



PLANNING COMMISSION

Wednesday, May 18, 2022 at 5:00 PM

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

AGENDA

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

Call to Order

Roll Call

Meeting Minutes

- [1.](#) Meeting Minutes 04/20/22

Public Comments

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.

Public Hearing

- [2.](#) Public Hearing (continued) - Conditional Use (Tri-lakes Center for the Arts)
- [3.](#) Application for Conditional Use - Short Term Rental (Platt Ave)

Business Items

- [4.](#) Request to Amend PUD - Preliminary Review (Santa Fe Ridge, Hwy 105)
- [5.](#) Distribute ADU Material & Set Workshop Date
- [6.](#) Review/Discussion of Code Relating to Banners

Next Meeting (June 15) and Future Items

Adjourn

Americans with Disabilities Act

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

Notice

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



PLANNING COMMISSION

Wednesday, April 20, 2022, at 5:00 PM

Town Hall, 28 Valley Crescent, Palmer Lake

MINUTES

Call to Order

Chair Ihlendfeld called the meeting to order at 5:04 PM.

Roll Call

Present: Charlie Ihlendfeld, Bill Fisher, Mark Bruce, Amy Hutson, Shana Ball, Martha Brodzik, Susan Miner.

Approval of Minutes

1. MOTION (Bruce, Ball) to approve the minutes from the March 16 meeting. Motion PASSED.

Public Hearing

2. Application to Amend Conditional Use - Temporary Outside Use (Diacut) – Mr. Loren Burlage, previously approved with a conditional use for wholesale operation on the Diacut property, explained the change of the use of the property. The property owner is requesting to amend the approved conditional use for temporary outside use. He is requesting to store agricultural materials, i.e., hay bales, feed, etc., on approximately one acre of the Diacut property. HAYCO needs a temporary location while closing and constructing a building on a new property. Discussion took place concerning the length of time using the property under temporary use. The product would be covered by tarps and could be stacked approximately 6 to 12 feet high, but with no buffer (e.g., landscaping, fencing) to hide from view as required by Code. Mr. Burlage requested up to 12 months to allow enough time to close on the new property and vacate the Diacut property no later than May 1, 2023. Dawn Collins gave some background on what was approved in the original conditional use, and that the commission had the right to add any conditions to the amendment for approval by the Board of Trustees. If the use is changed or the property changes hands the conditional use ends, and owners must apply for a different conditional use permit if permitted by zoning code. Mr. Burlage agreed to install a chain link fence primarily for security. MOTION (Ball, Ihlenfeld) to recommend the Board of Trustees amend the conditional use until May 1, 2023, with the stipulation that if the owner anticipates additional time after this date, it come back to the Commission to request an amendment. Vote: 6-1 (no - Brodzik). Motion passed.

3. Application for Conditional Use - 304 Hwy 105, CC Zone – Mr. Michael Maddox, President of the Tri-Lakes Center for the Arts, requested that the TLCA be permitted to create a lodging space at the

rear of the building, completely separate from the main venue. This would be for living quarters for Mr. Maddox and short term stay of TLCA guests. Mr. Maddox said that since COVID-19, all the artists left, and he and his family worked to maintain the viability of TLCA; the request for conditional use as a living space and hotel would save TLCA expenses. Commission member Brodzik inquired about the TLCA's board members. Mr. Maddox said that the board members are himself, Debi Maddox, Jesse Maddox, Carla Maddox, Maggie Williamson, and Linda King. Martha Brodzik also noted that the TLCA Conditional Use application as submitted was invalid/incomplete (e.g., the required signed and notarized letter from the property owner was missing, etc.). Questions were raised about the Arts Center's non-profit charter and its use to benefit a board member and family being allowed to use the space for lodging. The attorney for the Arts Center, Linda Gould, stated the non-profit pays the director's salary and can, as part of that salary, provide residency. There were concerns about the use of the space as lodging space as the building is not to code to be occupied in such a way. Kurt Ehrhart stated that he pulled the original permits for the Arts Center. He stated there are code issues with the separation of the business and the possible residence. Commission member Ball stated the applicant should review the plans with the Fire Dept. MOTION (Miner, Ball) to continue the hearing until the next meeting on 5/18 so the applicant can address building and fire code requirements for living space. Vote: 7-0. Motion passed.

4. Application to Vacate Town ROW - Loveland Slope (from Shady Ln to Fowler Branch) – Residents Gene and Maria Kalesti, 171 Shady Ln, along with abutting neighbor Kerry Paige, 179 Shady Ln, and surveyor Jim Brinkman presented the request to vacate the ROW platted as Loveland Slope, including a permanent utility easement in the ROW. Various neighbors spoke to the undeveloped roadway historically used as a shortcut to reach properties along the undeveloped Fowler Branch Road. Mr. Brinkman explained that when the area was platted, the topography was not taken into consideration at South Fork and Fowler Branch and, due to the slope of the land, if it is developed, there would be considerable flooding and drainage issues added to Shady Lane. Mr. Kalesti (171 Shady Ln) gave a presentation explaining his intent to restore the ROW area to natural vegetation and not continue the limited use of Loveland Slope as well as displayed his property boundaries within the ROW. Mr. Kerry Paige (179 Shady Ln) supported vacating the platted ROW. A developed road would severely cut into his property leaving three feet of space between the road and his front door. If the vacation is approved, he offered to dedicate a corner portion of his property at South Fork and Fowler Branch to allow for emergency vehicles to access Fowler Branch from South Fork. Mr. Randy Perry, a Fowler Branch property owner expressed not being in favor of the vacation due to access for emergency vehicles and placement of a fire hydrant and utilities. Mr. Jerry Parson, an area neighbor and the previous owner, gave some historical background on Loveland Slope. Ms. Trish Flake, nearby neighbor, offered historical use of the undeveloped road and use from South Fork. She requested a hold on the vacation until the area can be properly developed. The Commission members discussed the future easement and drainage development as well as fire code requirements. Dawn Collins stated that Community Matters consultant is creating maps to address this type of area throughout the town to show the topography, which should help perspective buyers identify property that require more to develop. Commission member Fisher suggested to continue the hearing so a Town engineer can review the feasibility of a road. Collins stated that the Town does not develop the roadway and that the responsibility to propose development is fully on the property owner/developer. Discussion ensued about design from South Fork onto Fowler Branch. MOTION (Ball, Miner) to approve the application as presented with the condition that a portion of the property corner of 179 Shady Ln would be dedicated

in the event of the Fowler Branch roadway is developed to an approved standard. Vote 6-1 (no – Fisher). Motion passed.

Business Items

5. Update - Master Plan Activity - Request for Advisory Members – Kent Hutson gave an update on the Master Plan Advisory Team activity. Commission member Susan Miner offered to do a mapping exercise with the Pioneer Preserve neighborhood. Kent stated there may be one additional team member joining from the Parks Commission. Collins inquired about a joint meeting of the Planning Commission and the Advisory Team with Community Matters for review and hand off of next steps in the planning.

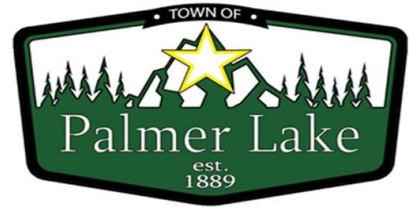
Public Comment – Collins noted this item will get added to the agenda going forward. Mr. Kurt Ehrhardt offered kudos to the contractor for the Town Hall renovation. He mentioned that his property off Hwy 105 has a proposal coming forward that will include mixed use. General discussion took place about live/work amenities and other use at the Hwy 105/lake area.

Next Meeting (May 18) and Future Items

Adjourn MOTION (Ball, Hutson) to adjourn at 7:57 PM. Motion PASSED.

Charlie Ihlendorf, Chair

ATTEST: Julia Stambaugh, Deputy Town Clerk



Item 2.

**TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO**

DATE: May 2022	ITEM NO.	SUBJECT: PUBLIC HEARING
Presented by: Town Administrator /Clerk		Application for Conditional Use – Residential Use in CC Zone – TLCA

Background

This is a continued hearing from the April meeting. The action of the Planning Commission was to continue the hearing for the applicant to communicate with the Fire department about requirements of the living space. Since the 4/20 meeting, staff has been informed that the applicant is now working with a general contractor and engineer to address the requirements for the interior of the structure to meet required code by PPRBD.

However, the Fire Chief is unable to provide a recommendation because there are numerous items outstanding for the entire structure. Note the enclosed memo from Chief McCarthy. The structure was previously a non-conforming structure but, when the use changed and it was updated, this information is required.

Recommendation

Staff does not support a conditional use at this time. The entire building needs to be addressed prior to any further or different consideration of use of the structure.



To: Dawn Collins
Town Clerk
Town of Palmer Lake

From: Christopher McCarthy
Fire Chief
Palmer Lake Fire Department

Re: Tri-Lakes Center for The Arts conditional use permit.

Date: 11 March 2022

The Fire Department cannot make a recommendation for a conditional use permit for Tri-Lakes Center of the Arts due to the following:

- No Certificate of Occupancy on file.
- No building plans with a wet stamp from the architect on file
- Missing/unknown Building plan number that was received from the Pikes Peak Regional Building Department (PPRBD) and/or the Town of Palmer Lake (TOP).
- Missing/unknown Building permit number(s) that were issued by the PPRBD and/or TOP.
- Missing/unknown Date of inspections for Electrical, HVAC, framing etc. was completed.
- Missing/unknown Date Fire Final was completed.
- No declared General Contractor involved in this project.

Until the above information is furnished to the Fire Department, we are unable to make a recommendation regarding a conditional use permit.

I remain available should this matter require further discussion or information.



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

Office Use Only	
Case Number:	_____
Date:	_____ <i>PL 4/20</i>
Fees:	<u>\$250.00</u>
Check #:	<u>86848</u>
Rec'd By:	<u><i>WAC</i></u>
Application Complete:	_____

Conditional Use Application Form

Name of Applicant/Property Owner: *Tri-lakes Center for The Arts*
 Address: *304 Hwy 105 Palmer Lake* Phone#: *719-481-0475*
 Email: *director@trilakesarts.org*
 Name of Proposal: *Conditional Use 17.38.020K*
 Legal Description or Address: *lots 1-10 Block 23 Town of Palmer Lake*

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: *[Handwritten Signature]* Date: 3/3/22

If the applicant is not the owner:

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

Owner – Print: _____

Owner – Signature: _____ Date: _____

Dawn Collins

Subject: FW: Tri-Lakes Center for the Arts & Conditional Use Permit

Dawn,

Thank you for your communication.

The Board of Directors is unanimously requesting that the TLCA be permitted for the following in the rear of the building, which is completely separated from the main venue:

- Lodging space for just one couple, managers of the nonprofit TLCA, in order to minimize business expenses and for the continued viability of the venue as a fine art gallery and concert venue featuring nationally recognized performers. After being closed for 18 months during the height of the pandemic, the TLCA is still getting back on its feet financially.
- Short-term usage for one to three nights for special guests, including art teachers, seminar speakers, and performers, who may not want to stay at hotels due to Covid, security, or other concerns. There would never be more than two guests at a time. This would save the TLCA a lot of expense in regard to hotel accommodations, transportation, etc. It would enable the TLCA to keep ticket prices down for the benefit of the general public.

At no time would the lodging space ever be rented, either short-term or long-term. The space would be utilized only by TLCA staff and approved venue participants. Such accommodations would never be advertised or promoted to the general public. It would be a private concern for TLCA management and guests. And such an area would not be open to the general public.

I would also like to reiterate that there will never be a kitchen installed in that area of the building. If a kitchen is needed, we will utilize the one that has been in existence for the past twenty years and located off the Lucy Owens Gallery.

If you have any further questions, please do not hesitate to contact me.

Peace,

Michael

Dr. Michael Maddox
Executive Director
Tri-Lakes Center for the Arts
P.O. Box 1154
Palmer Lake, CO 80133
719-481-0475
www.trilakesarts.org

To: Town of Palmer Lakes
Board of Trustees

Subject: Conditional Rezoning of the Tri Lakes Center for the Arts (TLCA)

As a member of the TLCA, and former Chairman of the Board of Directors, I would like to Thank You for your consideration of this Rezoning Request submitted by Dr Maddox, Executive Director of the TLCA. During the past three years, or so, the TLCA has undergone an extremely high level of financial stress due to the fact that we have not been able to conduct the Fund Raising Events necessary to pay even the minimum amount of the costs required to stay open. Such costs include things like Utilities, Salaries, and Insurance. The TLCA has survived solely due to the generosity of its Membership, the Executive Director's willingness to work without a regular paycheck, and the help of many volunteers.

During this time, Dr. and Mrs Maddox were required to vacate their rented home located on the grounds of Estemere because of the sale of the property by Mr. Ward. This move would have created serious financial problems for the Maddox family due to its cost and their lack of income because of the Pandemic. Their ability to move into a very small area of the TLCA building was truly a blessing to both the Maddox's and the TLCA.

Operation of a Non-Profit requires a great deal of Attention to both Events and the Day to Day details. The building is old and not necessarily in the highest state of repair for the Fine Arts which are regularly on display to the General Public. Therefore, when a problem arises it is best to have the person making the decisions on site so that the problem can be addressed before anything happens. It also will save the Art Center, and Dr & Mrs. Maddox, a considerable amount of out of pocket expense. This will allow the TLCA to continue serving the Palmer Lake Community in a positive manner.

Your positive consideration of the Rezoning Request will be a tremendous benefit to the Future of the Tri Lakes Center for the Arts and Town of Palmer Lake. Thank you so very much for your time!

With Deepest Regards,

Merrill Austin
Past Chairman of The Board of Directors & Life Member

TO: Palmer Lake Board of Trustee
TO: Palmer Lake Planning Department

RE: TLCA Conditional Use Rezoning

Regarding above rezoning, I wish to voice my support for the proposed Conditional Use Rezoning of the TLCA. This rezoning is to maintain its commercial status while allowing a residence in the property.

As a long-standing member of the TLCA's board of directors (10-plus years) I can attest to the hardship the nearly two years of the Center being closed due to the pandemic had on the management; and yet, the Center opened with new vigor and beautiful re-décor, all done by the Maddox family. This Center is an integral part of Palmer Lake with first-class concerts and first-rate local and national artists' art shows.

The residence specification will enable TLCA's management to reduce overhead and subsequent operations cost, add on-site building security, increase availability for operations and facilities matters, and be more responsive to the local and national artists and musicians performing at the Center.

Thank you for your time, your consideration and approval on this rezoning request.

Maggie Williamson
Bella Art and Frame
183 Washington Street
Monument CO 80132
Cell: 719-352-6779

Town of Palmer Lake

Board of Trustees

Re: Conditional Use Zoning for the Tri-Lakes Center for the Arts

I would like to express my enthusiastic support for the rezoning proposal for the Tri-Lakes Center of the Arts. Having on-site residence will add security and make the facility much more responsive to the needs of the artists and patrons.

