



PLANNING COMMISSION

Wednesday, September 18, 2024 at 5:00 PM

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

LIVE STREAM available on Town website

AGENDA

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

Call to Order

Roll Call

Approval of Minutes

- [1.](#) Minutes from August 21 Meeting

Business Items

- [2.](#) Review USPS Regulations Relating to Advertising on Mailbox/post
- [3.](#) Reconsider a Sign Location for Med Spa
4. Recommendations for Code Compliance Priorities
- [5.](#) Review Response to Ch.17 Zoning Code Questions
- [6.](#) Review Revision to Ch.17 PUD (PD) Zoning

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

Next Meeting (Oct 16) and Future Items

Adjourn TO WORKSHOP, if needed:

Discussion/Review of Ch. 17 Zoning

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, August 21, 2024 at 5:00 PM

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

MINUTES

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

Roll Call. Present: Commission members Lindsay Zapalac, Susan Miner, Tim Caves, Mark Bruce, Amy Hutson, Bill Fisher, Charlie Ihlenfeld.

Approval of Minutes

1. Minutes from July 17, 2024 Meeting. MOTION (Zapalac, Hutson) to approve the minutes as presented. Motion passed 7-0.

Business Items

2. Application for Sign Permit – SecureCare #1 (Hwy105)
3. Application for Sign Permit – SecureCare #2 (Hwy 105)

Mr. Pere Wickes, property manager for SecureCare, was present although the business in the Town is owned by NSA. Mr. Wickes explained to the commission that the two existing signs were installed by the previous owners, and NSA had purchased the facility two years ago. The commission discussed the signs being of temporary material and were to be removed. Commissioner Zapalac stated that the signs set a precedent. Commissioner Miner objected to the material of the signs. Ms. Miner inquired about what the corporation does for signage at their other facilities. She completed an internet search and showed Mr. Wickes other facility signs that were composed of rigid material and members discussed their expectations. The Commission members agreed and requested Mr. Wickes to request the owner purchase two new signs composed of rigid material to be mounted to the existing plywood as permanent signage and referenced that lighting is not allowed. The members made a condition for Mr. Wickes to bring the new dimensions and plan to staff for review to verify compliance to the code and allowed 60 days from August 21, 2024, for staff approval. Mr. Wickes had concerns that the business owner would not want to invest in the signage. The members informed Mr. Wickes that if new, permanent signage was not installed then the current signs and plywood were to be removed and the area repainted to match the color of the building.

Public Comment. None.

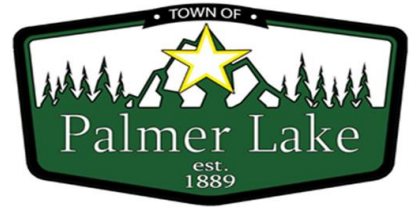
Commission member Miner announced her resignation to the Planning Commission as of January 2025. Chair Ihlenfeld requested that staff notice the upcoming vacancy and accept applications to fill the remaining term (through Jan-2026).

Commission member Miner inquired about sign code compliance, enforcement and penalties. Members discussed and recommended a workshop for the September meeting. MOTION (Miner, Fisher) to hold a workshop at the September 18 meeting to discuss recommendations of priorities for the code compliance officer. Motion passed 7-0.

Next meeting (September 18, 2024) and Future Items

Adjourn. MOTION (Hutson, Zapalac) to adjourn at 5:40 pm. Motion passed.

Minutes by: Grace A. McNeil, Deputy Town Clerk



Item 2.

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

DATE: September 2024	ITEM NO.	SUBJECT: Review/Direction for USPS Regulations About Advertising on Mailbox/post
Presented by: Town Administrator /Clerk		

Background

Staff received a complaint about a local business having signage attached to the mailbox post. Note the enclosed regulations.

Specific to the business, the sign approved should be reviewed either at this meeting or a future meeting. The business owner was informed. Copied will be provided at the meeting.

Recommended Action

Consider a modification of the previously approved sign.

