subdivider*.

GENERAL ORGANIZATIONAL COMMENT	Before outlining the subdivision procedures, it is critical that an applicant understand the overall requirements. Nothing should move forward if there are major infrastructure and servicing issues that have been clearly explained to the applicant. There are several policy issues that will need to be discussed with both the Planning Commission and Board of Trustees.

CHAPTER 16.12	GENERAL PROCEDURES and submittal requirements (add submittal requirements to this section) All of the submittal requirements should follow for each type of subdivision application
16.12.10 Procedures for plat approval	Section 1: **NEW SECTION- types of subdivision** Section 2: Procedure for Submittal of the Sketch Plan, Preliminary Plat, and Final Plat and Accompanying Materials. Add process tables showing who reviews what. Section 3: Publication and Noticing for all types of subdivision with a table. *Note: We recommend that the term Master Plan be replaced with Sketch Plan. Master Plan has so many different connotations and often gets confused with Master Plans required for PUDs in some jurisdictions.* This section is then followed with Subdivision Procedures for each type of subdivision listed. *Approval period*: Create a new section on the duration of all listed land use approvals. There are statutory limitations on time to review a subdivision and usually the preliminary and final plat expire after an established period of time.
~~16.12.020 Applicable Development~~	This should move to General Provisions. (see above notes) and outline what type of land division is subject to development. It is unclear why all of the definitions are included here that deal with roadways. These will need to be reviewed against the El Paso County regulations that the Town has adopted. These definitions are out of place and confusing. There should be a separate section of the subdivision regulations that outline design and construction standards or make reference to the adopted standards from El Paso County and add a reference to CDOT requirements.

16.12.XXX- Plat requirements	Use this new Section to reference new Appendix on Application and Checklists.
Chapter 16.16 - SKETCH PLAT ~~(master plan)~~ This should replace Master Plan	The term Master Plan is dated and confusing since "Master Plan" is often used for PUDs and you have chosen to call the Comprehensive Plan a 'Master Plan'. In addition, Palmer Lake uses the term 'Sketch Plan' in the PUD regulations. These terms should be switched.
16.16.010 – When Required (Purpose)	State purpose of the sketch plat. Specify that pre-application is required at each stage of the subdivision process (you could stipulate unless waived by the Town Administrator or designee) and reflect in the Review Procedures Chart. Town staff will need to determine if a sketch plat should be discretionary. The current description is strong.
16.16.020 - Contents (Information to be included).	Reference the new Appendix on Application and Checklists. Add application, fee, and cost reimbursement agreement. The Town Engineer should review and comment the on required contents. Information should also be provided electronically in formats that will be specified during the code update. IF there is not adequate evidence that sufficient water exists (9) or state the proposed sewage treatment systems are acceptable, should there be a determination by staff, the Planning Commission or the Board of Trustees that the project should not proceed.
16.16.030 – ~~Approval- Review~~ **and Approval** This section should be changed to Review and include 16.16.030, 16.16.040; Publications procedures should be referenced. When the code is updated, there should be	Reduce, as necessary, after the creation of the Review Procedures Chart and the new to-be-drafted section on Publication and Noticing. Clarify that the Sketch Plan first is reviewed by staff, then the Planning Commission, and

one section on review procedures and publication and noticing. This ensures that the notice and publication procedures are consistent and easy to administer.	finally the Board of Trustees (16.16.030 and 16.16.040) Refer to Section on Publication and Notice for all subdivisions. Town Engineer should review and comment on the required contents during the update process. Referrals should be added if necessary. There is a link to the referral to 16.20.040. The Town needs a standardized list of required referrals. Examples include: ▪ PLSD ▪ Water and State requirements (300-year requirement for El Paso County); Division of Water Resources ▪ CDOT IF a development cannot be serviced at this time, the applicant should know this upfront and not waste time and money pushing a project forward. Reflect in Review Procedures Chart. Standardize review criteria and make uniform. Consider a standard list with additional specific lists for sketch, preliminary and final plat review.
16.16.040 - Submission to Planning Commission	This is listed after 16.16.030 which states BOT approval is required. This is confusing; again, a process table will really help staff as well as PC and the BOT.
16.16.050 - Public notice.	Eliminate or cross-reference the new Public Notice Requirements section for all types of development. applications that require public notice.
16.16.060 - Approval and lapse of approval. ADD	ADD statutory reference.

	A signed waiver stating that the 30-day requirement pursuant to C.R.S. 31-23-215 as amended, shall not apply.
Chapter 16.20 - PRELIMINARY PLAT	Edit into new Preliminary Plat section. *Subdivider or his agent*: Change terminology to be uniform throughout- "Applicant."
16.20.005 - Purpose.(NEW)	ADD Purpose statement
16.20.010 - Preliminary plat application	Application, Fee, and cost reimbursement agreement Refer to pre-app conference in Review Procedures Chart; consider deleting this section as unnecessary and combine an introduction for all subdivision applications.
16.20.020 – Submittal ~~(Contents).~~ INCLUDE current Section 16.20.030- Material to accompany)	*Submittal checklists:* Reference these checklists as Appendix x and authorize Director to revise administratively. The required scale should be updated 1-200 feet is unusual; offer some flexibility. Update all required submittal items include the following by way of example: ▪ Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal. ▪ Mineral Rights Affidavit ▪ Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities within and through the subdivision.) ▪ Existing and proposed curb cuts on and adjacent to subject property. ▪ Land use table ▪ ADD draft Subdivision Improvements agreement. This is critical and missing from