Monument Vision Clinic and myself have been long-term supporters of TLCA, and this zoning request will certainly help keep this organization viable as an important part of the Tri-Lakes area and culture.

Thank you very much for your consideration in this matter.

Sincerely yours,

Frank Puckett, OD

To: Palmer Lake Board of Trustees

Re: Rezoning of Tri-Lakes Center for the Arts

I wish to take this opportunity to voice my support for the proposed Conditional Use Zoning for the Tri-Lakes Center for the Arts (TLCA). As you know, the zoning change would retain the facility's commercial use while allowing for a residence.

I was a long time Board member of the TLCA, a non-profit and integral part of the Tri-Lakes community that offers first class cultural and artistic entertainment. The TLCA was closed for nearly two years due to the pandemic. This created hardship on the TLCA management and in keeping the facility secure and in working order for re-opening.

The residence specification will enable the TLCA management to reduce overhead and subsequent operations cost, add on-site building security, increase availability for operations and facilities matters, and be more responsive to the local and national artists and musicians performing at the facility.

Thank you taking my support for the rezoning into consideration.

Dave Futey

138891

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF EL PASO

**NOTICE OF PUBLIC HEARING
TOWN OF PALMER LAKE**
Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on April 20, 2022, at 5 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider a conditional use application for the rear portion of a commercial building to be utilized as lodging space, located at 304 Hwy 105 (zoned CC). A recommendation will be made to the Board of Trustees on the same matter, scheduled for April 28, 2022, at 5 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 March 30, 2022

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, L.L.C., 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 03/30/2022

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.



Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 03/30/2022, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette

**SANDRA KING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184014369
MY COMMISSION EXPIRES MARCH 30, 2022**

Document Authentication Number
20184014369-842763

(17.38.010)

CHAPTER 17.38**CONVENIENCE COMMERCIAL (CC) ZONE****Sections:**

17.38.010	Principal Permitted Uses
17.38.020	Conditional Permitted Uses
17.38.030	Lot Sizes and Dimensions
17.38.040	Structure Height and Area
17.38.050	Required Off-Street Parking and Loading
17.38.060	Signs
17.38.070	Sewerage
17.38.080	Outdoor Storage and Buffering

17.38.010 Principal Permitted Uses

- (A) Restaurants.
 - (B) Service Establishments, such as Barber and Beauty Shops, Watch and Jewelry Repair, Pharmacies, Pick-Up Stations for Laundry or Dry Cleaning.
 - (C) Commercial (Business) Offices, including Realty, Insurance and Travel Agencies.
 - (D) Retail Stores including only the following: Drug, Sundries, Clothing, Boutiques, Sporting Goods, Books, Small Grocery, Antiques, Gift, Soda, Crafts, Small Office Supply, Bakery, Small Print Shops, Moderate Sized Furniture and Florist.
 - (E) Art, Photographic, Health, Dance and Music Studios.
 - (F) Day Care Centers.
 - (G) Nursing Homes - Housing 10 or fewer full time residents
 - (H) Bed and Breakfast Establishments - having 10 or fewer rooms
 - (I) Private or Government owned Community Buildings such as Libraries, Parks, Museums, Art Galleries and Post Offices.
 - (J) Medical and Dental Clinics/Offices.
 - (K) Funeral Homes and Mortuaries.
- (Ord. 18-2000 § 18, 2000; Ord. 7-1999, §1, 1999; Ord. 3-1995, § 2, 1995)

(Revised 01/10/2001)

(17.38.020 - 17.38.040)

17.38.020 Conditional Permitted Uses

- (A) Educational Institutions.
- (B) Religious Institutions.
- (C) Licensed Liquor and Beer Outlets.
- (D) Hotel/Motel.
- (E) Light Equipment Sales and Repair Shops.
- (F) Public and Semi-Public Uses.
- (G) Cabinetry, Wood Crafting Shop.
- (H) Non-Profit Organizations.
- (I) Video Rental Stores.
- (J) Nursing Homes - housing 11 or more full time residents
- (K) Mixed-Residential Dwellings and Commercial Uses occurring in the same Building
- (L) Single-Family and Multi-Family Uses (R10,000, R3 and R4 subject to all requirements of those particular zones).
- (M) Other such uses as listed and permitted which are not more detrimental, as determined by the Planning Commission and Town Council.

(Ord. 18-2000 § 19, 2000)

17.38.030 Lot Sizes and Dimensions.

- A. The sizes and dimensions of a lot in a CC zone shall be as follows:

Minimum lot size, six thousand six hundred square feet;
Minimum lot width, thirty-five feet street frontage.

- B. No side yard set back 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 Chapter 17.36.030 of the Palmer Lake Municipal Code. (Ord. 3-1995, § 4, 1995)

17.38.040 Structure Height and Area. The structure height and area requirements in a CC zone are as follows:

Maximum building height, as required by section 14.11 in code book.

Maximum area covered by structure, seventy-five percent of lot, see Chapter 17.36.040 of the Palmer Lake Municipal Code.

(Ord. 3-1995, § 5, 1995)

(Revised 01/10/2001)

(17.38.050 - 17.38.080)

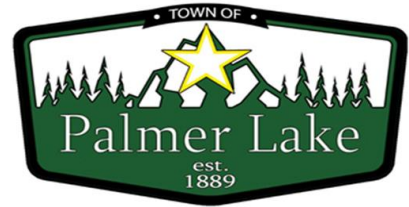
17.38.050 Required Off-Street Parking and Loading. For required off-street parking and loading for a CC zone, see Chapter 17.60. (Ord. 3-1995, § 6, 1995)

17.38.060 Signs. Signs in the CC zone are permitted provided they comply with Chapter 17.56 and Chapter 14.50. (Ord. 18-2000 § 20, 2000; Ord. 3-1995, § 7, 1995)

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

- A) Inability to tap existing sewer lines.
- B) Ability to meet current El Paso County "Sewage Disposal Regulations."
- C) Compliance with the provisions of Chapter 16.48 of the Palmer Lake Municipal Code. (Ord. 18-2000 § 21, 2000; Ord. 3-1995, § 8, 1995)

17.38.080 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. (Ord. 3-1995, § 9, 1995)



Item 3.

**TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO**

DATE: May 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Application for Conditional Use – STR – Platt Ave

Background

As previously communicated, staff has encountered multiple situations where existing property owners have more than one dwelling unit in a single-family residential zone. With the adoption of the short-term rental (STR) criteria, dwellings with multiple living areas or accessory dwelling will require a conditional use based on the code (enclosed). The original intent of the Board was to include existing property conducting short term rental. The consideration of multi or accessory dwelling in residential zoning has been a topic of discussion for over a year.

Recommendation

Staff supports the conditional use for short term rental property with more than single family dwelling, contingent upon the rental property meeting all the code (application) criteria.



received
3-28-22

Office Use Only	
Case Number:	_____ 5/18 PC
Date:	3-28-22
Fees:	\$250.00
Check #:	2934
Rec'd By:	[Signature]
Application Complete:	_____

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

Conditional Use Application Form

* emailed this & receipt to Emilie 3/28/22
* emailed to Dawn (alt)

Name of Applicant/Property Owner: Emilie Hacker

Address: 703 Platt Ln, Box 498 Phone#: 801-708-4342

Email: dustinandemilie@hotmail.com

Name of Proposal: 2 unit short term rental

Legal Description or Address: 703 Platt Ln, Palmer Lake, CO 80133

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: Emilie M. [Signature] Date: 3/28/2022

If the applicant is not the owner:

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

Owner – Print: _____

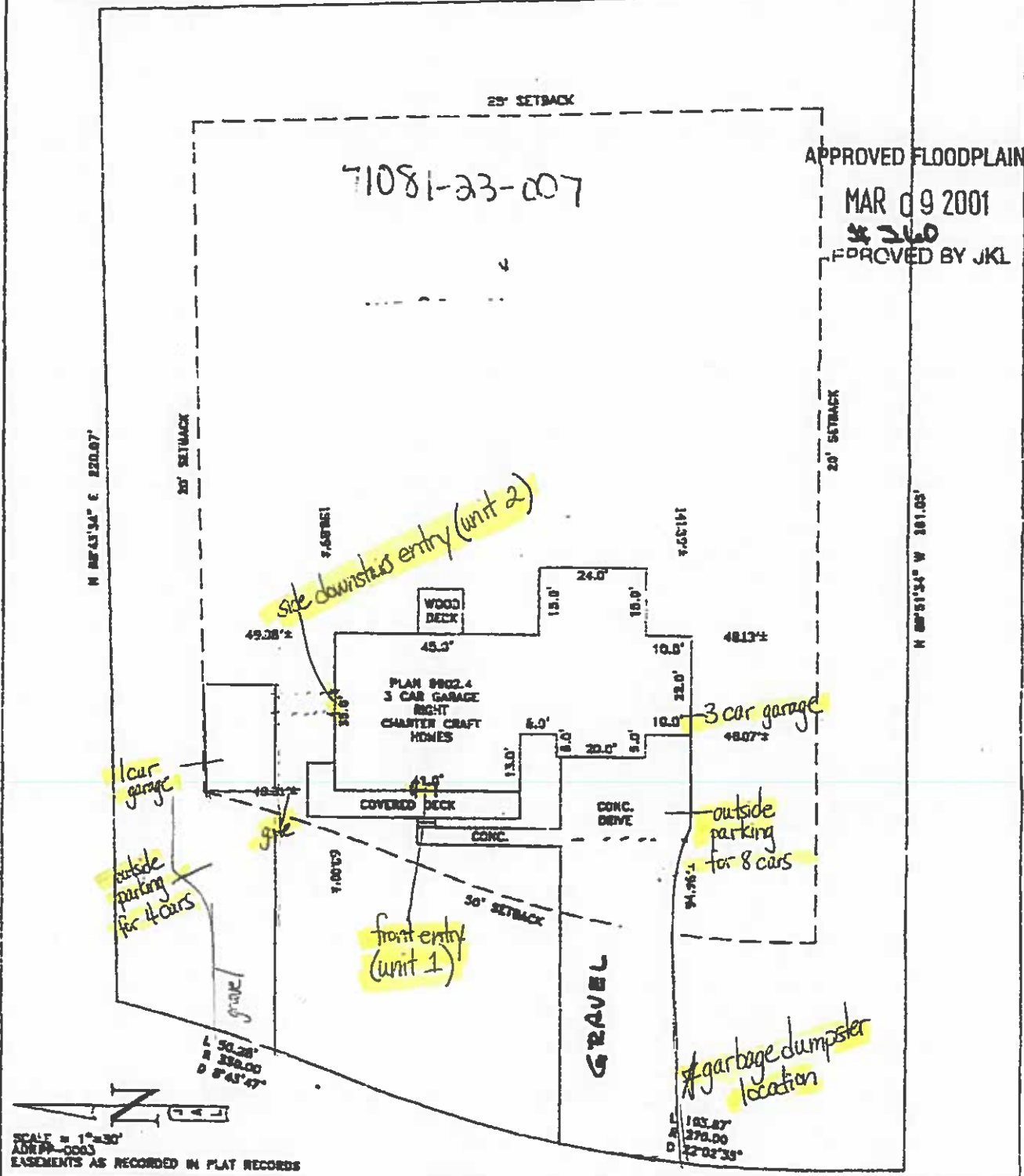
Owner – Signature: _____ Date: _____

PLOT PLAN

(THIS IS NOT A PROPERTY SURVEY)

703 PLATT LANE

N 01°48'47" W 178.72'



APPROVED FLOODPLAIN
 MAR 09 2001
 # 360
 APPROVED BY JKL

SCALE = 1" = 30'
 ADP/P-0003
 EASEMENTS AS RECORDED IN PLAT RECORDS

SETBACKS:
 FRONT = 25'
 SIDES = 20'
 REAR = 25'
 ZONED RR-1
 DATE: 2/2/01

ADDRESS:
 703 PLATT LANE
 COLORADO SPRINGS, COLORADO
 LEGAL DESCRIPTION:
 LOT 1, PLATT SUBDIVISION
 EL PASO COUNTY, COLORADO.

LOT AREA:
 43967 s.f.
 HOUSE FOOT PRINT:
 2731 s.f.
 COVERAGE:
 6.2%

A.D.R. AND ASSOCIATES
 1048 Norwood Avenue
 Colorado Springs, CO 80906
 (719) 576-5712 Fax (719) 576-3364

E00271

141340

ST
Platt
Item 3.

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

NOTICE OF PUBLIC HEARING
TOWN OF PALMER LAKE
Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on July 18, 2022, at 5 PM at the Town Hall, 39 Valley Creek Dr., Palmer Lake, to consider a Conditional Use application for short term rental of more than one unit of residential space, located at 719 Platt Lane. A recommendation will be made to the Board of Trustees on the same matter scheduled for June 9, 2022, at 5 PM. A copy of the complete application is on file at the Town Clerk office at 719-661-1953.
/s/ Dawn A. Collins, Town Clerk
Published in The Gazette April 27, 2022

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, 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 Colorado Springs Gazette; 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 04/27/2022

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.



Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 04/27/2022, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires December 15, 2025.



Lori Curry
Notary Public
The Gazette

Lori Curry
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184040549
MY COMMISSION EXPIRES December 15, 2025

Document Authentication Number
20164040549-224707

PALMER LAKE, COLORADO

ORDINANCE NO. 12-2021

AN ORDINANCE

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, in order to preserve the health, safety and welfare of the Citizens of the Town of Palmer Lake, the Board of Trustees desires to establish regulations relating to the licensing and operations of short-term rentals within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AS FOLLOWS:

1. Title 5 of the Palmer Lake Municipal Code is hereby amended by creating a new chapter, Chapter 5.10, to read in its entirety as follows:

Chapter 5.10 SHORT-TERM RENTALS

5.10.010 Purpose

The purpose of this chapter is to safeguard the public health, safety and welfare by establishing regulations to control the licensing, use, occupancy, and maintenance of short-term rental dwellings in the Town.

5.10.020 Applicability and interpretation

This chapter applies to short-term rental only, as that term is hereinafter defined, within any zone district where such use is permitted. This chapter does not apply to hotels, motels, lodges, bed-and-breakfast establishments, or long-term rental units. This chapter does not supersede any private covenants or restrictions prohibiting short-term rental units. This chapter shall not regulate a short-term rental unit during periods when the property is not being used as a short-term rental unit and is instead being used solely for personal use by the owner of such property. This chapter shall not be construed to prohibit the leasing of property within the Town for more than thirty (30) days.