Curbside mailboxes

Installation policies

Installation of curbside mailboxes must meet specific construction standards, which can be obtained from the local Post Office™ facility. For United States Postal Service® STD-7, Mailboxes, City and Rural Curbside, you may write to:

MERRIFIELD VA 22082-8101
8403 LEE HWY
DELIVERY & CUSTOMER SVCS EQUIPMENT
USPOSTAL SERVICE - ENGINEERING

The following are a few of the regulations that apply when installing a curbside mailbox:

- **Important:** Before installing, moving or replacing your mailbox or mailbox support, you will need to contact your Postmaster or mailperson from your local Post Office™.
- All mailboxes must be approved by the Postal Service™.
- Custom made mailboxes will be approved by the Postmaster if they meet established standards.
- Name put on box should be at least one inch high.
- Generally, the boxes should be installed with the bottom of the box at a vertical height of between 41-45 inches from the road surface.
- A mailbox with a lock must have a slot large enough to accommodate customer's daily mail volume.
- Advertising on a mailbox or the supporting post of the mailbox is prohibited.



A receptacle for newspaper delivery by private companies may be attached to the post of a curbside mailbox used by the Postal Service if the receptacle:

1. Does not touch the mailbox or use any part of the mailbox for support.
2. Does not interfere with the delivery of mail, obstruct the view of the mailbox flag, or present a hazard to mailperson or vehicle.
3. Does not extend beyond the front of the mailbox when the box door is closed.
4. Does not display advertising, except the publication title.

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Delivery notes

Feedback



PLANNING COMMISSION

Wednesday, February 21, 2024 at 5:00 PM

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

MINUTES

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

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

Approval of Minutes

- Minutes from January 17, 2024 Meeting. MOTION (Caves, Bruce) to approve the minutes. Motion passed 6-0.

Public Hearing

- Conditional Use Application for Multi-Family Use in C1 Zone - Albright/Tedeschi. Commissioner Bill Fisher recused himself from this item and left the meeting. Ms. Rebecca Albright and Mr. Phil Tedeschi presented their request for a conditional use permit for multi-family housing in a C1 zone. Ms. Albright provided background on the property and explained the approved offer to purchase the triangular parcel that is currently owned by the Town to become part of the proposed development. The concept of a pocket neighborhood was described, comprised of smaller homes clustered together with common open space. Ms. Albright presented concepts for possibly five duplex and other single-family units up to 11, including an HOA, trail access, and a good transition to the industrial area. Discussion of attainable housing and utilities took place. Ms. Albright requested the conditional use permit for multi-family housing; share the cost of developing Spruce Rd with the town; and one tap for each duplex building. Chair Ihlenfeld opened the floor for public comment.

Mr. Roger Moseley stated it is a wonderful concept. Chair Ihlenfeld closed the hearing.

- Consider Recommendation on Conditional Use of Multi-Family Use in C1 Zone - Albright/Tedeschi. Commissioner Zapalac inquired about the estimated square footage and Ms. Albright responded approximately 1200 sq ft per unit, two-story, and she explained limitations due to septic systems. Discussion ensued about sale prices, private maintenance, septic regulations, future right of way vacation. Commissioner Caves expressed concern about sharing costs for the roadway development. Commissioner Ihlenfeld expressed concern about single tap for duplex units. Ms. Albright suggested that if the town wants attainable housing options, alternatives for tap fees must be considered. Collins stated the conditional use for multi-family use is before the Commission and that water and roadway development will come at a future step. MOTION (Caves, Miner) to recommend approval of the conditional use for multi-family in a C1 zone. Motion passed 5-0 with 1 abstain (Fisher).