	this chapter.
16.20.030 - RENAME Referral.(~~Material to accompany~~)	Standardize review agency referral; refer to specific Section when relocated.
16.20.040 – Distribution and Review.	Relocate procedures to Review Procedures Chart. This section can also provide a step by step outline of the review process. Some small communities appreciate the step by step process for staff and decision makers. ▪ Application Certificate of Completeness ▪ Referral ▪ Staff Review ▪ Applicant to Address staff comments. ▪ Hearing and public notification ▪ Planning Commission Hearing and recommendations ▪ Applicant to address Planning Commission conditions. ▪ Final staff review ▪ Board of Trustees Public Hearing (note approval period)
16.20.050 - Review and approval criteria. (This replaces publication procedures that should be in one place.)	Outline criteria that need to be met to approve a preliminary plat
16.20.060 – ~~Planning Commission Action~~ (incorporate above including 16.20.070 Presence of Subdivider at	Eliminate or cross-reference new Public Notice Requirements section for all types of development applications that require public notice.

Meeting.	

ADD Inactive plats, extensions, and approval.	Relocate to one section at the end of the types of subdivision and include in process chart as a footnote
~~16.24- Performance Guarantee~~ **THE SUBDIVISION CHAPTER NEEDS A SEPARATE SECTION ENTITLED PUBLIC IMPROVEMENTS- it should follow the sections on the various types of subdivisions and an updated section on Land Dedication** *This could be a separate division within Chapter 16 and will be addressed during the Code update process.* *This should also incorporate Section 16.60 Required Improvements. The subdivision improvement requirements are currently found throughout Chapter 16 and are difficult to locate.* *SEE RECOMMENDATION ON A NEW SECTION THAT DEALS SOLEY WITH SUBDIVISION STANDARDS*	This is NOT in a location that is easily found. This should follow the section outlining submittal and review of all types of subdivision applications. This entire section needs to be rewritten to include the following: 1) **Subdivision Improvements and Development Agreements; INCLUDING time for completion.** 2) **Guarantee of Completion/Warranty Period.** 3) **Inspection of Improvements** 4) **Type of improvements required.** 5) **Probationary Acceptance** 6) **Maintenance and Repair** 7) **Final Acceptance**
To include in the PUBLIC IMPROVEMENTS section :	▪ Consider a single form of a subdivision (aka public) improvements agreement. ▪ All required public infrastructure improvements serving a residential lot or land parcel must be installed to Town standards before the Town will authorize Pikes Peak Regional Building Department to issue a certificate of occupancy or, complete a final building inspection.

	▪ Ensure the list is comprehensive; ex: public pedestrian facilities; public and private revegetation and landscaping; recreation. ▪ New stormwater requirements (MS4) have been added to the Code, but this could be better incorporated to the required public improvements. ▪ Public improvements security- Prohibit security drawn on an institution owned in whole or in part by the applicant. ▪ Determine the amount of retention allowed by a statutory town. ▪ Provide for preliminary and final acceptance of public improvements. ▪ Assurances-Distinguish between public versus private improvements within this new section.
MOVE TO PUBLIC IMPROVEMENTS SECTION	**16.60.020. - Reimbursement for costs.** (existing) Whenever the capacity of required roads, pipes, or system shall exceed that which is required for the service of the subdivision, the town shall reimburse the developer for the extra cost incurred in meeting the increased requirements.
Chapter 16.28 - FINAL PLAT (code will need to be renumbered during update	Edit into new Final Plat section that mirrors the Preliminary Plat organization.
16.28.010 – CHANGE to Purpose. And renumber	Explain the purpose of the final plat
16.28.010 – Final Plat Application Process (This replaces Final Plat application fee which will be in one place)	NEW Consider whether partial final plat approval should automatically prevent lapse of preliminary plat approval. Clarify whether submittal requirements are: (1) detailed in an exhibit (2) adopted administratively and/or (3) created during pre-app.

16.28.020 Submittal (Contents).	The submittal information needs to be updated-
~~16.28.030 – Material to Accompany~~	Follow same recommendation as for Preliminary Plat; note the Title Commitment should be required at preliminary unless this is a Minor Subdivision.
16.28.040 – ~~Planning Commission action.~~	Standardize review- see above.
~~16.28.050 – Publication Procedures~~	Eliminate or cross-reference new Public Notice Requirements section for all types of development applications that require public notice. See above
16.28.060 – Board of Trustees Action	Relocate procedures to Review Procedures Chart. Add step by step procedures if desired. (See Preliminary Plat)
16.28.080 - Signatures and recording. NEW	Create a standardized a single signature and recording section. This can also be placed in an appendix.
Chapter 16.32 Vacation Plats (this should also include Vacation of ROW and Easements)	This entire section should be updated to mirror previous subdivision sub-chapters, Public right-of-way and easement vacation proceedings shall be in compliance with Sections 43-2-302 and 43-2-303, C.R.S. Move section 16.40.130 Vacation Street rights-of-way to this section. Typically, a petition is required. Add title commitment.
Chapter 16.36 Minor Subdivision	Change and format; re-number as needed to mirror organization of final plat. Determine trigger for a minor subdivision (e.g., 5 or less, address the creation of outlots to