5.10.030 Definitions

"Local agent" means a management company or individual who is identified by an applicant as the responsible agent in the application for a short-term rental license and who is available twenty-four (24) hours per day, seven days per week to respond as the initial point of contact for the short-term rental unit and who is able to respond to emergencies at the short-term rental unit within one hour of the agent's receipt of notice of the emergency. The local agent may be the owner of the

short-term rental unit and must have access to the short-term rental unit, authority to assume management of the short-term rental unit, and the ability to take remedial measures as necessary.

"Owner" means the owner of a property within the Town who intends to lease or leases the property or a portion thereof as a short-term rental unit.

"Owner-occupied" means a property on which an owner uses a dwelling unit of any kind, or portion thereof, as the owner's legal, primary residence.

"Parcel" means an area of land which is capable of being described with such specificity that its location and boundaries may be established and which has been or may be developed as a single unit of land.

"Renter" shall mean the party to a lease that has obtained the temporary right to use and occupy a short-term rental unit.

"Short term" rental means charging overnight lodging fee that is in increments less than thirty (30) days.

5.10.040 License required

It is unlawful to lease, advertise for lease, or permit the leasing of any short-term rental unit within the Town without a valid license issued by the Town pursuant to this chapter. A person who has obtained a license pursuant to this chapter is not required to obtain a general business license pursuant to Chapter 5.02 of this code for the same business activity.

5.10.050 Classes of licenses

An owner must obtain a license for each short-term rental unit within the Town. There shall be two separate classes of licenses available for owners to operate short-term rental units within the Town:

- A. Class 1: A Class 1 License is required to operate any dwelling unit, or portion thereof, as a short-term rental unit on an owner-occupied property within the Town.
- B. Class 2: A Class 2 License is required to operate any dwelling unit, or portion thereof, as a short-term rental unit on a property within the Town that is not owner-occupied.

5.10.060 Application requirements

- A. Contents of Application. A complete application for a short-term rental license must be submitted to the Town. The application shall be in writing on forms provided and approved by the Town. The following documents and information must be included with the application for the application to be considered complete:
 1. The name, address and other contact information of the owner of the short-term rental unit;
 2. The address of the proposed short-term rental unit;
 3. A description of the property and dwelling unit or portion thereof that will be available for lease;
 4. The name, address, and contact information of the local agent for the proposed short-term rental unit;

5. A site plan that identifies the location of the trash receptacles and available parking for the proposed short-term rental unit;
 6. An acknowledgement, signed by the owner and local agent, that the owner and local agent have read and understand all regulations pertaining to the operation of short-term rental units within the Town and that, following issuance of a license, the Town may contact the owner if the Town deems it necessary or appropriate even if there is a separate local agent for the short-term rental unit;
 7. Proof of ownership of the proposed short-term rental – a lawful dwelling unit;
 8. For owners that are business entities, proof of authorization signed by all applicable members of the business entity showing the applicant may submit a short-term rental license application on behalf of the business entity;
 9. A copy of a current and valid state sales tax license issued to the owner or local agent for the proposed short-term rental unit;
 10. A copy of a current and valid State and County sales tax and, if applicable, lodging tax license issued to the owner or local agent for the proposed short-term rental unit;
 11. Proof that all property tax payments for the property on which the proposed short-term rental unit is located are current;
 12. An affidavit, on forms provided and approved by the Town, signed by the owner attesting that the short-term rental unit has appropriate safety features;
 13. Proof of insurance covering the proposed short-term rental unit sufficient to operate a short-term rental unit;
 14. A copy of a conditional use permit issued by the Town, if required by zoning use;
 15. The applicable fee(s) as set forth in the Town's fee schedule; and
 16. Such other information determined necessary or desirable by the Town to evaluate the compliance of the application, licensed premises or proposed short-term rental activity with the requirements of this code, including but not limited to proof of primary residence acceptable to the Town for Class 1 license applications.
- B. License Fee. All fees and fines set forth in this chapter shall be set by the Town Board by resolution and shall be included in the Town's fee schedule.
- C. Parking. Each site plan must show the parking available for the short-term rental unit, which may be on-street parking, off-street parking, or a combination of both, for the purpose of indicating to renters where parking is available during their stay. The requirement to include available parking in the site plan does not obligate the owner to provide off-street parking for renters.
- D. Application Meeting. The Town may require a meeting with the applicant prior to approval or denial of the license to address any issues or questions regarding the application and assist the applicant in resolving any application deficiencies.

5.10.070 Application approval

- A. Approval Criteria. Short-term rental license applications shall be reviewed and approved administratively by the Town designee. The Town designee is the Town staff person designated by the Town Board and/or Administrator to review applications and administer short-term rental licenses. The Town designee shall not approve an application for a short-term rental license or issue a short-term rental license unless:
1. The applicant has submitted a complete application, including the payment of all applicable fees, as set forth in the Town fee schedule;
 2. The proposed short-term rental unit is within a zone district that allows short-term rental units;
 3. The site plan and other information provided with the application show that the property is in compliance with all applicable Town ordinances and all applicable regulations regarding safety, parking and trash collection; and
 4. The applicant has obtained a conditional use permit, if and as required by zoning code.

5.10.080 Term of license, renewal, and show cause hearings

- A. Term. Short-term rental licenses are effective from May 1 until April 30 each year. Applicants who apply for and obtain a short-term rental license any time on or after May 1 shall be responsible for paying the entire license fee. Any license issued after May 1 shall expire on the April 30 following the date of issuance regardless of the issuance date.
- B. Renewal. All short-term rental licenses must be renewed annually. All renewal applications must be submitted prior to April 30 each year on forms provided and approved by the Town. For short-term rental licenses subject to the annual cap set forth in Section 5.10.090(K) of this code, all renewal applications meeting the requirements herein and submitted by the deadline set forth in this paragraph, with applicants who are in good standing, will be approved. Notwithstanding the foregoing, any license renewal applications received after the deadline set forth in this paragraph will be considered on a first-come, first-served basis. The Town shall approve a renewal application if:
1. The renewal form is complete and does not omit any required information;
 2. The renewal fee has been paid;
 3. The owner or local agent has submitted a new, current safety affidavit;
 4. Neither the owner, the local agent, nor the short-term rental unit is currently in violation of any applicable law, rule, or regulation, including the provisions of this code;
 5. The owner has not been cited by the Town for or convicted by Municipal Court or other court of competent jurisdiction of more than one violation related to the owner's short-term rental unit in the last twelve (12) months; and
 6. For any licenses subject to the annual license cap set forth in this chapter, the short-term rental unit was rented for at least fourteen (14) days during the previous license term. If the short-term rental unit was not rented for at least fourteen (14) days during the previous term, the renewal application shall not be approved. Notwithstanding the foregoing, an owner or local agent may complete an affidavit of non-use declaring the

reasons for failing to rent the short-term rental unit as required in this paragraph. If a renewal application including such affidavit meets all other requirements of this code, then the Town will approve the renewal application. Affidavits of non-use will not be allowed for subsequent renewal applications.

C. Show Cause Hearings.

1. At any time during the term of a license, if the Town's records show that a licensee has had at least three complaints, with each complaint related to a separate incident, concerning the operation or maintenance of the short-term rental unit brought to the attention of the Town during the current license term, which complaints would each constitute a violation of this code and have been substantiated or verified by the Town, the Town may notify the licensee in writing of the date and time established for a show cause hearing before the Town Board. At the show cause hearing, the licensee shall be required to show cause why its license should not be suspended or revoked. Notice of such hearing shall contain a brief description of the grounds for conducting the hearing, which shall include the list of code violations charged. The hearing shall be held no sooner than ten (10) business days after notice has been delivered to the licensee.
2. At the hearing, the Town shall present matters into evidence, and the licensee shall have an opportunity to present evidence on the licensee's behalf and to comment upon the evidence. The Town shall furnish the licensee its decision in writing within thirty (30) days following the hearing. In the event of suspension or revocation of the license, no portion of any licensing fees paid shall be refunded.
3. In all cases where the evidence presented at a show cause hearing demonstrates that a violation of this code occurred, the Town shall consider evidence and statements in mitigation and in aggravation of the violation prior to determining the appropriate penalty. Such evidence and statements may relate to and include, but shall not be limited to, the following factors:
 - a. Seriousness of the violation;
 - b. Corrective action taken by the licensee after the violation;
 - c. Prior violations at the short-term rental unit by the owner, local agent or renters and the effectiveness of prior corrective action;
 - d. Whether the violation is part of a repeated course of conduct or is an isolated occurrence;
 - e. Likelihood of recurrence;
 - f. All circumstances surrounding the violation;
 - g. Willfulness of the violation;
 - h. Length of time the license has been held by the licensee;
 - i. Previous sanctions imposed against the licensee; and
 - j. Other factors making the situation with respect to the licensee or the licensed premises unique.

4. The licensee shall be permitted to give evidence and statements in defense, explanation and mitigation at the show cause hearing if then prepared to do so. If such evidence is not available at the show cause hearing but can be obtained by the licensee, the licensee shall state the substance of such evidence and, upon the licensee's request, the hearing may be continued for not more than ten (10) business days to a date certain.

5.10.090 Limitations and requirements

- A. **Local Agent.** The local agent for a short-term rental unit shall have access to and authority to assume management of the short-term rental unit and take remedial measures as necessary. The local agent shall be available to respond to tenant or neighbor concerns regarding the property twenty-four (24) hours a day, seven days a week. Local agents must respond to complaints, regardless of the source of the complaint, involving the short-term rental unit within twenty-four (24) hours.
- B. **Renter Information Notice.** Each short-term rental unit shall have a sign displayed in a conspicuous place within the short-term rental unit that contains the following information:
 1. Name and contact information of the local agent;
 2. The short-term rental license number;
 3. The physical address of the short-term rental unit;
 4. The occupancy limit for the short-term rental unit;
 5. The available parking for the short-term rental unit;
 6. A statement that all vehicles must be parked in the indicated available parking spaces unless such spaces are unavailable;
 7. Contact information for police, fire and ambulance service in case of an emergency; and
 8. The location of all fire extinguishers, fire escape routes, and contact information for renters to report safety concerns.
- C. **Occupancy Limits.** The occupancy limit for each short-term rental unit shall be two persons per bedroom available for lease within the short-term rental unit and two additional persons. By way of example and not limitation, a short-term rental that has three bedrooms available for lease has an occupancy limit of six persons plus two additional persons for a total occupancy limit of eight persons.
- D. **Parking.**
 1. **Parking Notice in Advertising.** The owner shall include in all official listings of a short-term rental unit a reference to the available parking for the short-term rental unit and the location of any designated parking area or spaces.
 2. **Limitations.** Parking is prohibited in any landscaped area, in any manner that blocks ingress or egress for adjacent properties, or in any manner that blocks access to mailboxes of adjacent properties.
- E. **Trash Receptacles.** Each short-term rental unit shall provide trash receptacles to accommodate all garbage generated by renters. Owners shall be responsible for ensuring that all garbage is

placed in covered, secured trash receptacles within twenty-four (24) hours of the end of a rental period and shall ensure that all trash is collected from the short-term rental unit within seven calendar days of the end of any rental period – maintaining regular weekly trash removal.

- F. **Safety Features.** All short-term rental units must have an appropriate number of functional smoke detectors, carbon monoxide detectors, and fire extinguishers and must have adequate egress and other required safety features pursuant to applicable fire or building codes, as determined by the Town fire department and set forth in the Town's short-term rental safety checklist.
- G. **Change in Information.** An owner shall notify the Town of any change in ownership of the property, a change in the owner's address or contact information, or any change in local agent or local agent name or contact information within five days of such change.
- H. **Taxes.** Owners shall be responsible for making timely property tax payments for all short-term rental units, as applicable for each property. Owners shall also be responsible for keeping all applicable sales and lodging tax licenses current.
- I. **Notices.** Any notices or communications required or reasonably implied by this chapter may be sent to the owner and local agent by the Town via U.S. mail or via electronic mail.
- J. **Safety Checks.** An owner or local agent of a short-term rental unit shall allow the Town access to a licensed short-term rental unit once per year for the purpose of verifying the information set forth in the safety features affidavit submitted with the owner's license application or renewal application. An owner or local agent shall also allow the Town access to a short-term rental unit to investigate a safety complaint about the short-term rental unit. Each safety check shall be subject to a fee set forth in the Town's fee schedule. Following a safety check, the Town may provide the owner or local agent instructions on how to bring the property into compliance with this code and a deadline for such compliance. If the Town determines that the owner or local agent has not complied with the instructions by the compliance deadline, the owner may be subject to the suspension or revocation or denial of a renewal application, as appropriate and in accordance with this code, of the owner's short-term rental license.
- K. **Maximum Number of Licenses Per Year.** There shall be a maximum number of certain licenses available per year (from May 1 through April 30), which shall not exceed ten (10) percent of the total number of residential parcels within the Town. The total number of residential parcels shall be as determined by the Town using information from the El Paso County Assessor. The following types of licenses shall be subject to the cap set forth in this paragraph:
 - 1. All Class 2 licenses, and
 - 2. Class 1 licenses for parcels with two or more short-term rental units on a single parcel.

Class 1 licenses for parcels with only one short-term rental unit are not subject to the cap set forth in this paragraph. Licenses issued for owner-occupied parcels with two or more short-term rental units on a single parcel shall count as one license toward the license cap set forth in this paragraph. Notwithstanding the foregoing, owners or local agents must obtain a license for each proposed short-term rental unit in accordance with this section.

- L. **Maximum Number of Licenses Per Parcel.**
1. The Town shall issue no more than one license per parcel, subject to the provisions of this chapter.
 2. Parcels may be eligible for more than one license on a case-by-case basis if the additional licenses are approved through the conditional use permit process set forth in this code prior to issuance of a license in accordance with this chapter. Applicants seeking two or more licenses for a single owner-occupied parcel and applicants seeking three or more licenses for a single parcel that is not owner-occupied must obtain a conditional use permit from the Town before the Town will process any such short-term rental license application.
 3. The operation of two short-term rental units on a single parcel that is not owner-occupied is prohibited. In accordance with the requirements of this section, the Town permits the operation and licensure of one short-term rental unit on a parcel that is not owner-occupied or may permit, following the issuance of a conditional use permit as set forth in this section, the operation and licensure of three or more short-term rental units on a single parcel that is not owner-occupied. The operation of two or more short-term rental units on a single parcel that is owner-occupied is permitted.
- M. **Large Gatherings.** Short-term rental units shall not be used to host large social gatherings, which shall mean a gathering of people that exceeds the maximum occupancy limit set forth in this section (i.e., not allowed to host wedding or social/commercial events).
- N. **Nuisances.** All owners, local agents, and renters are prohibited from creating, operating, maintaining, or conducting any nuisance as defined in sections of this code – meaning compliance to noise, safety and public health codes.
- O. **Eligibility.** Lawful dwelling units, including accessory dwelling units, or guest units within a dwelling unit or accessory dwelling unit, may be eligible for a short-term rental license. No vehicle or other containment shall be eligible for a short-term rental license.
- P. **Signs.** Signs installed on a property related to the operation or management of a short-term rental unit must comply with the requirements of the Town Sign Code set forth in this code.
- Q. **License Non-Transferable.** No license granted pursuant to this chapter shall be transferable from one person to another or from one location to another. An owner that is a business entity with a short-term rental license whose membership or ownership changes must notify the Town of such change and apply for a new license within thirty (30) days of such change.
- R. **Limited Application of Certain Regulations to Condominium Units.** Notwithstanding any provision to the contrary set forth in this chapter, the following regulations apply to condominium units:
1. Each condominium unit is eligible for one short-term rental license.
 2. Subsection 5.10.090(L) of this chapter does not apply to parcels containing condominium unit developments, and applicants seeking a short-term rental license for a condominium unit shall not be required to obtain a conditional use permit if other condominium units on the same parcel have obtained short-term rental licenses.