Business Items

3. Consider Chair for Planning Commission. MOTION (Miner, Zapalac) to retain Charlie Ihlenfeld as Chair. Motion passed 6-0.
 4. Consider Vice Chair for Planning Commission. MOTION (Bruce, Miner) to retain Bill Fisher as Vice Chair. Motion passed 6-0.
 6. Sign Permit Application - Monumental Med Spa. Ms. Trina Shook presented her signs for Monumental Med Spa, previously installed on the building and door and explained the additional roadway sign at the back of the mailbox. Discussion took place among members about sign allocation, visibility from Hwy 105, and public art. MOTION (Caves, Miner) to approve the signs as presented. Motion passed 6-0.
 7. Sign Permit Application - Dead Flowers LLC. Mr. Dino Salvatori provided background on the building maintenance and reviewed the signs installed. He described the requirements for the door coverings to keep the public from viewing inside the building and covering with his logo. Discussion took place about overall size of square footage of signs to the building. Commissioner Miner stated that the regulations for door coverage by another agency play a part in the allocation. MOTION (Caves, Zapalac) to approve the signs as presented. It was agreed that the banner flags at the entrance will be removed. Motion passed 6-0.
 8. Sign Permit Application - Mountain Paws Grooming. This item is forwarded to the next meeting.
 9. Sign Permit Application - SecurCare Self Storage, 2525 Peakview Blvd. Ms. Kara Knott presented the storage and office signs. MOTION (Miner, Caves) to approve the signs as presented and to remove the current banners. Motion passed 6-0.
 10. Sign Permit Application - Alpine Essentials. Ms. Brenda Woodward reviewed the previously approved signs with members and the new directional sign for the side of the building. It was also agreed to remove the flag banners. MOTION (Zapalac, Bruce) to approve the additional sign. Motion passed 6-0.
 11. Request for a Sign Deviation - Alpine Essentials. Ms. Brenda Quinones of Alpine Essentials handed out a packet to members. Background was provided about the difficulty to find and see the location from Hwy 105. A deviation from the sign code is requested to place an approximate 4x5 ft directional sign on a few locations - town right of way either prior to approaching Circle roadway, the town right of way in front of Fletchers, or the opposite side of Hwy 105 on private property. Commissioner Miner offered feedback on the colors to contrast and align with their current signs. It was agreed that directional signage is needed and should come back to the Commission with a final design. Discussion took place about way finding signs. MOTION (Fisher, Zapalac) for long term consideration of a way finding sign system and, in the short term, allow one two-sided directional sign, [versus advertising](#), with a design coming back for review and the Board of Trustees determine the location on town right of way. Motion passed 6-0. Ms. Woodward suggested that the members consider allowing flag banners downtown to identify when restaurants are open.
- Mr. Matt Stephen requested clarification of the motion and suggested that a requested deviation from the sign code should show a hardship. He stated that the business moved into a residential neighborhood knowing it is set back from Hwy 105.

12. Distribute Adopted Public Comment Policy for Town Meetings. Collins noted the policy adopted by the Board of Trustees for town meetings.

Collins distributed a memorandum from Community Matters describing land use code modifications that will be added to the next agenda as an update.

Public Comment

Mr. Roger Moseley commented on numerous items - the rezoning of the Ben Lomand property, the ordinance language that is on the Board of Trustees agenda, and further commented that land use is required in the 3-mile plan, noting that the Commission should proceed with a review and revision. He proposed that there should be a park area identified with the Ben Lomand plans.

Next Meeting (3/20) and Future Items

Adjourn. MOTION (Bruce, Miner) to adjourn at 7:03 pm. Motion passed.

Minutes by: Dawn A. Collins, Town Clerk



Dawn Collins

From: Trina Shook <monumentalmicroderm@msn.com>
Sent: Wednesday, January 17, 2024 11:19 AM
To: Dawn Collins
Subject: Re: Sign Permit Application
Attachments: MMS Sign METAL (1).jpg; building sign sketch.jpg; mailbox sign sketch.jpg; building sign graphic.png; small logo.jpg

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

I attached what is on the sign, and what it looks like on the building as well as the location on the building where it is placed. The dimensions are included in the first sketch. Right now we just have the sign without the wood framing. The framing will not add to the dimensions of the sign, it will just overlap the current sign.

I also wanted to bring forward another sign that we were hoping to put up on our mailbox post. I attached a sketch for that as well with dimensions included. We've discovered that people struggle to find our building, especially coming into town because the whole building is behind trees. We were hoping to just extend the mailbox post with a sign that just has our logo (that's what the circle is on the sketch) and then a vertical spelling of "Med Spa" under it. We have temporary banners outside of our building currently until we find a solution for people struggling to find the building. We hope this sign on our mailbox will be a solution. This sign will be white with our logo, which I also attached, and "Med Spa" will be in the same dark blue color that the building sign lettering is.

Also, wanted to confirm that I need to be at the board meeting tonight at 5pm.

Thank you!