	avoid the preliminary plat process. Some communities also only allow a Minor Subdivision if: ▪ There is no public right-of-way dedication. ▪ The property has previously been platted within the Town. ▪ There will be no exceptions to the Subdivision Design Standards. The Town Engineer should be consulted to determine if the above criteria are also necessary.
Chapter 16.37- Resubdivision (NEW) *Sometimes called a "REPLAT"*	DEFINITION: *The resubdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for a final subdivision plat as set forth in this Article. In the event that any dedicated streets are relocated as a result of a resubdivision, it is necessary for the Town to first vacate those existing streets, with said vacation to be effective prior to, or as part of the approval of the final plat.*
Chapter 16.38- Administrative Plat Amendment (NEW)	Of all the amendments CMI has done over the years, this is often the most overlooked and administratively simple subdivision procedures allowed by Statute. *Plat amendments do not create additional lots or interests in property but are subdivision actions to the extent that: lot lines may be relocated as part of a boundary line adjustment; lots may be merged as part of a lot consolidation; or plat amendments may be used to correct errors on an existing approved subdivision plat.*
Chapter 16.76 – LAND DEDICATIONS *(existing but we suggest that this precedes the new section on Public Improvements)*	We strongly recommend a separate subchapter on land dedication separate and apart from what is often negotiated in a PUD (PUDs are greater public benefit for flexibility in land use regulations -a base dedication is set but with a PUD you want more). This entire section needs to be updated. **The current language is VERY dated and is based on the 1990 census!** ALSO, Reference Nollan/Dolon standard of nexus and rough

	proportionality. Land Dedication should include: ▪ Parks, Open Space and Trails dedication for subdivisions (expand to more than just Parks) ▪ Requirements (e.g., what is considered a dedication and what is not (e.g., private yards, parking lot landscaping) ▪ Fee in lieu of dedication language ▪ School dedication land or fee in lieu of – check with School District as they often have up to date figures and formulas (Also look at Town of Monument dedication requirements) **Confirm and reference any current study supporting land dedication figures and formulas.**
CREATE A NEW SECTION OR DIVISION THAT INCLUDES ALL SUBDIVISION STANDARDS IN ONE PLACE Current sections only include: 1) Streets 2) Lots 3) Water and Sewer Utilities 4) Street Names 5) Easements Drainage is currently in its own section – 16.72. ***It is unclear if a master drainage study is required during the subdivision process, but section needs to be more***	These standards usually include the following list. Where possible, it is best to reference a technical manual and at all costs avoid duplication between any design manual and the Subdivision regulations. 1) General Standards 2) Design Standards- It is recommended that the design standards be adopted by reference, as amended, and one (1) copy of each is on file in the Town Clerk's office. These standards are most often referred to as the Design Criteria and Construction Specifications, as amended. The Town has adopted The El Paso County Engineering Criteria Manual (ECM). There may be other design standards that should also be referred to. The Town Engineer should advise. If the item is listed in the ECM, then that section should simply provide the reference. (Note: During the development of the Community Master Plan, there were several standards that the Planning Commission thought needed to be reviewed. These standards were stated as 'not fitting' Palmer Lake or impossible to comply with.

fully addressed at the time of subdivision	3) Blocks and Lots 4) Access and Dedication (Since the Subdivision regulations do call for a Major Street Plan, the Town may wish to include a section on Extraterritorial Major Street Standards that then requires that streets outside of the municipal limits comply with the Town of Palmer Lake's adopted Street standards. 5) Intersections 6) Street names 7) Minimum design standards (streets) 8) Stormwater /Drainage (this should be combined) 9) Water 10) Sewer/Septic

Chapter 16.XX - DESIGN PRINCIPLES	Add additional design principles, or reference other criteria manuals as applicable, for the following (refer to items noted in the Community Master Plan): Blocks; Monuments and markers. Easements; Streets; Alleys; Sidewalks and trails. Natural features (preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings, significant wildlife habitats and migration areas, riparian areas, wetlands, historic features and archaeologically sensitive sites). Water; Fire protection; Sanitary sewer; Landscaping and screening. Lighting; Street Trees; and environmental design principles such as low impact development

	should also be considered.
ADMINSITRATION AND ENFORCEMENT	Chapters 16 and 17 are missing a chapter on administration and enforcement. IF it is one combined code, add once, if you decide to keep the Chapters separate, add to both chapters. There is a new section on enforcement in Chapter 17.68, but this concerns the Hillside Overlay District.

Chapter 17.96 - VESTED PROPERTY RIGHTS	Vested rights applies to both subdivision and zoning and requires the finding that a final approval of a land use application constitutes a "Site Specific Development Plan." If the Town decides to move to a Land Use Code with both subdivision and zoning in one chapter, then the placement of this section is of little concern. However, if you keep two different chapters then this section should be referenced in the Subdivision Chapter if it remains in Chapter 17- Zoning.
17.96.010 - Purpose.	Explain Statute Format and re-number as needed.
17.96.020 – Definitions.	Site specific development plan and Vested Right
17.96.025 Application, fees, Notice and Hearing	Add Application and During reorganization re-number and reference requirements reorganize as necessary
17.96.030 - Vesting of property rights(new). Include	Determine scope of vested rights beyond final plat. State length of vesting period (24-68-104.)