3. All condominium units licensed as short-term rental units that are not owner-occupied are subject to the maximum number of licenses available per year set forth in subsection 5.10.090(K).
4. Condominium units are subject to all other provisions of this code, as applicable.

5.10.100 Denial of application

The Town designee shall deny a short-term rental license application or renewal application for any one or more of the following reasons:

- A. The applicable provisions of the Municipal Code have not been met;
- B. The required application fees have not been paid;
- C. The application is incomplete or contains false, misleading or fraudulent statements;
- D. The owner, local agent or other agent of the owner is currently in violation of this code or has failed to comply with any applicable requirement of this code; or
- E. For renewal applications only, the owner or local agent has been convicted of more than one code violation regarding the short-term rental unit within the twelve (12) months preceding the renewal application.

Upon determining that an application must be denied, the Town designee shall send a notice of denial to the address provided by the owner. Such notice of denial shall state the reasons for denial and inform the owner of his or her right to appeal the decision.

5.10.110 Suspension or revocation of license

- A. Suspension. The Town designee may suspend a short-term rental license upon a determination that an owner or local agent has:
 1. Been found guilty by the Municipal Court of violating any provision of this chapter on more than one occasion during the term of the current license; or
 2. Operated a short-term rental unit during the term of the current license in violation of a building, fire, health or safety code adopted by the Town, which finding of violation shall be determined by an investigation by the department, division or agency charged with enforcing said code, and has failed to timely cure such violation after receipt of and in accordance with a notice of violation issued by the Town.

Upon a determination that one or more of the above reasons for suspension has occurred, the Town designee may suspend a short-term rental license for a period not to exceed one year. The Town designee shall send the owner a notice of suspension. Such notice of suspension shall state the reasons for suspension, the dates during which the suspension will be effective, and inform the owner of his or her right to appeal the decision. The suspension shall remain in effect until and including the last day in the notice of suspension or until such time as the violation at issue has been corrected, whichever is later. No license shall be suspended past the license expiration date. Any owners whose licenses have been suspended until the expiration of the license must apply for renewal of the license per the renewal provisions of this chapter.

- B. **Revocation.** The Town designee shall revoke a short-term rental license upon determining that:
1. A short-term rental license has been suspended more than once during the preceding twelve (12) months;
 2. An owner or local agent gave the Town false, misleading or fraudulent information in the materials submitted during the application process;
 3. An owner or local agent knowingly operated a short-term rental unit during a time when the short-term rental license was suspended; or
 4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license or renewal of the license, would have warranted the denial of the license application.

When the Town designee revokes a short-term rental license, the revocation shall continue for one year from the date of revocation, the owner shall not be issued a short-term rental license during the time such revocation is effective and must submit a new license application after the revocation expires. The Town designee shall send the owner a notice of revocation. Such notice of revocation shall state the reasons for revocation, the time period which the revocation is effective, and inform the owner of his or her right to appeal the decision.

5.10.120 Appeal of denial, suspension or revocation

- A. **Appeal.** An owner may appeal a denial of his or her application or suspension or revocation of his or her short-term rental license to the Town Board and shall be entitled to a public hearing before the Town Board. An appeal must be made in writing, stating the grounds for appeal, and delivered to the Town within five business days of the date of the notice of denial, suspension, or revocation by the Town designee. In the event of an appeal of a suspension or revocation decision, the owner may continue to operate the short-term rental unit during the hearing process unless the continued operation of the short-term rental unit pending resolution of the appeal will endanger the public health, safety or welfare, as determined by the Town.
- B. **Hearing.** A public hearing on the appeal shall be held within thirty (30) days of the date the appeal was submitted to the Town. At the hearing, the Town Board shall hear such statements and consider such evidence as is offered that is relevant to the reasons alleged for denial, suspension, or revocation. The Town Board shall make findings of fact from the statements and evidence offered at the hearing as to whether such reasons exist. The Town Board shall issue a written order either affirming or overturning the denial, suspension or revocation and stating the findings on which the Board's decision is based. A copy of the order shall be sent to the owner within thirty (30) days of the date of the hearing.
- C. **No Refund.** In the event of suspension or revocation of a short-term rental license, no portion of the short-term rental license fee shall be refunded.

5.10.130 Violation, penalty and enforcement

- A. It is unlawful for any owner, local agent, other agent of the owner or renter to violate any provision of this chapter.
- B. In addition to the suspension and revocation actions set forth in this chapter, violations of this chapter are subject to the penalties set forth in this code.
- C. Any violation of this chapter shall constitute a nuisance under this code and may be subject to the abatement procedures set forth in municipal code.
- D. This section shall not be construed to prohibit the Town from taking any action permitted by law or in equity to remedy a violation of this chapter, including but not limited to seeking an injunction in any court of competent jurisdiction.

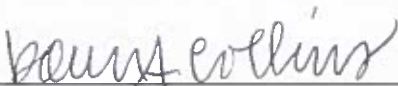
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.


INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 9TH DAY OF DECEMBER, 2021.

ATTEST:

TOWN OF PALMER LAKE, COLORADO



 Dawn A. Collins
 Town Administrator, Clerk

BY: 

 Bill Bass
 Mayor

PALMER LAKE, COLORADO

ORDINANCE NO. 09-2022

**AN ORDINANCE AMENDING SUBSECTIONS 5.10.060(A) AND 5.10.090(L)
RELATING TO THE REGULATION OF SHORT-TERM RENTALS
WITHIN THE TOWN OF PALMER LAKE**

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado;

WHEREAS, the Town had previously adopted regulations related to short-term rentals, with such regulations being contained in Chapter 5.10; and,

WHEREAS, in an effort to clarify language in the short-term rental regulations the Board of Trustees desires to amend Chapter 5.10.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AS FOLLOWS:

1. Subsection 5.10.060(A)(14) of Section 5.10.060 of Chapter 5.10 of Title 5 of the Palmer Lake Municipal Code shall be amended by adding the underlined language and deleting the strikethrough language as indicated below, with Subsection 5.10.060(A)(14) to read in its entirety as follows:

5.10.060(A) Application requirements

14. A copy of a conditional use permit issued by the Town, if required by Town Code zoning use;

2. Subsection 5.10.090(L) of Section 5.10.090 of Chapter 5.10 of Title 5 of the Palmer Lake Municipal Code shall be amended by deleting the strikethrough language as indicated below, with Section 5.10.090(L) to read in its entirety as follows:

5.10.090 Limitations and requirements

L. Maximum Number of Licenses Per Parcel.

1. The Town shall issue no more than one license per parcel, subject to the provisions of this chapter.
2. Parcels may be eligible for more than one license on a case-by-case basis if the additional licenses are approved through the conditional use permit process set forth in this code prior to issuance of a license in accordance with this chapter. Applicants seeking two or more licenses for a single owner-occupied parcel and applicants seeking three or more licenses for a single parcel that is not owner-occupied must obtain a conditional use permit from the Town before the Town will process any such short-term rental license application.

~~3. The operation of two short term rental units on a single parcel that is not owner occupied is prohibited. In accordance with the requirements of this section, the Town permits the operation and licensure of one short term rental unit on a parcel that is not owner occupied or may permit, following the issuance of a conditional use permit as set forth in this section, the operation and licensure of three or more short term rental units on a single parcel that is not owner occupied. The operation of two or more short term rental units on a single parcel that is owner occupied is permitted.~~

3. All other portions of Chapter 5.10 of Title 5 of the Palmer Lake Municipal Code remain unchanged and in full force and effect.

4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

5. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

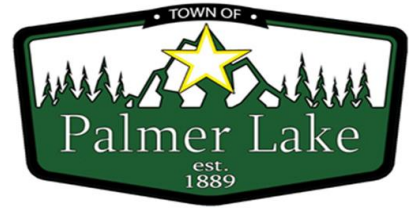
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 12TH DAY OF MAY, 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator, Clerk

BY: _____
Bill Bass
Mayor



Item 4.

**TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO**

DATE: May 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Request to Amend PUD – Preliminary Review (Santa Fe Ridge)

Background

Mr. James Fitzgerald is considering amending the PUD at Santa Fe Ridge and will be in attendance to present the enclosed concept of an amended plan for a **preliminary review** before addressing all the details necessary for the PUD process.



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

MAY - 4 2022

Item 4.

Office Use Only

Date: April 18, 2022

Fees: \$1,000.00 +

Check #: 3534

Rec'd By: JS, MAC (Mary PC)

Allow a minimum of 10 business days to review upon submittal.

PC - prelim

Planned Unit Development – PUD (Amendment) Application Form

Name of Applicant: Cavalry Capital Management

Address: 300 General Palmer Dr Phone #: 719/231-4887

Name of Proposal: Santa Fe Ridge PUD Amendment

Tax Schedule #: 7105430005, 7105430008

Legal Description: _____

This is a *Planned Unit Development* - A PUD district is intended to provide the means through which land may be developed through an overall unified approach that allows for flexibility and innovations in design, mixture of uses, and site design. *Ord. 17.52.010* - Includes amendment to all or a portion of an existing PUD district.

Current Zoning and Uses of Surrounding Property: N: _____ CC
E: _____ RIA, R1D, 000
S: _____ PUD
W: _____ R1, PUD

[Signature]
Signature of Owner Date 5/3/22

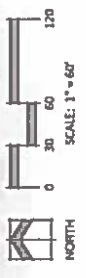
-Proposed PUD amendment for Santa Fe Ridge

April 18, 2022

We propose a new community showcasing a line of 41 three-story homes featuring, modern design, open layouts—and no shared walls. All plans will offer rooftop terraces to view the beautiful surroundings, perfect for family gatherings or late-night stargazing. Residents will enjoy additional convenient proximity to town via a proposed hiking and biking trail.

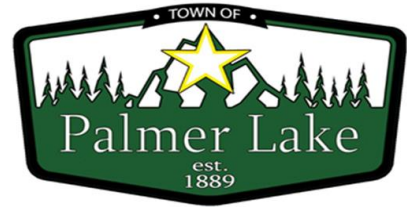
This new community will feature walking trails throughout, community play areas, parking, on-site storage opportunities, and it will have a perimeter fence around the entire development, that will serve as protection and security. The homes will share a compatible mixed use with the two existing commercial buildings into the new development.

The proposed home plans as envisioned by Tara Custom Homes, are innovative and stylish, featuring open, main floor includes a spacious kitchen with optional gourmet features, an adjacent dining area and an inviting living room with a private deck. Homes will have 2-3 bedrooms and 2.5 bath, 2 car garage, 3 stories.



SANTA FE RIDGE- RESIDENTIAL





Item 5.

**TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO**

DATE: May 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Discussion / Consideration of Adding Multi-Family and/or Accessory Dwelling Unit to Residential Zoning as a Conditional Use – Schedule Workshop

Background

Staff has encountered multiple situations – especially coming to light with the addition of Short Term Rental code criteria – where property owners have more than one dwelling unit in single family residential zoning. In some cases, the structures are duplex or multi-family dwelling. In other cases, the property has a smaller accessory dwelling – living space above garage, suite on property, etc.

This use is non-compliant to current residential zoning code. The current zoning code that does permit use for multi or accessory dwelling is CC, C1, C2 and RA.

This item is intended for discussion and possible consideration to incorporate multi and/or accessory dwelling units to residential zoning as a conditional use.

You can find current zoning codes including permitted and conditional use here - <https://www.townofpalmerlake.com/administration/page/town-palmer-lake-interactive-zoning-map>

GOLDEN

ADUs BOOST HOUSING

By Robin Becker, City of Golden city planner

The City of Golden is a historic town located in the mountains west of Denver. We are a welcoming community with a population of 20,399, which includes a mix of students, retirees, young families, childfree couples, and singles. Approximately 40% of the population rents their homes. Golden is an economic center, tourist destination, and college town. We have robust demand for housing and a significant housing affordability issue. Golden must continue to innovate to provide diverse housing options to meet the needs of our community.

In 2010, Golden adopted an ordinance to allow homeowners to build Accessory Dwelling Units (ADUs). ADUs are smaller, independent residential dwelling units located on the same lot as a stand-alone, single-family home. The City of Golden allows internal (e.g., basement) and external (e.g., detached cottage) ADUs on a single-family zoned lot.

Golden has added 80 ADUs to the housing stock over the past 12 years, meaning new dwellings were added without a new subdivision or the development of new land.

BENEFITS

One main benefit of ADUs is that the cost to build or retrofit a home to add an ADU is often less expensive than the cost to build a more traditional rental unit. The added income that can result from renting out an ADU can provide a lower cost of living to both the homeowner and renter/occupant. Data shows that ADUs rent for below or at market rent. This is important to note as ADUs are often used not just for traditional renters, but for family members to age in place, for those that need long-term care, or for young adults.

ADUs can also provide a more affordable option distributed in the community including in existing single-family neighborhoods. There are regulations regarding size and design, and a requirement that the property owner live on site, but ADUs allow the community to extend this less expensive rental option to areas that would not allow apartment buildings or other traditional multi-family residential unit types.

CHALLENGES

While ADUs are allowed throughout the community, there are notable

clusters located in Golden's downtown neighborhoods and historic districts. These locations are desirable areas to live in as they are close to major employers, the Colorado School of Mines campus, and walkable downtown amenities. When cottage style ADUs clustered on specific blocks and alleys, some residents complained that this concentration of small alley units has changed the character of their block.

A second challenge the city faces with ADUs is access and safety, and this includes adequate lighting, appropriate front door location and access, safety for pedestrians and drivers, and other alley ADU concerns. In response, the Planning Division reviews all ADU permits to check adequate lighting, access, entrances, and exits are safe and well-designed.