Stay aligned, healthy & joyful,
 Trina Shook RN

From: Dawn Collins <dawn@palmer-lake.org>
Sent: Monday, January 15, 2024 6:09 PM
To: Trina Shook <monumentalmicroderm@msn.com>
Subject: RE: Sign Permit Application

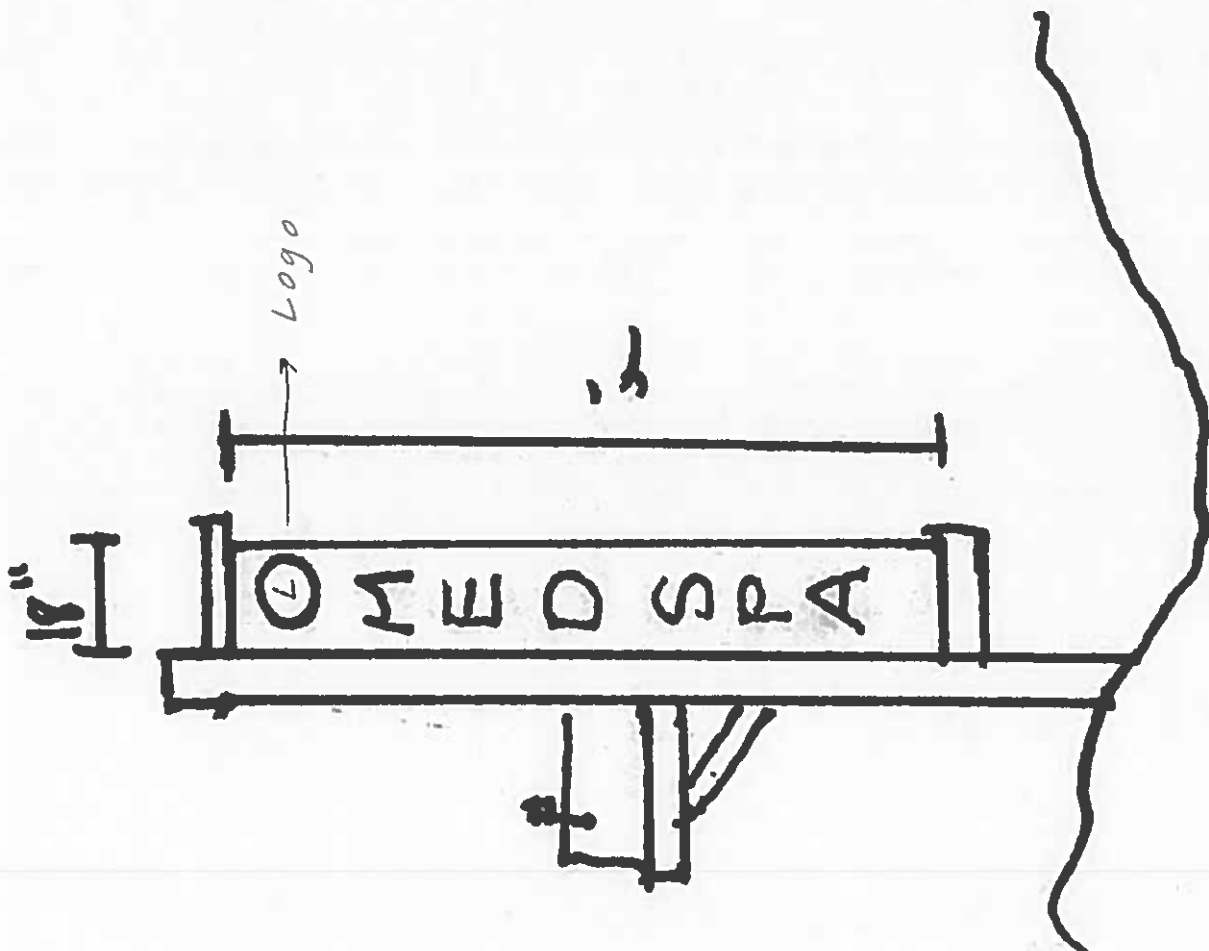
You can send anything to me to include and I'll review the entire application for submittal. Thanks,

Dawn

From: Trina Shook <monumentalmicroderm@msn.com>
Sent: Friday, January 12, 2024 2:33 PM
To: Dawn Collins <dawn@palmer-lake.org>
Cc: Tish Torweihe <tish@palmer-lake.org>
Subject: Re: Sign Permit Application









OVERVIEW OF CRITICAL UPDATES TO TITLE 17.