DRAFT

Vesting pursuant to agreement	Add to this section- you vest for 3 years or by agreement; format and re-number as needed. "Notwithstanding the provisions of subsection (1) of this section, local governments are hereby authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum."
17.96.040 - Approval. Effective date, Amendments	No substantive change: format and re-number as needed.
17.96.050 -.Notice of Appeal	No substantive change: format and re-number as needed.
~~17.96.060 – Payment of Costs~~	Address as part of all land use applications; format and re-number as needed. Incorporate in 17.096.025
17.96.070 -.Other provisions combine with **17.96.080-** Limitations	Strengthen and renumber
17.96.070 - Written designation.	We have found to many instances where a final approval has vested but the required certification is missing from the plat or plan- add this section to ensure proper documentation
17.96.XX- Violation a misdemeanor.	All references to violations should be in one place whenever possible. (16.64.020 deals with lot sales and there are numerous citations in Chapter 17- as sections have been added over the decades, new violation and penalty clauses have been added. (17.68. 17.64. 17.92)

Title 17 - ZONING	
Chapter 17.04 - GENERAL PROVISIONS	General comment, applicable throughout Title17: Source notes will be of little value after

	revision of entire code. *Several items need to be moved to this section and should not be buried in odd places.*
17.04.010 - Title.	Integrate into new Title section for a unified development code that includes subdivision, zoning, sign, and other land use regulations. General comment, applicable throughout Title16: Source notes will be of little value after revision of entire code.
17.04.020 – Legal authority.	List all of the applicable sections of CRS and add role of Planning Commission and Trustees
17.04.030 - Purpose. Move Intent text to purpose and integrate Master Plan purposes.	Integrate into new Purpose section that includes the Intent statement (17.04.040) Add purpose from Community Master Plan Also, from the CRS: • In statutory municipalities, zoning regulations "shall be made in accordance with a comprehensive plan" C.R.S. § 31-23-303. **The Community Master Plan contains land use classifications that in most cases mirror current residential land uses. In those cases where the land use classifications differ the existing zone classifications these will need to be amended to better reflect the type and intensity of use as well as site planning criteria.**
17.04.040 – Severability.~~(Intent~~) Add **17.04.060 Conflict** to this section	Integrate into new Severability section for a Land Use code that includes subdivision, zoning, sign, and other land use regulations. (See Administration and Enforcement.) If the Town decides to keep separate chapters, Severability is still missing

17.04.050 Interpretation	Add more complete interpretation section e.g., *Shall* or *must* means… Add computation of Time Add conflict with other laws
New Section Relationship to the Community Master Plan and other Plans	**See Community Plan for other plans.** *Note the existing requirement for a major street plan*
New Section- Application to Developments in Progress	Necessary for Updated Code
17.04.060 – Application Fees and Cost Reimbursement Required (NEW)	**This should be in one place rather than repeated for every type of application-** Move 17.68.130 Fees under the Hillside overlay District to this new section and update.
17.04.XX Correction of Obvious Errors (new)	*Nothing in this Chapter shall be construed as a limitation upon the power of the Board of Trustees or Town Administrator, to correct obvious typographical or compositional errors, provided that ….*
NEW SECTION MOVE 17.92 Administration and Enforcement to the front of the code. **SEE LAST SECTION OF THIS DIAGNOSIS**	Enforcement responsibilities Include expiration of approvals Outline when a plan, plat or agreement is deemed 'withdrawn.' Note that there is an enforcement section in 17.68.120- which applies to the Hillside Overlay District this should be moved to the beginning of the Chapter and updated
NEW SECTION Violations and Penalties	This section is missing from Chapter 17; there is one citation in 16.64
17.12.020 – Official Zoning map. (change from Map,	Add additional language regarding map boundary determination.

Boundaries)	Add language about where the official zoning map is kept (Town Clerk) Add language about amendments to the Official Zoning Map Add language outlining the criteria to amend the Official Zoning Map
17.12.030 ~~– Requirements.~~	This section should be moved to General Provisions and combined with Administration and Enforcement
17.12.040 ~~Design.~~	Move to General Provisions and strengthen per Community Master Plan; add section on Design under NEW General Standards applicable to all zone districts.

17.12.050 – Land Use Procedures (this is a currently two sentences and needs to be a major code section)	This should become a separate Article in the Code- All Procedures should be listed (See recommendation on Code Organization
17.12.060 Certificate of Zoning Compliance	Move to new section on Procedures
17.12.070 – Site Development Plan	Move to new section on Procedures
17.12.080 – Certificate of Occupancy	Move to new section on Procedures
17.12.090 Temporary Certificate of occupancy	Move to new section on Procedures
ADD Temporary Uses missing	The code is missing a section on temporary uses. List temporary uses and procedure for permitting. Add provision for renewal or extension

17.16 RA Residential Agricultural Zone	Update as necessary to follow Community Master Plan Format each zone district as described above. Off street parking signs and sewerage should be placed in the new subcategory Development standards if these standards apply only to this district
17.20 RE Estate Zone	Update as necessary to follow Community Master Plan Format each zone district as described above. Off street parking signs and sewerage should be placed in the new subcategory Development standards if these standards apply only to this district
17.24 R1 LOW DENSITY RESIDENTIAL ZONE	Consider renaming to more accurately reflect density allowed or simplify. Update as necessary to follow Community Master Plan Format each zone district as described above. Off street parking signs and sewerage should be placed in the new subcategory Development standards if these standards apply only to this district
17.28 - R2 INTERMEDIATE DENSITY RESIDENTIAL ZONE	Consider renaming to more accurately reflect density allowed or simplify. Update as necessary to follow Community Master Plan Format each zone district as described above. Off street parking signs and sewerage should be placed in the new subcategory Development standards if these standards apply only to this district Consider adding additional development standards