Since the adoption of the ADU ordinance in 2010, Golden has learned the importance of ongoing education for homeowners and renters, and we continue to review current policy and regulations as needed. As more communities adapt to meet changing housing demands, the permitting of ADUs as housing stock is a valuable tool to address housing availability and market rate affordability.

THE ADDED INCOME THAT CAN RESULT FROM RENTING OUT AN ADU CAN PROVIDE A LOWER COST OF LIVING TO BOTH THE HOMEOWNER AND RENTER/OCCUPANT.



Accessory dwelling units are allowed in conjunction with all single-household dwelling units and two-household dwelling units in residential zone districts, including R-E, R-1, R-1A, R-2, R-3 and PUD, subject to the following conditions:

- (1) *Conformance to development standards.* Any accessory dwelling unit must meet the same development standards required for the principal dwelling unit structure.
- (2) *Existing or new development on lot.* An accessory dwelling unit is allowed only on lots used or developed as one household dwelling units or two-household dwelling units, regardless of the number of dwelling units allowed by zoning. A certificate of occupancy will only be granted to an accessory dwelling unit after it has been granted to the principal dwelling unit.
- (3) *Parking.* One on-site parking space shall be required for an accessory dwelling unit. Parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit, as set forth in chapter 18.36. The required parking space may be in tandem with other required spaces, but must be identified on a site plan.
- (4) *Unit size and configuration.* Except as modified in subsection (5) herein, for a single-household or two-household dwelling unit of 1,000 square feet or more of living space, the accessory dwelling unit shall be no larger than 50 percent of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller. For a principal dwelling unit of less than 1,000 square feet of living space, the accessory dwelling unit shall be no larger than 500 square feet. No accessory dwelling unit shall be less than 200 square feet. For the purposes of this subsection, square footage calculations shall exclude any garage, porch or similar area.
- (5) *Unit size exception.* For a new accessory dwelling unit enclosed entirely within a structure containing an existing single-household or two-household dwelling unit, the accessory dwelling unit shall be no larger than the existing single-household or two-household dwelling unit.
- (6) *Occupancy.* No more than three persons shall occupy an accessory dwelling unit.
- (7) *Number of accessory dwelling units per lot.* Only one accessory dwelling unit shall be allowed for each single-household or two-household dwelling unit. Accessory dwelling units shall be included as separate dwelling units for the purpose of calculating the minimum lot area required by section 18.28.200 for the R-2, R-3 and RM zone districts only.
- (8) *Owner occupancy.* The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the principal dwelling unit or accessory dwelling unit. The director may waive this requirement for temporary absences provided that the owner has occupied the principal or accessory dwelling unit for a minimum of two years and submits proof of the temporary absence.
- (9) *Design.* To preserve the appearance of the single-household dwelling, accessory dwelling units built as additions or separate structures shall be designed in the following manner:
 - (a) The design of the accessory dwelling unit shall be similar to the design of the principal dwelling

unit by use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch;

- (b) If the entrance to the accessory dwelling unit is visible from an adjacent street, it shall be designed in a manner as to be clearly subordinate to the entrance of the principal dwelling;
 - (c) Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors unless fencing or landscaping is provided which adequately accomplishes the same purpose.
- (10) *Outdoor areas.* The site plan shall provide accessible outdoor space and landscaping for both the accessory dwelling unit and the principal dwelling unit.
- (11) *Utility service requirements.* Accessory dwelling units must be connected to the water and wastewater utilities of the principal dwelling unit and may not have separate services, unless the director determines such to be infeasible.
- (12) *Mobile homes.* Mobile homes not meeting the definition of manufactured homes, campers, camper buses, travel trailers and recreational vehicles shall be prohibited for use as an accessory dwelling unit.
- (13) *Deed restriction.* Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county clerk and recorder, in a form acceptable to the director, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner stating that:
- (a) The accessory dwelling unit shall not be sold separately from the principle dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision is permissible in accordance with all provisions of titles 17 and 18 of the Code;
 - (b) The accessory dwelling unit shall be restricted to the approved size;
 - (c) The certificate of occupancy for the accessory dwelling unit shall be in effect only so long as either the principal dwelling unit, or the accessory dwelling unit, is occupied by the owner of record;
 - (d) The above restrictions run with the land and are binding upon any successor in ownership of the property;
 - (e) It shall be unlawful for any property owner not to comply with the deed restrictions;
 - (f) The deed restrictions shall lapse upon removal of the accessory dwelling unit. To effect this intent, and upon verification of such removal, the city shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the property owner's responsibility to ensure that such recording is successfully completed.

(Ord. No. 2134, § 1, 2-27-2020; Ord. 1882, § 7, 2010)

CITY OF LEADVILLE, COLORADO
Ordinance 08
Series of 2016

AN ORDINANCE ADOPTING AMENDMENTS TO THE ZONING CODE REGARDING DETACHED AND INTEGRATED ACCESSORY DWELLING UNITS.

WHEREAS, the City comprehensive plan includes the need for infill and affordable housing; and

WHEREAS, there are city residents whose welfare depends on affordable housing within the city; and

WHEREAS, growth of the city in population is often cited as vital for the survivability and prosperity of businesses within the City of Leadville; and

WHEREAS, the City has determined to amend zoning requirements for Accessory Dwelling Units; and

WHEREAS, the City finds it to be in the best interest of the public safety, health and general welfare to regulate Accessory Dwelling Units within the City; and,

WHEREAS, City council desires to change the municipal code to improve the prosperity of Leadville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:

Section 1. Chapter 17.08 titled Definitions, of the Leadville Municipal Code is hereby amended as follows:

"Accessory dwelling unit" or "ADU" means an attached, integrated or detached residential dwelling unit that is incidental and subordinate in function and size to the principal building which shall be located on the same parcel as the principal building. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation.

"Detached accessory dwelling unit" means detached units that are located inside of accessory buildings including spaces inside of garages.

"Integrated accessory dwelling unit" means units that are created by dividing space within a principal building, or by adding floor area to an existing building.

"Approved Foundation" means the ADU must be attached to a permanent foundation system in accordance with the manufacturer's requirements for anchoring, support, stability, and maintenance. The foundation system must be appropriate for the soil conditions for the site and meet local and state codes. The foundation system will have a stem wall, slab, diamond pier, or concrete pylon.

Section 2. Chapter 17.48 By Right, Conditional and Prohibited Uses is hereby amended as follows:

	R-1	R-2	TR	RC	C	TC
55. Accessory dwelling units	R	R	R	C <u>P</u>	C	R

Section 3. Chapter 17.60 Accessory Buildings and Uses is hereby amended as follows:

17.60.010 Introduction.

Integrated and detached accessory buildings must meet the same setback requirements as principal buildings. The following accessory uses are permitted in the following zoning districts, provided that they are incidental to and on the same premises as a permitted or conditional use.

17.60.020 R-1, R-2, TR and TC zoning districts.

- A. Garages for the storage and owner maintenance of automobiles light trucks and recreational vehicles.
- ~~B. Vehicle parking and loading spaces.~~
- B. Accessory buildings, structures or uses normally required in addition to or in conjunction with any use by right or approved conditional use in the district, including but not limited to accessory dwelling units in the R-1, R-2, TR, and TC zoning districts as a use by right but only with a conditional use permit in the C zoning district. Accessory dwelling units are prohibited in the RC zoning district.
- C. ~~Reserved.~~ Detached Accessory dwelling units shall be placed on an approved foundation in compliance with applicable adopted building codes and regulations.
- D. Accessory dwelling units shall be no larger than fifty (50) percent of the size of the principal building and no smaller than one hundred (100) square feet.
- E. Accessory dwelling units may be used for long-term rentals of thirty (30) days or greater. Short-term rentals of less than thirty (30) consecutive days are not allowed.
- F. ~~Any exterior treatments of an accessory dwelling unit shall complement the principal building.~~ Design Standards: An ADU, either integrated or detached, shall be consistent in design and appearance with the primary structure. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be complementary with the primary structure.
- G. Each accessory dwelling unit shall have a bathroom with a sink, toilet, and shower or bath at a minimum.
- H. Each accessory dwelling unit shall have a kitchen with an oven, stove (two-burner minimum), refrigerator and sink at a minimum.
- I. Each accessory dwelling unit shall have a maximum of two bedrooms. ~~with an additional off-street parking space per bedroom.~~
- J. The owners of property upon which an accessory dwelling unit is located shall have an obligation to notify the applicable water and sanitation district of the existence and occupation of the accessory dwelling unit and shall comply at all times with the regulations of such water and sanitation district.
- K. Each accessory dwelling unit must pass the inspection of the Building Official, or any subsequent structural standards which may be adopted by the City of Leadville.
- L. Setbacks and Heights of Buildings that Contain Detached ADUs must adhere to applicable zoning regulations of the zoning district.

(Ord. 99-8 § 1 (part): prior code § 17.20.010)

(Ord. No. 08-3, § 2; Ord. No. 2009-3, § 4, 9-1-09)

17.60.030 C zoning districts.

- A. Garages as allowed in other districts.
- ~~B. Vehicle parking and loading.~~
- B. Any accessory buildings, structures or uses required in addition to and in conjunction with any use by right or approved conditional use, including, but not limited to accessory dwelling units necessary to the maintenance or protection of a facility in the TC zoning district as a use by right but only with a conditional use permit in the C zoning district.
- C. Solar energy devices shall maintain the same setbacks as are required for principal buildings, shall not be located within the front yard, and, if freestanding, shall not exceed ten (10) feet in height.
- D. Detached Accessory dwelling units shall be placed on an approved foundation in compliance with applicable adopted building codes and regulations.
- E. Accessory dwelling units shall be no larger than fifty (50) percent of the size of the principal building and no smaller than one hundred (100) square feet.
- F. Accessory dwelling units may be used for long-term rentals of thirty (30) days or greater. Short-term rentals of less than thirty (30) consecutive days are not allowed.
- G. Any exterior treatments of an accessory dwelling unit shall complement the principal building.
- H. Each accessory dwelling unit shall have a bathroom with a sink, toilet, and shower or bath at a minimum.
- I. Each accessory dwelling unit shall have a kitchen with an oven, stove (two-burner minimum), refrigerator and sink at a minimum.
- J. Each accessory dwelling unit shall have a maximum of two bedrooms. ~~with an additional off-street parking space per bedroom.~~
- K. The owners of property upon which an accessory dwelling unit is located shall have an obligation to notify the applicable water and sanitation district of the existence and occupation of the accessory dwelling unit and shall comply at all times with the regulations of such water and sanitation district.
- L. Each accessory dwelling unit must pass the inspection of the Building Official, or any subsequent structural standards which may be adopted by the City of Leadville.
- M. Setbacks and Heights of Buildings that Contain Detached ADUs must adhere to applicable zoning regulations of the zoning district.

17.60.040 Other accessory uses.

No additional accessory uses are permitted in any district except that household pets, private greenhouses, swimming pools and hot tubs, satellite dishes, fences, amateur radio and television towers, individual storage sheds and fallout shelters for personal uses are allowable accessory uses in all zoning districts so long as such accessory uses pose no threat to human health, safety and welfare to owners, users or adjacent residents and so long as they meet all applicable building, electrical and plumbing codes and have received all required permits.

Fences which are not over six feet in height, and living fences of any height so long as they are not a traffic obstruction shall be considered permitted accessory uses in all districts. Taller fences are permitted accessory use upon inspection by the building official, who shall issue a permit for such fences upon determination that they would not block light, sun, air, vision, or otherwise pose a health or safety hazard or a nuisance.

No fence, shrubs, trees, sign or any other obstruction shall be permitted in any setback area if it obstructs the sight of drivers at any intersection. Cut firewood stacked in rows shall not be defined as a fence for the purposes of this chapter and shall not be so regulated so long as it does not obstruct the sight of drivers at an intersection.

Any accessory building, the floor area of which is two hundred (200) square feet in size or less, shall not require a building permit.

Any accessory dwelling structure, integrated or detached, intended for habitation shall require a building permit.

Section 4. 17.76.020 Off-street parking space requirements is hereby amended as follows:

The following types of uses shall require the following number of off-street parking spaces, as a minimum requirement, for both principal and accessory uses, accessory dwelling units (ADU's) are exempt from the off-street parking requirements.

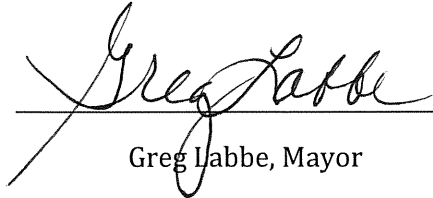
Section 5. Remaining provisions. Except as specifically amended hereby, all other provisions of the Leadville Municipal Code, including all remaining provisions of Title 2, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6. Severability. Should any one or more sections or provisions of this ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance or of the Municipal Code, the intention being that the various sections and provisions are severable.

Section 7. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

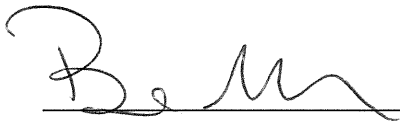
INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on the 1 day of November , 2016 by a vote of 5 in favor, 0 against, and 1 absent.

CITY OF LEADVILLE, COLORADO



Greg Labbe, Mayor

ATTEST:




Bethany Maher, Deputy City Clerk

Published in full in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 10th day of November, 2016.

Passed and adopted on final reading and ordered published by title only with amendments on the _____ day of _____, 2016 by a vote of ___ in favor, ___ against, and ___ absent.

CITY OF LEADVILLE, COLORADO



Greg Labbe, Mayor

ATTEST:

Bethany Maher, Deputy City Clerk

3.3.6. ACCESSORY AND TEMPORARY USES.

- A. *Generally.* In the MU-N districts, all accessory uses operating between the hours of 12:00 midnight and 6:00 a.m. shall require conditional use approval.
- B. *Ambulance Service.*
1. In the Residential zone districts, this use is only permitted as an accessory use to a hospital.
 2. In all other districts, this use is only permitted when a 300 foot or greater distance between the building and the nearest Residential zone district exists. Where this separation does not exist conditional use approval shall be required.
- C. *Christmas Tree Sales.* Christmas tree sales are permitted between the months of October and December of each year. Such use shall be allowed only upon fulfilling the requirements of licensing, security bonds, and clearance of debris remaining from the sale as all applicable requirements of the Aurora City Code.
- D. *Donation Collection Bin.*
1. No donation collection bin shall be placed or allowed to remain on any property unless an annual (calendar year) donation collection bin permit has been issued by the City and remains in effect.
 2. The renewal of the donation collection bin permit for subsequent one-year periods is subject to payment of a new donation collection bin permit fee and full compliance with all applicable City ordinances and conditions of the donation collection bin permit.
 3. At a minimum, each bin shall display the name, address and telephone number for the person, business, or organization responsible for placing and maintaining the bin.
 4. Only one bin is permitted per lot, and each bin shall not exceed a footprint of 25 square feet or be taller than six feet in height. Bins shall be made of metal, steel, or similar durable product.
 5. No donation collection bin shall be located on property zoned for residential use, except for places of worship and public, private elementary, vocational or secondary schools.
 6. Each bin shall be located on an improved durable, drainable surface. If placed in a parking area, the bin shall not reduce the number of available parking spaces below the minimum number required for the lot.
 7. No bin shall be placed in the following locations:
 - a. Within a required building setback;
 - b. Within a site visibility triangle;
 - c. Within an access easement;
 - d. In a driveway, sidewalk, or other pedestrian circulation area;

- e. Within five feet of any fire hydrant;
- f. Within any fire lane;
- g. Within required landscaped areas;
- h. In whole or in part upon any portion of a public-right-of-way or projecting onto or over any part of a public right-of-way; or
- i. On an undeveloped parcel of land.