- 1) **Reorganization is a major objective of the Critical Update.** Article 2 is only one part of the total update. As a refresher, the Planning Commission approved the following Table of Contents.
 - Article 1: General Provisions (complete and approved by the PC)
 - Article 2: Zoning (In progress)
 - Article 3: General Standards Applicable to all Zone Districts (Stormwater Control/Hillside Ordinance, Signs, Landscaping, Home Occupations, Lighting, etc.)
 - Article 4: Special Requirements (e.g. Flood Plain, clustered development provision)
 - Article 5: Subdivision Requirements (adopted as Title 16- could move to a Unified code once everything is completed)
 - Article 6: Processes and Procedures
 - Article 7: Definitions
- 2) **Statutory Considerations**
 - a. Group homes with 8 or fewer people must be allowed in any residential zone district, but there must be at least 750 ft. separation between group homes. Group homes with more than 8 people is a conditional use.
 - b. Public schools in Colorado can be located anywhere. The same is not true for non-public learning institutions however some of these non-public learning institutions can be quite small.
 - c. Religious institutions must be allowed in all zone districts (Federal Law RLUIPA); however, you can control the impacts.
 - d. There are substantial legal challenges if a jurisdiction attempts to prohibit franchise businesses (AKA Chain stores or in some land use codes it is referred to as 'formula retail) from locating in a jurisdiction. Land use regulations can address impacts of any type of business, the design, and placement of such a business including building design, signs, landscaping required, lighting, amount of parking required (minimum or maximum), and impacts such as traffic. There are a few large municipalities (SFO) that consider any chain store a conditional use and consider such factors as the number of similar retail establishments and vacancy rates in granting the conditional use.
 - e. Solar systems must be allowed on residential properties, and in 2023 the State legislature passed HB1234 which creates a streamlined process for the permitting of such systems. CRS 38-30-168 states that you cannot restrict the installation or use of a renewable energy generation systems. While CMI understands that you may not want solar farms, we recommend at a minimum solar arrays be added as an allowable accessory use.
 - f. Affordable Housing- Proposition 123 (passed in 2023) requires a local government to file a commitment specifying how it will increase a combination of its newly constructed affordable housing units and its existing units converted to affordable housing over its determined baseline number of affordable housing

units by 3% each year. Proposition 123 is all about funding affordable housing- "If a commitment is not filed by November 1, 2024, then a local government and any development project in its jurisdiction are ineligible to receive any funding established by Proposition 123 during the 2025 calendar year. If this is to occur, a local government may file a commitment by November 1, 2025, for a 1-year commitment to increase its affordable housing stock by a total of 3% by December 31, 2026." These new requirements do not impact the critical updates to the Zoning Ordinance, but CMI recommends that in the upcoming years, the Board of Trustees should consider rules to accommodate affordable housing. Recommendations from DOLA include: reduce or eliminate minimum lot sizes allowing residential units that are between 500 and 1000 sq. ft.; establish a density bonus to increase construction of affordable units and for rural areas establish higher densities in areas close to services and jobs and served by centralized services.

- g. ADUS. "Accessory Dwelling units mandated throughout the front range. The bill requires a subject jurisdiction to allow, subject to an administrative approval process, one accessory dwelling unit as an accessory use to a single-unit detached dwelling in any part of the subject jurisdiction where the subject jurisdiction allows single-unit detached dwellings. The bill also prohibits subject jurisdictions from enacting or enforcing certain local laws that would restrict the construction or conversion of an accessory dwelling unit. A municipality that has a population of 1,000 or more and that is within the area of a metropolitan planning organization; or the portion of a county that is both within a census designated place with a population of ten thousand or more, as reported in the most recent decennial census, and within the area of a metropolitan planning organization." *Krob Law to check on the applicability of the requirement for TOPL. (HB24-1152) CMI recommends that ADUS are a conditional use in all zone districts.*
- 3) **Revisions to Existing Zone Districts.** The revised zone districts have been drafted to implement to the extent possible the Future Land Use map while also ensuring that we do not rezone property or in any substantial way create new dimensional requirements that would create non-conformities.
- a. Concept of combining R zones districts.
 - i. If RA and RE were combined, that would allow owners of lots that are 5 acres to subdivide into two 2.5 acre lots- that is not consistent with PC direction nor the Master Plan.
 - ii. We have per PC direction combined R-1 and R-2 but left R-3 alone due to small lot size.
 - b. Dimensional requirements remain the same with only slight modifications when R-1 and R-2 are combined.
 - i. CMI has developed each zone district to reflect the existing dimensional requirements with specific focus on the lot size.
 - ii. To aid in understanding the lot size in each zone, the names will be as suggested followed by the size of each lot.