17.32. - R-10,000 INTERMEDIATE DENSITY RESIDENTIAL ZONE Palmer Lake Land Use Regulations: Code Diagnosis	Consider renaming. Update as necessary to follow Community Master Plan Format each zone district as described above. Off street parking signs and sewerage should be placed in the new subcategory Development standards if these standards apply only to this district Consider adding additional development standards. Address access issues by adding a development standard
17.36. - R3 MEDIUM DENSITY RESIDENTIAL ZONE	Consider renaming- this district sounds like it is more than single family and accessory uses. Update as necessary to follow Community Master Plan Format each zone district as described above. Off street parking signs and sewerage should be placed in the new subcategory Development standards if these standards apply only to this district Consider adding additional development standards. Address access issues by adding a development standard
17.40. - R4 HIGH DENSITY RESIDENTIAL ZONE	This is the one district in town that allows multifamily units, but it should be renamed because it really is not 'high density.' Update as necessary to follow Community Master Plan Format each zone district as described above. Off street parking signs and sewerage should be placed in the new subcategory Development standards if these standards apply only to this district Consider adding additional development standards. Address access issues by adding a development standard

17.52. - CONVENIENCE COMMERCIAL (CC) ZONE	This is an example of a zone district name that tells you what it is for. Review and update uses by right and conditional uses. Update as necessary to follow Community Master Plan Format each zone district as described above. Not sure why a funeral home is in this district? Remove dated uses such as video rental store and describe size and performance of convenience retail. Update conditional uses, not sure why a not-for-profit is listed as a conditional use. Revisit lot size and dimensions Remove pyramid zoning.
17.56. - M1 GENERAL INDUSTRIAL ZONE	Rename to more accurately reflect the intent of this district. Update as necessary to follow Community Master Plan Format each zone district as described above. Create specific Development standards for this district that deal with possible impacts. List of uses needs a lot of work; many terms need to be defined. Address access issues by adding a development standard
17.60. - O1 RECREATION ZONE	This district makes no distinction between public and private facilities. Format as noted above.

	Is a golf course public or private? What about snow and water skiing facilities? What if a local park is private? Is this then zoned "O1"? Should this be expanded or reworked into a "Public" Zone?
17.64. - FLOOD DAMAGE PREVENTION	This is in the wrong place – there should be a new Division or Article in the Code called Special Requirements. This applies to all lands within the town. Generally, these regulations are 'boiler plate' from FEMA or the State. Typically, this is the one part of the code where the definitions are often left within this chapter and not included in the general definitions for the Land Use Code.
17.68. - HILLSIDE OVERLAY DISTRICT	This is one of the newer parts of the Town's land use regulations. The definitions could be moved to the general definitions. If you create a new Article called any Special Requirements regulations would move to this Article. While this is an overlay district, it is not a mapped district that is shown on the Official Zoning Map. Should these requirements be moved to the new section called Special Requirements? OR should the Town attempt to map the areas impacted by the Hillside Overlay District?
17.72. - PLANNED UNIT DEVELOPMENT	• Many of the standards and references are outdated. The PUD generally is: • Negotiated custom zoning rather than one size fits all. • More flexible site design – such as setbacks, density. • More flexible on allowed uses and arrangement of uses. • Provides for phasing over a longer time according to an approved Master

	Development Plan. • May result in costs savings and increased open space
17.72.010 Description	No substantive change: format and re-number as needed. Minor edits and additions
17.72.020 - Purpose	No substantive change: format and re-number as needed. Perhaps add verbiage from Community Master Plan. Consider a statement as follows: The intent and purpose of the Planned Unit Development (PUD) District is to permit and encourage the development of a unique and truly innovative project which is represented by the applicant to be constructed within a reasonable period of time in relation to the project's size and scope and which will be of economic benefit to the town thereby qualifying the project under this and other criteria for review. **The concept behind a PUD is great flexibility for increased public benefit.**
17.72.030 – Where established	Update, minor edits, do you want to specify minimum size of PUD? Review consistent use of term landowner or his agent throughout code- consider applicant and define.

17.72.040 – Principal Permitted uses. **This section should be preceded by a section that outlines: Coordination with other codes, regulations, and plans.** **PUDs constitute a new zone district, and it should be made clear how the PUD is processed along with the subdivision plat.**	The mix of uses listed should be amended to ensure a truly mixed use project. This should not simply be a mechanism to build more housing units without some additional benefit. This section should be reworked to better reflect the type of development envisioned in the Community Master Plan. **Do you want to require a mix of uses?** Additionally, this section should reflect the following: The creation of a PUD District involves a particular land area, and is a master planned development therefore development standards, dimensional requirements and

Also add a section that addressed when the PUD becomes a rezoning: ***Upon approval of the MDP, the PUD 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.***	permitted uses may be negotiated that are different from those set forth in this Chapter, and such different standards, dimensional requirements and uses, as negotiated, shall be allowed as set forth in the Overall Development Plan (ODP; also called a Master Development Plan (MDP) and Final Development Plan (FDP). **Usually, the PUD is a two-step process:** **1. An Overall Development Plan or Master Development Plan** 2. **The Final Development Plan**

PUD PROCEDURES	**There needs to be a separate section on PUD Procedures- this should be drafted and inserted with all other approval procedures in a separate article- Land Use Applications and Procedures.**
17.72.050 - Densities.	Do you want to revisit the maximum density for residential units? Add criteria for density negotiations such as (reference Community Master Plan): • Reasonable compatibility with the densities of the surrounding development. • Concern for the interrelationship between density, height, open space and vehicle accommodation which promotes quality development for the benefit of residents and visitors alike.
17.72.060 Open Space.	No substantive change: format and re-number as needed Should open space also be accessible to the public? As defined, it is private open space. Add criteria for open space dedication (reference Community Master Plan), examples: • Avoidance of concentrating open space into large areas with the subsequent “packing” of remaining development areas.