8. Each donation collection bin shall be serviced and emptied as needed or within 24 hours of a request by the property owner or city.

9. Each bin shall be enclosed by use of a one-way receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

10. Each bin shall clearly display a sign indicating that no donated items, garbage or other debris is to be left outside of the bin.

11. Within 10 days after completion of the temporary use, the bin shall be removed, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

E. *Drive-Up or Drive-Through Facility.*

1. Drive-up or drive-through facilities are limited to the following uses: restaurant, grocery, bank, pharmacy, and coffee and/or bakery shops.

2. No liquor or marijuana sales shall occur through a drive-up or drive-through window.

3. In the MU-TOD zone district:

a. A drive-up or drive-through accessory facility for a grocery store or bank may be a permitted use in the Nine Mile or City Center Station Area only. No other drive-up or drive-through facilities are permitted in the MU-TOD district.

b. The drive-up or drive-through lane may not pass between the front façade of the primary structure and the front lot line.

4. In the MU-OA zone district:

Drive-up or drive-through windows and aisles shall be located on the rear of primary structures, or a side of the structure not adjacent to a public street, to minimize their visibility from public streets and to minimize interference with pedestrian access from sidewalk to the entrances of the primary building.

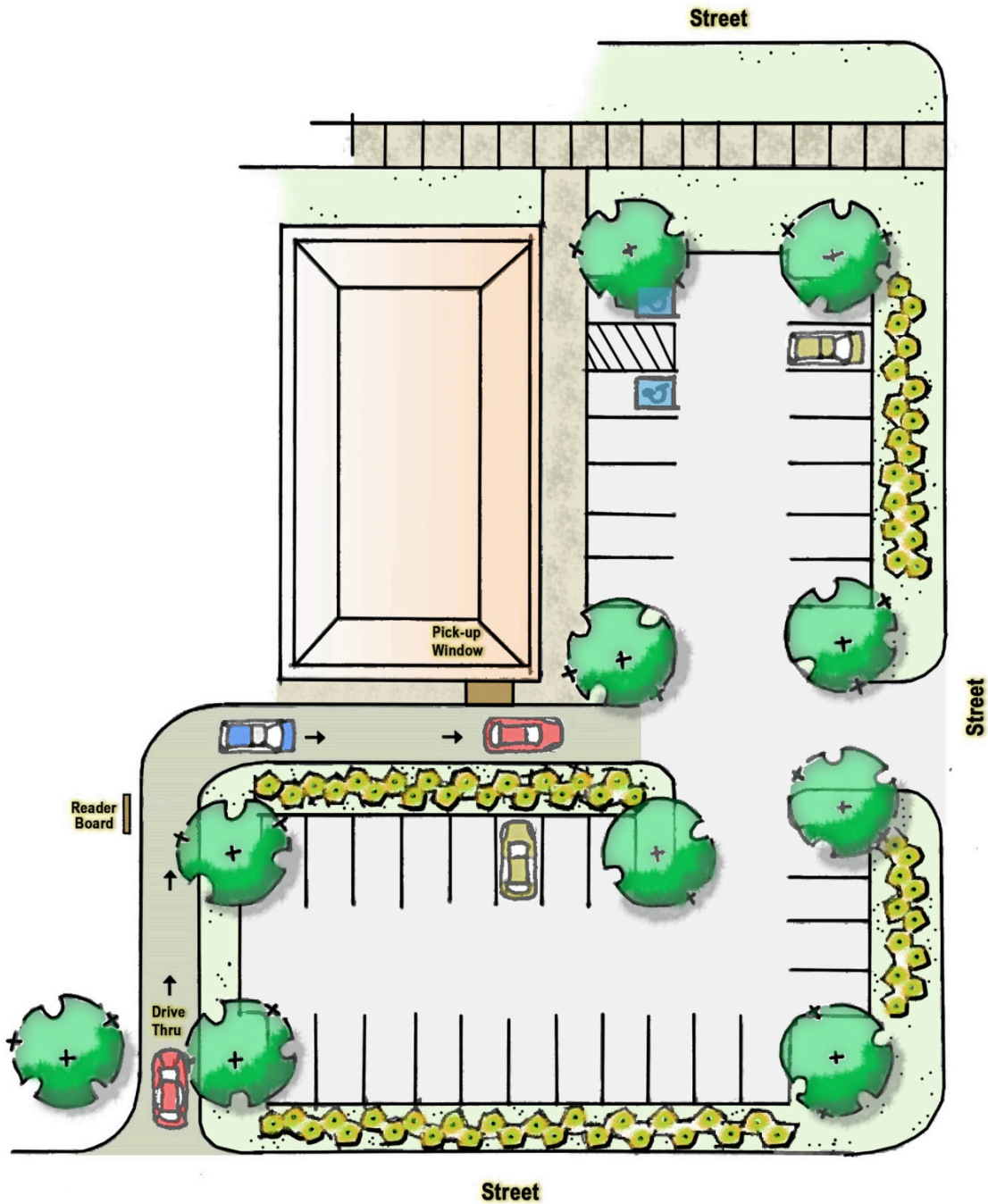


Figure 3.3-1: Drive-up or Drive-through on Rear of Structure

5. In all other zone districts:

Drive-up or drive-through facilities shall be located to the side or rear of the primary building and not between any façade of a primary building and any street.

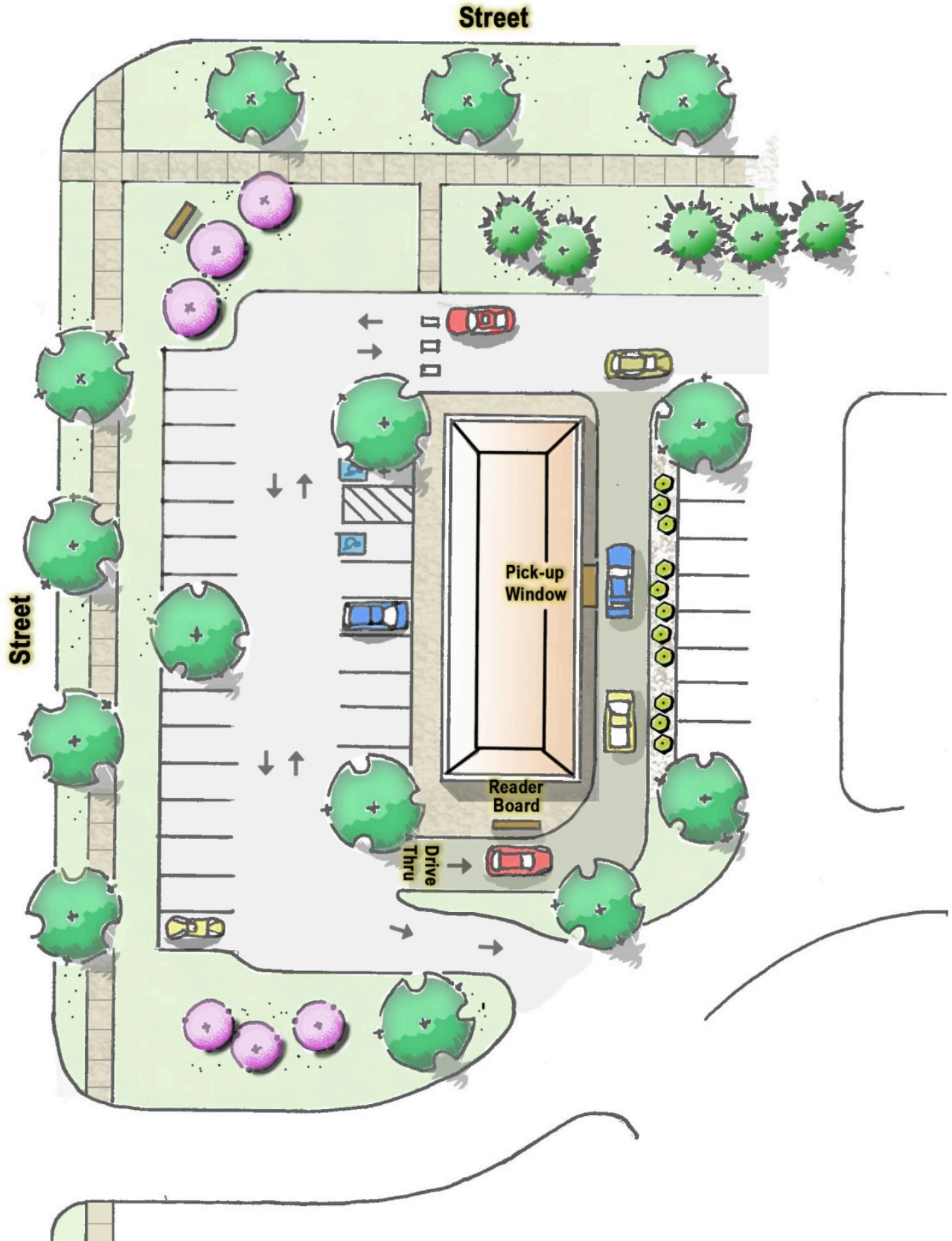


Figure 3.3-2: Drive-up or Drive-through on Side of Structure6. *Additional standards.*

- a. No drive-up or drive-through accessory facility shall be permitted that is designed or constructed to serve the passenger side of the vehicle.
- b. Drive-up and drive-through accessory facilities shall be designed and located to avoid impairing pedestrian mobility or creating risks to pedestrian safety.
- c. Drive-up and drive-through accessory facilities shall be designed so that menu boards, order boards, and service windows are not located on any side of the primary structure abutting a Residential zone district or a residential use.
- d. Drive-up or drive-through accessory facilities shall be designed to meet all applicable standards in Sections [146-4.4](#) (Neighborhood Protection Standards) and [146-4.6.7](#) (Drive-Through Stacking Areas).

F. *Dwelling, Short-term Rental.* The operator of this use shall have a valid Aurora business license.

G. *Dwelling Unit, Detached Accessory.*1. *Generally.*

- a. Accessory dwelling units are permitted only on lots served by an alley.
- b. Accessory dwelling units are permitted only on lot containing, and must be accessory to, one single-family dwelling.
- c. Only one accessory dwelling unit is permitted per single-family detached dwelling.
- d. Each accessory dwelling unit must be detached from the primary dwelling; attached accessory dwelling units are not permitted.
- e. Accessory dwelling units are permitted only on lots, or combinations of two or more contiguous lots, with a size greater than 6,000 square feet.
- f. [RESERVED]
- g. At least 360 square feet of usable private common space must be provided for the accessory dwelling unit, and each dimension of the private common space measuring at least 10 feet.
- h. The maximum size of an accessory dwelling unit is 650 square feet.
- i. The accessory dwelling shall not exceed the height of the principal dwelling or 24 feet.
- j. The building architecture and materials shall be complementary to the principal dwelling and the façade cannot be constructed of metal.
- k. One additional off-street parking space, accessed from the alley serving the lot, is required.

- l. The property owner shall occupy either the primary dwelling unit or accessory dwelling.
- m. No lot containing both a primary dwelling unit and an accessory dwelling unit may be subdivided so that the accessory dwelling unit occupies a different platted lot than the primary dwelling unit.
- n. Accessory dwelling units may be used as short-term rentals by a property owner who is living in the primary structure on the property.
- o. Each detached accessory dwelling unit shall comply with all setbacks applicable to other accessory structures, except that the required setback for an accessory dwelling unit located on top of an existing garage shall be no less than the setback of the existing garage.
- p. The accessory dwelling unit shall not exceed 24 feet in height, regardless of the height of the primary dwelling structure.
- q. Windows for a second story accessory dwelling unit shall be sited to preserve the privacy of adjacent residences to the maximum extent practicable.

2. *Additional Standards for MU-OA District.* The following additional standards apply in the MU-OA zone district. If there is a conflict between the standards in this Subsection 2 and the standards in Subsection 1 above, the standards in this Subsection 2 shall apply.

- a. In the MU-OA district, notwithstanding the designation in Table 3.2-1, any accessory dwelling unit legally created before the Effective Date shall be deemed to be a permitted use and shall not require approval of a conditional use approval.
- b. In the MU-OA district, notwithstanding the designation in Table 3.2-1, any accessory dwelling unit that was not legally created, but that existed on the Effective Date, shall be deemed to be an illegal use, but may be approved for continued occupancy through the approval of a conditional use approval requiring that the unit be brought into compliance with the standards in this Section [146-3.3.6.G](#) to the maximum extent practicable.

H. *Ground Floor Commercial Use.*

1. *R-4 and MU-N Zone Districts.* In the R-4 and MU-N zone district this use must comply with the following standards:

- a. The commercial use must be a permitted or conditional use in the zone district in which the property is located;
- b. In the R-4 zone district, the use must be located at street level in a multifamily building;
- c. The primary entrance to the commercial space must be from the street;
- d. The ground floor wall area between two and 10 feet above grade shall consist of at least 30 percent transparent glazing;

e. Parking is provided for the commercial space in accordance with the parking requirements of Section [146-4.6](#) (Parking, Loading, and Stacking), in addition to the required parking for the residential portion of the building, unless the parking is eligible for a parking reduction as allowed in Section [146-4.6.4](#) (Parking Alternatives); and

f. Signage shall comply with the standards of Section [146-4.10](#) (Signs), and shall be compatible with the exterior architecture with regard to location, scale, color, and lettering style.

2. *MU-OA-RMU Subdistrict.* In the MU-OA-RMU subdistrict, this use must comply with the provisions of Section [146-2.4.4.F.2](#) (Ground Floor Commercial Use).

I. *Home Adult or Child Day Care.*

1. In-home day care may be provided to children from birth to 16 years of age, with no more than two children, including caretaker's own children, under two years of age. The limit on enrollment shall be six.

2. All facilities must operate under the rules set forth by the Colorado Department of Human Services, as amended from time to time.