- Rural Agricultural (RA- 5)
 - Residential Large Lot (R-2.5)
 - Residential Low Density (R- 1/2)- combines R-1 and R-2
 - Residential Medium Density (R-10,000)
 - Residential Small Lot (R-5,000)
 - Residential Multi-Family (R-15,000) name change based on PC rec.
- c. R-4 exists now, and that density is allowed as a conditional use in several zone districts. If a zone district is created, it does not necessarily mean that it will be used. This zone district is referred to as a conditional use in a few existing zone districts. Rather than referencing the R-4 district, multi-family dwellings up to 12 units per acre are allowed in the Business Industrial Mixed-Use Zone and Village Center Mixed-Use Zone.
- d. Changes to the Dimensional standards.
- i. Any reference to maximum allowable building coverage is changed to maximum impervious coverage. This is the same measurement used in the Stormwater Quality Control Ordinance (FKA Hillside Overlay).
 - ii. The other change to the dimensional requirements was the side yard setback measurement. CMI had changed the required setback measurement to a by-floor standard. The side yard setback increases as the number of floors increases. This addresses issues in smaller lots whereby the side yard setback is too small for an owner to get a ladder to the second-story or third-story windows without extending a ladder onto the neighbors' property. This means a 10 ft setback in the lots that are 2.5 acres and in R-1 (1/2 acre) would become a 20 ft. setback. Based on Bill Fisher's comments, we we recommend deleting the per-floor setback regulation. We are recommending that in the combined zone districts (R-1 and R-2), the minimum side yard setback remain 10 ft.
- e. **M-1 zone district.** There are two locations where M-1 exists: the area directly off County Line Road where the town shops are and a small sliver in the southeast part of town next to what is now zone R-3.
- i. We recommend rezoning the small sliver in the southeast part of town to reflect how the land is currently being used.
 - ii. We have suggested that M-1 becomes part of what we are calling the Business Industrial Mixed-Use Zone (BI-MU). The new zone combines all uses listed in the M-1 zone district and allows for housing to develop along the southeast portion of the area as contemplated in the adopted Master Plan.
 - iii. The one wrinkle to this approach as noted by Town Administrator Collins is that the M-1 zone is where certain uses (required by State Law) are allowed to locate. This includes Adult Uses (5.32.210-*No permit shall be issued under this chapter for any sexually oriented business within any zone district other than an M1 Zone (Industrial Zone)*). Note that adult uses cannot be within 2000 ft of a residential district , church or public park, Marijuana establishments (5.20.050- *Consistent with the other*

requirements of this section, a licensed establishment may locate as a conditional use within the following zone districts within the town: (C2) Commercial Two Zone and (M1) General Industrial Zone) and 'healing centers' (this term is not defined in the land use code but is required by the NATURAL MEDICINE HEALTH ACT of 2022).

- iv. Since the above uses are conditional, and we have added development standards, the impacts can be managed. We would note the above uses in the conditional use section of the BI-MU district. Direction from the Planning Commission is needed.

REVIEW OF LAND USES PER ZONE DISTRICT

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

Table of Uses in Each Zone District										
	RA	RE or R-LL	R-1	R3 or R-SL	R-4 or R-MF	R-10,000 or R-MD	CC or D-MU	C1 or BI MU	C2 or V-MU	O1 or REC-OS
Note: Asterisk (*) in the table below indicates there is a more specific definition of what is allowed.										
AGRICULTURAL USES										
Accessory structures and uses that assist in the production of value-added agricultural products	A									
Agricultural field operations*	P									
Animal boarding including kennels, veterinary facilities, and clinics	P	P								
Animal hospitals*	C	C							C	
Animal hospitals and kennels, provided that a minimum area of five acres is available for said kennel								C		
Equestrian riding stables and arenas, public or private	P	C								
Equestrian stabling and grazing	P	P								