	• Open space and/or landscaping must accompany all types of development. • Larger open space areas are logically connected to each other and to external open spaces via linear path systems. • Enhancement of the natural features of a development Open space dedications: Reference/Consolidate with dedication requirements in Subdivision chapter
17.72.070 – Buffering and Screening.	This requires a 25 ft. setback from 105- do you want to amend per Community Master Plan? Do you want to add additional performance criteria?
17.72.080 - Modification of subdivision regulations (RENAME AND EXPAND).	**This should be incorporated into re recommended new section: Coordination with other codes, regulations, and plans.**
17.40.XX- General procedure for establishment of a Planned Development Zoning District. (NEW)	ALSO Add to the recommended Review Procedures Chart. **Review procedures are missing- what gets noticed and published**. Add to the new Article or Division called Land Use Applications or Review Procedures
17.72.090 – Procedures and sketch plan • Preapplication conference. • Sketch Plan	Landowner or agent needs to be consistent throughout the code and defined. Remove and define applicant in the definitions. General application form needs signature for landowner. Should the pre-application conference be a must or may? Why is the pre-app with the Planning Commission? Should be with staff to avoid prejudice!

17.72.XX- General requirements for PUD sketch, PUD Plan and Final Development Plan.	Potentially ADD: what needs to be covered and why. how subdivision is processed with a PUD
17.72.100 – PUD Plan. (Consider renaming to Overall Development Plan or Master Development Plan)	The submittal requirements need to be updated. Update written requirements. We always recommend that along with the Plan graphics a written PUD document be prepared that outlines allowable uses, dimensional requirements, quantity and type of open space, open space maintenance, changes to other requirements (signs, parking etc.) and other negotiated items. ITEM 3- Amendments should be a separate section of the code. There are typically two types of amendments- Minor and Major and each is processed separately. In addition to the current text, minor vs. major should be quantified- i.e., a 10% change in any of the following constitutes a major amendment…. ADD new Section on recording and approval lapse period. ADD Effective period: 3 years see vesting section; Alternatively, vesting can be negotiated for large, complex projects that occur over many years or sometimes for large master planned developments many decades. In all cases a PUD should include a negotiated development agreement to memorialize all negotiated items. All documents need to be recorded. THE PUD regulations need to specify how long the Overall Development Plan is approved and when it no longer is deemed approved (reversion clause.) The same language needs to be added for a Final Development Plan.

17.72.110 - Final PUD Development Plan —This covers Submittal and review. ZONING CODE IS MISSING A SECTION ON ZONING CHANGES (SEE 31-23-305)	Review Process: Section should specify the consequence of denial. Submittal- Update Review and Approval Criteria: Consider revising criteria to be more specific/clearly articulated. Review criteria are the same for both the overall plan and the final plan -update. Recording/365 days: suggest no vesting until recording is complete. Determine whether the Town has a record of recorded PUD approvals/issuance of CO's subject to this expiration provision (see 17.72.150). Update amendment procedures and make it a separate section (see below) Review procedure is missing as noted above. Since this is a change of zone, public hearings are required. Once recorded, amend the Official Zoning Map **ALSO, per STATUTE A ZONING CHANGE WHICH IS WHAT A PUD REQUIRES A 2/3'S VOTE OF THE GOVERNING BODY. THIS ALSO APPLIES EQUALLY TO CHANGES AND AMENDMENTS.**
NEW SECTION ON AMENDMENTS Minor Major	Major amendments/rezoning requests Outline what is major and what is minor; quantify. Consider providing for amendment after approval and before recording for minor corrections. Public notice: Require notice to owners if project is partially built and lots have been sold

17.72.140. - Maintenance plan.	Required by Statute- update
NEW Section: FAILURE TO BEGIN DEVELOPMENT OR TO SHOW SUBSTANTIAL PROGRESS.	This section needs to be expanded to address a stalled PUD or a PUD where no progress has been made after an established period of time. ***This should include the provisions in 17.72.150 Results of failure to meet schedule.***
17.72.160. - Development time frame and appeals.	This section needs to be expanded. Specify that each PUD needs a detailed development schedule of public and private improvements. The town staff shall monitor this schedule. Outline consequences and review of a PUD that is not moving forward and in particular PUDs that have not completed required improvements in a timely manner. If construction has not started, the current code states that the applicant has one year- if one year has elapsed, what happens?
17.72.120- Building Permits	MOVE- this applies to all land use applications not just PUDs- NEW ARTCLE GENERAL STANDARDS
17.72.130. - Floodplains.	MOVE- this applies to all land use applications not just PUDs- NEW ARTCLE GENERAL STANDARDS

NEW SECTION ~~Administration and enforcement~~ — Permit issuance.	COs should not be issued prior to approval and recording- Add new article in Land use applications. PERMIT ISSUANCE
CHAPTER 17.76. - SIGNS AND BILLBOARDS	Planning Commission is working on a major update. Be mindful of the following:

	• Clarify when a sign permit is required and not required. Outline permit procedures. • Provide for minor modification of sign standards. • Maintenance • Abandoned signs. • Nonconforming signs in existence at the time of enactment. • Exempt signs • Design standards • Application and administration (sign permit procedure • Sign standards in residential zones- • Sign standards in the commercial zones • Temporary signs • Computation of sign area • Pre-existent outdoor advertising
CHAPTER 17.80. - HOME OCCUPATIONS	This entire chapter needs to be updated but is basically sound; Move to more performance based requirement, e.g., 'no exterior indication of activity.'. Also, measurement of floor area is hard to monitor as is # of employees. IS this complaint driven?
Chapter 17.XX SITE PLANS NEW (*see 17.12.070. - Site development plan.*	There is one paragraph on when site plans are required and what is included. This needs to be greatly expanded and be placed in the new Section on Land Use

	Applications.