J. *Home Occupation.*

1. The activity is incidental and secondary to the primary purpose served by the dwelling.

2. A home occupation shall not create noise, dust, vibration, smell smoke, glare, electrical interference, fire hazard, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.

3. The residents of the dwelling unit shall be the only people engaged in the activity.

4. The storage of materials to be used in the activity shall be inside either the principal building or an accessory building.

5. There shall be no external evidence that indicates or advertises the performance of the activity.

6. Except for parties entering the dwelling unit as a result of prior individual invitation, the general public shall not be invited to or solicited upon the premises.

7. Performance of any personal service, shall be limited to one pupil; client, which may include a partnership, married couple or parties engaged in a joint venture; or customer at any one time.

8. The use shall not jeopardize the health, safety, or welfare of the occupants or of the surrounding neighborhood.

9. The activity shall not cause an amount of vehicular or pedestrian traffic not normally associated with the residential area in which the home occupation is conducted.

K. *Mobile Food Truck.*

1. *Applicability.*

- a. In the event that a food vendor is authorized to operate within the City pursuant to authority granted and limits found elsewhere in the Aurora City Code, this Section [146-3.3.6.K](#) shall not apply.
 - b. After August 10, 2015, no new permit for Mobile Food Truck operation shall be issued under Section [146-3.3.6.R](#)) and the provisions of this Section shall control.
2. *Licenses.* The operator shall obtain both an Aurora business license and a State of Colorado mobile retail food service license. Both documents shall be maintained in effect at all times and shall be conspicuously displayed at all times during the operation of a Mobile Food Truck.
 3. *Hours of Operation.* Mobile Food Trucks may operate only between the hours of 7:00 am and 10:00 pm.
 4. *Location.* Mobile Food Trucks are subject to following location restrictions:
 - a. *Separation Distance Requirements.* Mobile Food Trucks may operate only in locations that are:
 - i. At least minimum of 175 feet distance from any restaurant, while the restaurant is open for business, as measured from the public entrance of the operating restaurant to the closest point of the Mobile Food Truck. The separation distance shall not apply:
 - (a) If the Mobile Food Truck operator has written permission from the impacted restaurant; or
 - (b) The Mobile Food Truck is on a property with common ownership of the impacted restaurants' property and the Mobile Food Truck operator has written permission from the common property owner.
 - ii. At least 50 feet from any single-family detached dwelling within the City, as measured from the closest point of the Mobile Food Truck to the nearest property line of a single-family home. This separation distance shall not apply if:
 - (a) The Mobile Food Truck is operating as an accessory to a business in a permanent structure with written permission; and
 - (b) The Mobile Food Truck primarily serves patrons of the business referenced in Subsection a. above; and
 - (c) The Mobile Food Truck does not operate a generator or create other noise that violates the noise standards of this UDO.
 - b. *Private Property.* Mobile Food Trucks may operate on private property provided they meet the following requirements:
 - i. The operator must obtain prior written permission from the private property owner and must have available an original copy of such permission for inspection at all times;
 - ii. The Mobile Food Truck must be parked on a paved surface outside any designated fire lane and outside the sight triangle area defined in the Aurora Roadway Design and Construction Specifications Manual.

c. *Schools.* Mobile Food Trucks may operate on the property of a Pre-K-12 Public or Private School, or Postsecondary School, provided the following requirements are met:

- i. The Mobile Food Truck operator must obtain prior written permission from a school representative authorize to grant such permission, and must have available an original copy of such permission for inspection purposes at all times;
- ii. The Mobile Food Truck must be parked on a paved surface outside any designated fire lane and outside the sight triangle area defined in the Aurora Roadway Design and Construction Specifications Manual.

d. *City-Owned Property.* Mobile Food Trucks may not operate on City property regardless of the zone district unless authority to operate is provided for elsewhere in the Aurora City Code or otherwise authorized by the City Manager. This prohibition shall not apply to City-owned public right-of-way as provided for in Subsection e below.

e. *Public Right-of-Way.* Mobile Food Trucks may operate within the public right-of-way provided they meet the following requirements:

- i. The Mobile Food Truck must be parked in a legal parking space and comply with all City and state parking restrictions;
- ii. The Mobile Food Truck may only serve customers from an adjacent sidewalk or the curbside of the vehicle. In the absence of a sidewalk or curb, customers may only be served from the side of the Mobile Food Truck that is furthest from the area of right-of-way customarily used for motor vehicle travel.

5. *Littering and Trash Removal.* Mobile Food Truck operators must keep the sidewalks, roadways, and other spaces adjacent to their business location clean and free of paper, peelings, and other refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any Mobile Food Truck shall be collected by the operator and deposited in a trash container maintained by the operator in good condition and constructed of a noncorrodible and watertight material, sufficient to hold the refuse generated by the business. The container shall be removed by the operator whenever the Mobile Food Truck moves to another location or at the close of business.

6. *Noise.* Mobile Food Trucks must comply with the provisions of Section [26-348](#) of the Aurora City Code regarding noisemaking devices.

L. *Outdoor Seating or Dining.*

1. Outdoor dining areas are only permitted for permitted or approved conditional uses.
2. Outdoor seating or dining is not permitted within 100 feet of an R-R or R-1 zone district.
3. A decorative fence or wall or similar barrier shall be erected and maintained between any outdoor seating area and a right-of-way. The fence, wall or barrier shall be at least three feet in height and allow patrons and pedestrians to see from the seating area to the street and vice versa.

4. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced, and maintained.

5. A minimum six foot clear pedestrian way must be maintained to allow pedestrian unobstructed passage around the Outdoor Seating or Dining area, unless the Director of Public Works approves a smaller width of clear pedestrian way based on anticipated traffic volumes and other considerations of pedestrian safety.

M. *Roadside Sales Stand*. This use shall comply with urban agriculture standards in Section [146-3.3.4.D](#).

N. *Slaughterhouse, Small*. This use is permitted only as an accessory use to a permitted agriculture use in the I-2 zone district and only permitted if the use complies with the following standards:

1. This use is not allowed in any PD zone district;
2. The slaughterhouse shall with all applicable state laws governing the licensing, operation, and maintenance of facilities for “custom processing of meat animals” as provided under Colorado Revised Statutes Sections [35-33-101](#), et seq., (Custom Processing of Meat Animals), and 35-33.5-101, et seq.;
3. All slaughterhouse operations shall be conducted in an enclosed structure within a confined area to prevent the transmission of sound to the outside;
4. No outdoor storage is allowed, including the outdoor storage of any animal, animal waste, or animal by product, and all waste is stored in airtight containers in a confined area in a fully enclosed structure;
5. All buildings, structures, enclosures for handling, processing and/or storage of any animal or animal material shall be setback from property lines the greater of 200 feet or the required setback of the zone district in which the use is located, and 1,000 feet from any residential or mixed-use zone district;
6. Vehicular access to the facility shall not be obtained through residential areas;
7. All loading and unloading areas shall be screened from view from adjacent lands and public streets in compliance with Section [146-4.7](#) (Landscape, Water Conservation, Storm water Management), and
8. The slaughterhouse is operated in compliance with all applicable standards in Section [146-4.11](#) (Operating and Maintenance Standards) and all federal and state public health and agricultural regulations.

O. *Solar Collector, Ground or Building-Mounted*.

1. If the solar collector is not flush with the roof the applicant shall minimize the visibility of the collector from a public street, park, open space, or golf course to the most reasonable extent possible without prohibiting the installation.
2. Ground-mounted collectors are allowed as an accessory structure outside the setbacks.
3. Ground-mounted accessory solar collectors shall not exceed the height of the principal structure on the lot or parcel.

P. *Temporary Event or Sales*.

1. Within a 12-month period, this use is limited to the following:
 - a. 4 to 10 consecutive days, or
 - b. 6 two-day weekends.
2. Within a 90 day period, outdoor events in parking areas are limited to 7 consecutive days.
3. Seasonal sales activities, including temporary residence/security trailers, on non-residential properties, may occur for no more than 30 calendar days within a 12-month period, for each seasonal product.
4. No more than 25 percent of the existing parking spaces in a parking lot may be used for a temporary outdoor sale.
5. All parking lot entrances and exits shall remain unobstructed.
6. Any outdoor event proposed within the public right-of-way requires a special event permit.

Q. *Temporary Construction Support Facility.*

1. In Special Purpose districts, the Planning Director may approve a temporary permit for temporary trailers, offices, and structures necessary for construction purposes or for the conduct of business operations while new facilities are being constructed. Such approval shall be limited to a maximum of six months for construction offices and one year for temporary business offices and may be renewed upon separate application. Any approval of a temporary construction support facility may establish conditions and limitations as the Director may determine are necessary.
2. In Residential zone districts, any person developing lands for residential use, either for sale or rent, is permitted to conduct temporary sales or rental operations within a model residential unit or Manufactured Home used as a construction office on the premises of the development, subject to a permit granted by the Building Department. An application for a permit shall indicate the following:
 - a. The zoning classification where models are to be situated;
 - b. The street address of models;
 - c. The parking facilities; and
 - d. The period that the permit is requested limited to six months for a Manufactured Home and one year for a model home.

R. *Temporary Outdoor Food or Merchandise Stand.* The following regulations shall control the issuance of a permit to operate a temporary outdoor food and/or merchandise establishment or stand, pursuant to Section [146-5.4.3.E](#) (Temporary Use Permit). This use does not include Mobile Food Trucks.

1. *Licenses and Permits.* A special use permit and an Aurora business license are required to operate temporary food and/or merchandise establishments. Prior to the issuance of an Aurora business license, the applicant shall provide proof that they have a current and ongoing contract with a registered trash disposal

service and a state licensed commissary. The applicant shall prove that they have written permission from the property owner of the location where the temporary vending establishment will operate. The applicant shall have obtained a special use permit authorizing the operation of a temporary outdoor food and/or merchandise establishment or stand, and a Colorado health license, if applicable. Original documentation of all required information shall be submitted at the time of application.

2. *Display of Licenses and Permits.* Any license or permit required, including the special use permit, Aurora business license, and Colorado health license, if applicable, shall be conspicuously displayed at all times during the operation of the temporary food and/or merchandise establishment or stand's operation. Original documentation of all required information shall be displayed.

3. *Hours of Operation.* Temporary outdoor food and/or merchandise establishment or stand operators shall be allowed to engage in the business of selling or offering to sell any food, beverage, or general merchandise only between the hours of 7:00 a.m. and 11:00 p.m. on Friday and Saturday nights and between 7:00 a.m. and 9:00 p.m. on other nights of the week.

4. *Period of Operation.* Except in the MU-OA, MU-FB, and MU-TOD zone districts, all temporary outdoor food and/or merchandise establishments or stands shall be disassembled and removed from the business location when not in operation. It shall be unlawful for any business owner to fail to remove a temporary outdoor food and/or merchandise establishment or stand and all trash and trash containers from its business location during non-business hours. It shall be unlawful for the owner, lessee, agent, or occupant to allow a temporary outdoor food and/or merchandise establishment or stand to be stored during non-business hours on their property.

5. *Littering and Trash Removal.* Temporary outdoor food and/or merchandise establishment or stand operators shall keep the sidewalks, roadways, and other spaces adjacent to their business sites or locations clean and free of paper, peelings, and refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any temporary outdoor food and/or merchandise establishment or stand shall be collected by the operator and deposited in a trash container. The temporary outdoor food and/or merchandise operator shall maintain a trash container, maintained in good condition and constructed of a noncorrodible and watertight material, sufficient to hold the refuse generated by the business. The vendor at the close of each business day shall remove such container. All food, beverage, or general merchandise will be displayed and stored within the confines of temporary outdoor establishment or stand and shall not be placed, stored, or positioned in any location other than in the physical confines of the temporary structure.

6. *Location Restrictions.* Temporary outdoor food and/or merchandise establishments or stands shall not be located and a temporary use permit shall not be granted for operation in any Residential zone district.

S. *Wind Energy System, Small Ground-Mounted.*

1. An individual small wind system shall be set back from the property line and the principal structure at least 1.5 times the height of the turbine.

2. The accessory small wind system shall be permitted up to 60 feet in height in Residential zone districts as long as the system meets the small wind system setback. The height limit for an accessory small wind system in all other zone districts where they are allowed shall be the height limit in that zone district.
3. For a ground-mounted small wind system, the distance between the ground and the rotor blade (when the rotor blade in its lowest position) shall be a minimum of 20-feet.

T. *Wind Energy System, Small Roof-Mounted.* Rooftop small wind energy systems shall be considered an accessory use if both the following conditions are met:

1. The maximum height of the rooftop small wind system does not exceed a height of 15 feet above the roof or the top of a parapet, whichever is higher;
2. The small wind system is securely attached to the structure in compliance with all currently adopted Aurora Building Codes and Engineering Loads. The blade rotor plane shall be at least four feet away from any window and at least 12 feet above any patio with human access.

U. *Unlisted Temporary Use.* Temporary uses that are not listed separately in Table 3.2-1 (Permitted Use Table) may be approved by the City Manager and City Clerk pursuant to the standards in Section [146-5.4.3.E](#) (Temporary Use Permit). (Ord. No. 2020-37 §§ 10 – 12, 10-05-2020; Ord. No. 2019-49 § 1, 08-19-2019)

The Aurora Unified Development Ordinance is current through Ordinance 2021-67, passed December 20, 2021.

Disclaimer: The city clerk's office has the official version of the Aurora Unified Development Ordinance. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.auroragov.org](http://www.auroragov.org)

[Code Publishing Company](#)

ORDINANCE NO. 20-38

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND MULTIPLE SECTIONS OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ACCESSORY DWELLING UNITS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions And Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.201: DEFINITIONS ENUMERATED:

* * *

~~ACCESSORY DWELLING UNIT: A dwelling unit allowed in specific zones that is subordinate to the principal residential unit on the lot and which is located upon the same lot as the principal unit. An accessory dwelling unit is under the same ownership as the principal unit and it may be used for either residential or home occupation uses, subject to standard City restrictions related to home occupations.~~

~~BATH FACILITIES: A room which includes a toilet and shower or bath.~~

SANITARY FACILITIES: A group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory, and bathtub or shower. Such fixtures are located together on the same floor level.

~~DWELLING UNIT: Any room or group of rooms, including a kitchen and sanitary facilities, located within a building and forming a single habitable area with facilities that are used or intended to be used for living, sleeping, cooking and eating.~~

DWELLING UNIT: Any room, or group of rooms, located within a building and forming a single habitable area with facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation.

~~KITCHEN: A room with the necessary facilities to store, prepare, and cook food that includes a two hundred twenty (220) volt outlet for an electric stove or connection for a gas or propane stove.~~

KITCHEN: An area used, or designated to be used, for the preparation of food.