CHAPTER 17.xx - Fences. ADD	Typically, any fence over 6 ft. requires review. This section should be added to the new Article or Division called General Standards Fences could also be grouped with the buffering and screening section
17. XX. XX Visibility at intersections. ADD	**This requirement is missing but important. Provide graphic illustrating these standards**
17.XX Landscaping **OR new Division on Landscaping, Buffering, Fences, and Walls)** **Buffering and Screening** *(see existing one sentence in 17.48.080. - Outdoor storage and buffering.)*	Typically, most municipalities specify the amount of landscaping required and now because of water storages, the type of landscaping required. If you do the later then the purpose is similar to this: *To protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's public and private landscape, reducing water waste and establishing procedures for the design, installation and maintenance of water-efficient landscapes throughout the jurisdiction*. *Some communities include Landscape Site Design, tree preservation standards and detailed parking lot landscape requirements.* The existing section of the code could be strengthened with the following intent: The intent of this Section is to integrate adjacent land uses and provide seamless transitions through the use of appropriate buffers and screening. What kind of landscape plan should be submitted?
CHAPTER 17.84. - OFF-STREET PARKING AND LOADING **Consider renaming this section <u>Parking Loadings,</u>**	This section of the Code should move to the new Article/Division called General Standards • This entire section is very dated. # of spaces required needs to be updated,

Vehicle and Pedestrian Standards	provisions for joint use of parking spaces should be added. • Some of the requirements are too low (multi-family 1.5 space and no accounting for # of bedrooms), some requirements are way to high (clubs, restaurants and retail.) • A parking table should be developed by use category. • There are no instructions for measurement of floor area: what counts, what does not count? What do you do for mixed use buildings? • Handicapped requirements are not included or referenced. • Size of space is not indicated. • Add better method of accounting for required spaces if the use is not listed. • There are no loading requirements! • Parking Design Requirements: Parking layout should also be included and include dimension of drive isles. • Need something on Off-Street Stacking requirements. • Pedestrian standards could include sidewalks, multiuse pathways and trails- this was a major theme in the Community Master Plan. • Screening requirements ensure consistent w/ other fencing/screening standards. • On -street parking
Chapter 17.XXX– WIRELESS TELECOMMUNICATIONS SERVICES	This is currently found in Chapter 14- Building and Construction. Typically, these regulations are found in the Land Use Code

	These rules are standard among many municipalities. **Updates are required because of the new changes in State Law regarding small cell wireless facilities and new locational parameters. The law basically allows for small cells as use by right in all zone districts.** Design criteria can be developed for these small cells.

Chapter 17.88 - NONCONFORMING USES ADD: **BUILDINGS, STRUCTURES, AND LOTS**	This section needs to be expanded to include buildings and structures. Add the following (by way of example): • Changes in use • Continuance/Discontinuance • Unsafe buildings • Repairs and maintenance • Restoration. • Abandonment
Chapter 17.XX – Conditional REVIEW Uses NEW **Add 'review' to the use.**	There needs to be procedures and criteria for the review of all conditional uses listed in each zone district- This should be placed in the new Section on Procedures. Conditional uses can be granted for a specific period of time. Criteria is currently found on the application form- update as necessary. Add provision for renewal or extension

Chapter 2.16 - BOARD OF ADJUSTMENT	The Board of Adjustments and procedures are currently in Chapter 2. Consider moving the entire section or at least the procedures and stay of proceedings to the Land Use Code.
Variances- NEEDS IS OWN SECTION WITH CRITERIA	Variances are only mentioned in Chapters 16 and 17 related to MS4 (16.62) and in 17.64.160. The regulations are sound, but this is within the Flood Damage Prevention Chapter of the code and relates solely to Flood prevention regulations, CREATE A NEW SECTION ON VARIANCES
17.92 Administration and Enforcement (outdated) **UPDATE and consider moving to new Article 1- General Provisions.** **This section should cover:** • **Enforcement responsibilities** • **Violation Penalties (17.92.090)** • **Severability**	This section only includes the following: Zoning officer designated- has a zoning officer been designated? Building Permit Required- Add reference to Pikes Peak Regional Building Department Building Permit Application- update and ensure requirements are consistent with PPRB. Building Permit fee- combine with other fees in procedures section. Building Permit forms- update and move to procedures. Building Permit issuance- move to procedures. Enforcement- Penalties- strengthen and combine in one section.

PART 2: SUGGESTED REORGANIZATION OF PALMER LAKE'S LAND USE REGULATIONS (CHAPTERS 16 AND 17)

This part of the diagnosis contains an example of how the organization of land use regulations can be improved by combining all of the land use regulations into one Chapter. Such a reorganization would help to reduce redundancy and ensure consistency in the review of all types of applications.

TITLE = 16 LAND USE CODE UPDATE ORGANIZATION (BOTH 16 AND 17 IN ONE CHAPTER)

ARTICLE 1: GENERAL PROVISIONS

16-1-10	Title of provisions
16-1-20	Jurisdiction-
16-1-30	Authority
16-1-40	Reserved
16-1-50	Purpose
16-1-60	Interpretation and Rules of Construction
16-1-70	Repeal of Prior Regulations and Effective Date
16-1-80	Relationship to the Comprehensive Plan, Other Plans and Other Regulations
16-1-90	Expiration of Land Use Approvals
16-1-100	Vested Property Rights
16-1-110.	Fees. Application Fees and Cost Reimbursement Required[1]
16-1-120	Correction of Obvious Errors
16-1-130	Enforcement
16-1-140	Violation Penalties
16-1-150	Severability

ARTICLE 2: DISTRICTS AND USES

16-2-10 Zoning districts established.

<u>16-2-20 Minimum Size for New Districts</u>

[1] 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.

16-2-30. Official Zoning Map.

16-2-40 Special classification of hillside lands and floodplain areas.

16-2- 50 Use Table

16-2-60 Unlisted uses.

16-2-65 Dimensional Requirements Table

16-2-80 – Planned Development or PUD Planned Unit Development District.

16-2-90. - HSP Hillside/Ridgeline Protection Overlay District. (If not mapped move to Special Requirements)

ARTICLE 3 - GENERAL STANDARDS APPLICABLE TO ALL DISTRICTS

A. Site Design Standards (such as zoning and site functions, setback encroachments, transition between residential and non-residential uses, street appeal, grading, and site specifications)

B. Parking, Loading Vehicle and Pedestrian Regulations

C. Landscaping Standards (includes Fences, Walls, Screens, and Buffers)

D. Building Design Standards (discussed by PC and Advisors)

E. Lighting Standards

F. Noise and Other External Effects *(glare, vibration, odor, smoke, etc.)*

G. Signs

H. Historic Landmarks and Historic Districts

ARTICLE 4: SPECIAL REQUIREMENTS

A. Flood Hazard and Other Critical Areas

B. Watercourse Alteration

C. Master Plan *(for multi-parcel developments that are mixed use or involve several phases)*

D. Industrial and Commercial Performance Standards

E. Hillside Development Regulations (if not an overlay on specific land)

F. Flood Hazard and environmentally constrained (should also deal with changes in Floodplain from FEMA or CLOMAR/LOMR)

G. Cluster Development- new concept

H. Wireless Communication Facilities 9 MOVE FROM Chapter 14)

I. RV Parks and Campgrounds (is this needed in Palmer Lake

J. Manufactured Homes

K. Variances

L. Sexually Oriented Businesses and Service

M. Temporary and seasonal uses

N. Home Occupations

O. Animal Raising and Keeping (move from Chapter 7)

P. Solar Energy Installments

ARTICLE 5: SUBDIVISION REQUIREMENTS

A. General Provisions

B. Purpose

C. Applicability

D. Fee and Cost Reimbursement

E. Administration and Interpretation

F. Types of Subdivisions

1. Administrative Plat Amendment
2. Major Subdivision
3. Minor Subdivision
4. Replat/Resubdivision
5. Subdivision Waiver
6. Vacation of a Plat, Right of Way, or Easement

G. Application Process

1. Sketch Plan *(master plan for multiple lot mixed use project or multi-phase development)*
2. Preliminary Plat
3. Final Plat
4. As-built Plat
5. Condominium Plat

H. Public Improvements

1. Scope
2. Agreement Required
3. Security

4. Required Improvements
5. Conditional Acceptance and Warranty
6. Guarantees
7. Maintenance and Repair
8. Final Acceptance
9. Construction of Facilities by the Town
10. Reimbursement

I. Land Dedication *(Parks, Trails, Open Space, Schools, Public Facilities, and Drainage)*

J. Easements

K. Standards *(anything not in the Construction and Design Standards)*

ARTICLE 6: TYPES OF APPROVAL REQUIRED – SUBMITTAL REQUIREMENTS AND REVIEW PROCESS

A. Administration and Boards (need references to Board of Adjustment and Planning Commission found in Chapter 2)

B. Public Hearings

C. Notice of Public Hearing

D. Administrative Approvals

E. Site Plan Requirements

F. Conditional Review Uses

G. Planned United Development Procedures

H. Rezoning and Amendments

I. Appeals

J. Variances

K. Administrative Exceptions

ARTICLE 7: ANNEXATION

A. Purpose and Legislative Declaration

B. Eligibility

C. Review Process

D. Criteria for Approval

E. Standards

F. Submittal Requirements

G. Public Notice Requirements

ARTICLE 8: DEFINITIONS

Definitions (but should not include any rules, simply define the term)

TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO

DATE: October 2023	**ITEM NO.**	**SUBJECT**: Update on Sign Code Status
Presented by: Town Administrator /Clerk		

Per Board discussion at the 10/12 meeting –

Discussion/Direction Relating to Board Questions/Concerns of the Final Draft Sign Code. Attorney Krob reviewed various categories of signs – new sign regulations and exceptions, as well as confusion on what to do about old/current non-conforming signs, both legal and illegal. He reviewed options for amortization – accept and leave anything historic or upon the end of a useful life (up to 20 years), be compliant to sign code. Discussion took place about political sign regulations and temporary signs.

The direction provided to staff was to pare down the code. The Board members expressed comments that they are generally good with the signs that exist in town. Discussion ensued about signs allowed in residential zoning and inquired about other neighboring municipalities. It was directed that signs should be limited in residential zones to quantity and size.

As a result of this discussion, Attorney Krob will amend the sign code and it will be brought back to Planning Commission for review.