* * *

Section 2. Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.302: DEFINITIONS OF USE TYPE:

A. Residential Use Types: Residential use types include uses providing wholly or primarily permanent living accommodations.

* * *

~~2. ACCESSORY DWELLING UNIT: A dwelling unit allowed in specific zones that is subordinate to the principal residential unit on the lot and which is located upon the same lot as the principal unit. An accessory dwelling unit is under the same ownership as the principal unit and it may be used for either residential or home occupation uses, subject to standard City restrictions related to home occupations.~~

2. ACCESSORY DWELLING UNIT: A dwelling unit that is subordinate to the principal dwelling unit, that is located upon the same lot as the principal dwelling unit, and that remains under the same ownership as the principal dwelling unit. There are two (2) types of accessory dwelling units:

a. **Integrated:** An accessory dwelling unit that is located inside of, or attached by a shared common wall.

b. **Detached:** An accessory dwelling unit located within an accessory structure. A detached accessory dwelling unit follows accessory structure standards unless alternate standards are provided for in Section 7.3.105(M) of this Code.

* * *

10. SINGLE-FAMILY DWELLING DETACHED: One dwelling unit located on one site, with no physical or structural connection to any other **principal** dwelling unit and used exclusively for occupancy by one family.

a. * * *

b. **A single-family dwelling detached may include an integrated accessory dwelling unit, subject to the provisions of Section 7.3.105(M) of this Code.**

* * *

~~12. **TWO-FAMILY DWELLING:** A single building with no physical or structural connection to any other building which consists of two (2) attached dwelling units with each unit used exclusively for occupancy by one family. Often referred to as a duplex.~~

12. TWO-FAMILY DWELLING: A single building which consists of two (2) dwelling units, which are attached units that share a wall or as a multi-story building in which one unit is located over the other unit; one unit not being accessory to the other and each unit is used for occupancy by one (1) family. Two-family dwellings are often referred to as duplexes. A single-family dwelling detached with an integrated accessory dwelling unit is not included in this definition.

* * *

Section 3. Section 103 (Permitted, Conditional and Accessory Uses) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.103: PERMITTED, CONDITIONAL AND ACCESSORY USES:

* * *

Use Types	A	R	R-1 9000	R-1 6000	R- 2	R- 4	R- 5	SU	TND
Residential use types:									
* * *									
Accessory Dwelling Unit	P				P	P	P	P	P
<u>Accessory Dwelling Unit - Detached</u>	<u>P</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Accessory Dwelling Unit - Integrated</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>					
* * *									

* * *

Section 4. Section 104 (Agricultural, Residential, Special Use and Traditional Neighborhood Development Zone District Development Standards) Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.104: AGRICULTURAL, RESIDENTIAL, SPECIAL USE AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONE DISTRICT DEVELOPMENT STANDARDS:

Standard	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	PUD ¹	SU	TND ^{1,5} .6,8
Minimum lot area:										
Single-family detached (lot area per unit)	5 acres	20,000 sq. ft.	9,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.		5,000 sq. ft.	
Single-family and accessory dwelling unit					7,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	-	6,000 sq. ft.	
<u>Single-family with Accessory Dwelling Unit - Detached⁹</u>	<u>5 acres</u>				<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>4,000 sq. ft.</u>	-	<u>5,000 sq. ft.</u>	<u>Per DP</u>
<u>Single-family with Accessory Dwelling Unit - Integrated⁹</u>	<u>5 acres</u>	<u>20,000 sq. ft.</u>	<u>9,000 sq. ft.</u>	<u>6,000 sq. ft.</u>						

Notes:

1. * * *

9. See subsection 7.3.105(M) of this Code regarding additional standards.

* * *

Section 5. Section 105 (Additional Standards for Specific Land Uses Allowed in Residential Zones) of Part 3 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES:

* * *

~~M.— Detached Accessory Dwelling Units: A development plan is not required for the construction of an accessory dwelling unit, but a site plan shall be submitted for review and must meet the following standards:~~

~~1.— Minimum Lot Area: The subject lot must meet the minimum lot area required as described in section 7.3.104 of this part.~~

- ~~2. — Maximum Footprint: Maximum footprint or finished living area of a detached accessory dwelling unit may not exceed seven hundred fifty (750) square feet. Decks or porches attached to an accessory dwelling unit are not included in this calculation. If the accessory dwelling unit is constructed over a garage, the garage area will not be included as part of the maximum floor space of the accessory dwelling unit.~~
- ~~3. — Number Of Units: Only one detached accessory dwelling unit is allowed per lot.~~
- ~~4. — Setbacks: A detached accessory dwelling unit must meet the following setbacks:
 - ~~a. — Rear Yard: Five feet (5') if a freestanding dwelling unit or if located above a garage with the overhead door not facing the alley. Ten feet (10') if the dwelling unit is above a garage and the overhead doors are facing the alley.~~
 - ~~b. — Front Yard: Must be located behind rear corners of principal dwelling unit. If on a corner lot, it must meet the front yard setbacks of the zoning district.~~
 - ~~c. — Side Yard: Per zone district requirements for the principal dwelling unit.~~
 - ~~d. — From A Principal Dwelling Unit: Minimum twenty foot (20') setback from the principal dwelling unit, as measured from the closest exterior wall, not to include decks on either the principal or accessory structure. In no instance shall the principal dwelling or the accessory dwelling be physically connected through any means unless all standards of this Zoning Code are met.~~~~
- ~~5. — Height: Maximum building height of detached accessory dwelling unit: Twenty five feet (25').~~
- ~~6. — Off Street Parking Requirements: Minimum one parking space in addition to the minimum parking required for the principal structure.~~
- ~~7. — Additional Standards:
 - ~~a. — Home occupations may be allowed within an accessory dwelling unit, subject to home occupation review and approval.~~~~

~~b. Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an accessory dwelling unit.~~

~~8. Conversion Of Existing Detached Garages Into Detached Dwelling Units: The detached garage must meet the minimum setbacks as required in subsection M4 of this section. If a portion of the detached garage building does not meet the development standards, a nonuse variance will be required in accord with article 5, part 8 of this chapter.~~

M. Accessory Dwelling Units: Accessory dwelling units are permitted, or conditionally permitted, as an accessory use to a principal dwelling subject to the following requirements.

1. Detached and Integrated Standards: The following standards apply to the establishment of both a detached and/or integrated accessory dwelling unit:

a. Owner-occupancy Requirement:

(1) In the R, R-1 9000, and R-1 6000 zones, except as otherwise provided in this section, for an accessory dwelling unit to be occupied, either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner as defined.

(2) Declaration of Restriction:

(A) Before a building permit may be issued for an accessory dwelling unit, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

(B) The declaration of restrictions shall require the property owner to reside on the property in accordance with the definition of "owner occupied" in order to lease one of the two units.

(C) The declaration of restrictions shall lapse upon removal of the accessory dwelling unit. Upon request of the owner and confirmation by the City that the accessory dwelling unit has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall

be responsible for recording the release and paying all costs of recordation.

(3) No zoning enforcement action pursuant to section 7.5.1001, *et seq.*, of this Code, may be brought against a tenant by the City for a failure of the owner to meet the owner-occupancy requirement.

(4) In the A (Agriculture) zone district, the owner shall not be required to occupy either the principal structure or the accessory dwelling unit.

b. **Waiver of Owner-occupancy Requirement:** The Manager may waive the owner-occupancy requirement for temporary absences of up to two (2) years, upon a determination that failure to waive the requirement would create an unreasonable hardship. The Manager may grant an additional one (1) year extension to the original waiver upon the expiration of the original waiver.

(A) The Manager may determine failure to waive the occupancy requirement is an unreasonable hardship if:

1. Enforcement of the requirements would create a temporary economic hardship that could be resolvable within two (2) years;
2. The property is listed and actively marketed for sale; or
3. The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military service members) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse or similar circumstances.

c. **Restriction on Subdivision:** In the R, R-1 9000, R-1 6000, PBC, C-6, and M-1 zone districts, the accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor shall the lot on which an accessory dwelling unit is situated be subdivided unless subdivision is permissible in accordance with all provisions of Article 3 and Article 7 of this chapter.

(1) Before a building permit may be issued for an accessory dwelling unit, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

(2) The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the accessory dwelling unit separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

(3) The declaration of restrictions shall lapse upon removal of the accessory dwelling unit. Upon request of the owner and confirmation by the City that the accessory dwelling unit has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

d. **Off-Street Parking:** A minimum of one (1) off-street parking space in addition to the minimum parking required for the principal structure shall be required.

e. **Access:** All accessory dwelling units shall have a thirty-six (36) inch wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated. An accessory dwelling unit may share a clear access path with the principal dwelling unit.

f. **Prohibited Units:** Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an accessory dwelling unit.

g. No more than one (1) accessory dwelling unit shall be located on any lot.

2. **Accessory Dwelling Unit – Detached:** The following standards apply to the establishment of a detached accessory dwelling unit:

a. **Maximum floor area:** The floor area of a detached accessory dwelling unit shall not exceed fifty percent (50%) of the floor area of the principal structure or one thousand two hundred and fifty (1,250) square feet, whichever is less; except that where the floor area of the principal structure is less than one thousand five hundred (1,500) square feet, the maximum size of the accessory dwelling unit shall not exceed seven hundred and fifty (750) square feet.

b. The floor area of a detached accessory dwelling unit, which may be located above a detached garage, may exceed the footprint of the principal structure but may not exceed the gross floor area of the principal structure.

c. **Maximum height of standalone accessory dwelling units and other detached structures containing an accessory dwelling unit:**

(1) With roof pitch of 6:12 or greater – twenty-eight feet (28') maximum (measured to roof peak)

(2) With a roof pitch less than 6:12 (including flat roof) – twenty-five feet (25') maximum (measured to top of roof line)

d. **Setbacks:**

(1) **Rear Yard:** Five feet (5'). If the dwelling unit is above a garage with overhead doors that are facing an alley then the setback shall be ten feet (10').

(2) **Front Yard:** Per zone district requirements for the principal dwelling unit.

(3) **Side Yard:** Per zone district requirements for the principal dwelling unit.

e. **Pre-fabricated homes** are permitted for use as an accessory dwelling unit if placed on a permanent foundation and connected to metered utility services.

f. **Conversion of Existing Detached Garages into Detached Dwelling Units:** The detached garage must meet the minimum setbacks for an accessory dwelling unit as required in this section.

3. **Accessory Dwelling Unit – Integrated:** The following standards apply to the establishment of an integrated accessory dwelling unit:

a. **Permitted only within single-family dwelling detached, and are not permitted in any other structure, including but not limited to, single-family attached dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.**

b. **Maximum floor area of integrated unit:** In all zone districts where an integrated unit is allowed: floor area shall not exceed fifty (50%) of floor area of the principal structure.

c. **Maximum height:** Maximum height of the principal structure as determined by the zone district.

d. **Design:** In the R, R-1 6000, and R-1 9000 zone districts, integrated accessory dwelling units shall not involve design modifications to the exterior of the principal structure that indicates their presence from the front of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. External stairs are not allowed to provide access to a second-story accessory dwelling unit unless it is from a second-story deck.

e. **Setbacks:** Minimum setbacks of the principal structure as determined by the zone district.

f. **Exterior Access:** An integrated unit may have a separate exterior access. Any separate exterior access shall be restricted to the side or rear of the principal structure.

4. In any case where a provision of this subsection is found to be in conflict with any other provision of this code, or any adopted secondary code, the provision which establishes the higher or more restrictive standard shall apply.

5. **Covenant Compliance:** The provisions of this subsection do not supersede private covenants regarding accessory dwelling units.

* * *

Section 6. Section 203 (Permitted, Conditional and Accessory Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.203: PERMITTED, CONDITIONAL AND ACCESSORY USES:

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Residential use types														
-Accessory Dwelling Unit-				P-										P-

<u>Accessory Dwelling Unit - Detached</u>	P	P	C	P	C			C							P
<u>Accessory Dwelling Unit - Integrated</u>			C		C			C							

* * *

Section 7. Any person violating Paragraph M of Section 105 (Additional Standards for Specific Land Uses Allowed in Residential Zones) of Part 3 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) shall be subject to the remedies provided in Section 1005 (Remedies) of Part 10 (Zoning Enforcement) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended.

Section 8. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 9. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 9th day of June, 2020.

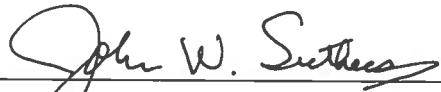
Finally passed: June 23rd, 2020



Council President

Mayor's Action:

- Approved on June 25, 2020.
- Disapproved on _____, based on the following objections:



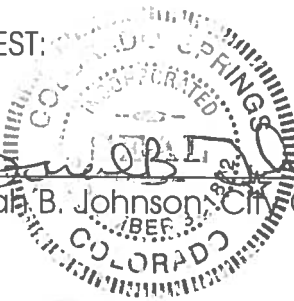
Mayor


Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

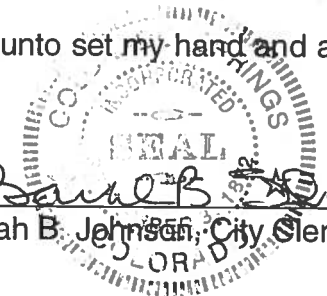



Sarah B. Johnson, City Clerk

CAO: MS
COS: _____

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE AMENDING MULTIPLE SECTIONS OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND MULTIPLE SECTIONS OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ACCESSORY DWELLING UNITS” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on June 9th, 2020; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23rd day of June, 2020, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 25th day of June, 2020.

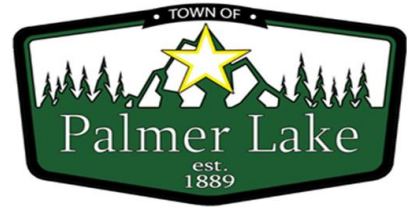
 *Sarah B. Johnson*
Sarah B. Johnson, City Clerk

1st Publication Date: June 12th, 2020

2nd Publication Date: July 1st, 2020

Effective Date: July 6th, 2020

Initial: SBS
City Clerk



Item 6.

**TOWN OF PALMER LAKE
PLANNING COMMISSION - AGENDA MEMO**

DATE: May 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Review Code Relating to Banners

Background

It has been brought to staff attention that some banners are out for a very long period of time prior or following events. Following is the code relating to banners and it is suggested that the Planning Commission consider adding a time frame for these banners to be allowed (i.e., 60 or 90 days prior to event and removed after 15 days following the event).

14.50.050.030. Banners and Pennants.

Banners and pennants are prohibited, except for special community sponsored events.
(Code 1973, § 14.50.050.030; Ord. No. 10-1998, § 83, 1998)