Husbandry of domesticated farm or ranch animals	P	P								
Nursery/tree farm*	P									
Table of Uses in Each Zone District										
Note: Asterisk (*) in the table below indicates there is a more specific definition of what is allowed.	RA	RE or R-LL	R-1	R3 or R-SL	R-4 or R-MF	R-10,000 or R-MD	CC or D-MU	C1 or BI MU	C2 or V-MU	O1 or REC-OS
Optional premises cultivation operations as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30								C		
Shelter for agricultural implements and tools used to maintain premises		A								
RESIDENTIAL USES										
Accessory dwelling unit limited to 750 square feet (per State Law this may need to be an administrative review but we could add pre-determined criteria)	C	C	C	C	C	C	C	C	C	C
Any residential development that is not mixed use or any residential development greater than 12 units per net residential acre					C					
Caretaker unit								P		
Dwelling units subordinate in size to the principal use and located on the second floor of a permitted principal use or in the rear of a permitted accessory use							A		A	
One single detached dwelling per lot	P	P	P	P		P				
Duplexes (defined as two-family)				P	P					
Home based businesses as specified in Chapter 17.X.XX	A	A	A	A	A	A	A	A	A	
Live/work							P	P	P	
Mixed, residential dwelling and commercial uses occurring in the same building								P	P	
Multi-family housing not to exceed twelve units per acre on the same lot as the principal use								A		
Multi-family residential, density greater than 12 units per acre								C	C	
Multi-unit attached residential dwellings not to exceed 6 units per structure with or without zero property lines				P	P					

Owner-occupied or nonprofit group home*	P	P	P		P					
Residential dwelling units including accessory dwelling units not fronting on Highway 105 and not to exceed 4 total dwelling units per lot							C			
Table of Uses in Each Zone District										
Note: Asterisk (*) in the table below indicates there is a more specific definition of what is allowed.	RA	RE or R-LL	R-1	R3 or R-SL	R-4 or R-MF	R-10,000 or R-MD	CC or D-MU	C1 or BI MU	C2 or V-MU	O1 or REC-OS
Type I manufactured homes									C	
COMMERCIAL AND INDUSTRIAL										
Bed and breakfast establishments	P	P			P		P	P		
Childcare facilities (this is not home care)			C		C	C		P	P	
Commercial accommodations only if parking can be provided onsite							C			
Daycare center, adult or child									P	
Eating and drinking establishments							P	P	P	
Financial Institutions							P	P	P	
Funeral homes and mortuaries								P		
Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries							P		P	
Light equipment sales and repair								P	P	
Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks								C	C	
Medical and dental clinics							P		P	
Micro-brewery, Micro-distillery, or Micro-winery							P	P	P	
Offices					C		P	P	P	
Personal or Business Services							P	P	P	
Recreation and cultural facilities, public or non-public							P			
Recreation and entertainment, indoor								P		
Recreation and entertainment, outdoor								P		
Retail sales								P		
Small businesses that provide services and limited and specialty retail establishments on the ground floor level							P			

Small inns and lodges ranging from 5 to 20 rooms only if located above ground floor of nonresidential uses								P			
Any establishment with a drive-thru facility								C	C	C	
Vehicle fuel sales									P	P	
Table of Uses in Each Zone District											
Note: Asterisk (*) in the table below indicates there is a more specific definition of what is allowed.											
	RA	RE or R-LL	R-1	R3 or R-SL	R-4 or R-MF	R-10,000 or R-MD	CC or D-MU	C1 or BI MU	C2 or V-MU	O1 or REC-OS	
Vehicle sales, leasing, rental, and service								C			
Vehicle wash								P			
INDUSTRIAL											
Building materials and supply sales, provided any outdoor storage is screened from view								P			
Composting facility								P			
Contractor shop and yard								P			
Industrial, artisan								P			
Industrial, light								P			
Light assembly of prefabricated parts								P			
Light manufacturing								P	C		
Mini-warehouses and storage rental spaces									C		
Outdoor storage								C	C		
Recycling or donation drop-off								P			
Storage containers and pods								P			
Vehicle repair, major								C			
Warehouses and wholesale businesses								P			
Wholesale operations provided that traffic impacts can be mitigated									C		
PUBLIC AND INSTITUTIONAL USES											
Cemetery	P	P	P								
Emergency services including ambulance services								C	C		
Institutional and quasi-public uses*					C						
Non-public schools*		C		C		C	C	C	C		
Nursing homes, hospitals								C	C		
Public buildings, including police and fire stations or facilities, and civic facilities	P	P	P	P	P						

Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices							P	P	P	
Public schools for primary education (K-12)	P	P	P	P	P	P	P	P	P	
Religious institutions*	P	C	C	C	C	C	C	C	C	
Table of Uses in Each Zone District										
Note: Asterisk (*) in the table below indicates there is a more specific definition of what is allowed.										
	RA	RE or R-LL	R-1	R3 or R-SL	R-4 or R-MF	R-10,000 or R-MD	CC or D-MU	C1 or BI MU	C2 or V-MU	O1 or REC-OS
PARKS, RECREATION, OPEN SPACE										
Golf courses, skeet shooting, and low-impact recreational uses										P
Picnic grounds with facilities										P
Private open spaces, parks, and common areas							P			
Public parks, recreation, trails and open space	P	P	P	P	P	P	P	P	P	P
Skating rinks, which shall be, if covered or with seating stands, in accordance with the Community Master Plan										C
Sporting courts, tennis courts, swimming pools, and other similar recreational facilities	A	A								P
Stadiums										C
Trails including use by bicycle, motorbike, snowmobile, horse riding, hiking										P
UTILITIES										
Solar energy systems - accessory and small	A	A	A	A	A	A	A	A	A	A
Solar energy systems - community scale								P		
Utilities, major facilities								P		
Utilities, minor facilities	P	P	P	P	P	P		P	P	
Wireless communication facilities (WCF)								P	P	C
ACCESSORY USES										
Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot				A	A		A	A	A	

Any permanent accessory structure that exceeds 720 square feet per lot		C	C	C		C		C	C	
Private garages subordinate in size to the principal structure			A	A	A	A				
Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot	A	A	A			A				A

REVIEW OF DIMENSIONAL STANDARDS

The following table summarizes the dimensional requirements for all zone districts. The PD district is not listed since all dimensional requirements are negotiated.

Table of Dimensional Standards											
Key: du - dwelling unit		RA	R-LL (RE)	R-1	R-SL (R-3)	R-10,000	R-HD (R4)	BI-MU (C1)	V-MU (C2)	D-MU (CC)	REC-OS (O1) ³
ac - acre ' - feet											
sf - square feet											
Minimum lot area (ac.)	5 ac.	2.5 ac.	0.5 ac.	5,000 sf	10,000 sf	15,000 sf	6,600 sf	6,600 sf	6,600 sf		
Minimum lot width (feet)	250'	150'									
Minimum lot frontage (feet)			75'	50'	50'	100'	35'	35'	35'		
Maximum density:											
Net density (du/ac)						12 du /ac					
Maximum front setback from back of sidewalk (feet)										10'	
Minimum setback:											
From Highway 105 (feet) ¹	200 ¹	200 ¹									
From front property line (feet)	50'	25'	25'	18'	25'	25'	20'	20'			
From side property line (feet)	25'	10'	10'	7.5'	7.5'	10'	see note ¹	see note ¹	see note ¹		
From rear property line (feet)	25'	25'	25'	10'	25'	15'	25'	25'	10' from any ROW		
From each adjacent street on a corner lot (feet)	25'	25'	25'			25'	25'	25'			
From a different zone district (feet)						25'					
Maximum impervious coverage (percent)	15%	35%	15%	45%	25%	65%	65%	65%	None	10% ⁴	
Maximum building height (feet)	30'	30'	30'	30'	30'	35'	30'	30'	see note 2	25'	
Maximum size for an accessory dwelling (square feet)	750 sf										

¹ No sideyard setback if side wall construction is at least four-hour fire resistance; otherwise 5 feet.

² 32 feet with 3rd story stepped back.

³ There are no lot requirements in an REC-OS zone, except that uses shall be in line with the locally adopted open space and recreation standards.

⁴ Structures shall not exceed cover more than 10% of the proposed area, with the exception of indoor skating rinks and stadiums.

RECOMMENDED CHANGES TO THE CODE BASED ON PLANNING COMMISSION COMMENTS

RECAP of PLANNING COMMISSION DIRECTION ON ZONE DISTRICTS- ARTICLE 2

Hi Dawn,

The workshop yesterday on the zoning code was less than productive... We attempted multiple times to get through the memo worksheet from Barb with the guided questions, but each question just brought up more questions from the PC.

As a first step, CMI has provided the PC with an overview, noted changes to Article 2, provided a land use table for all principal permitted uses and accessory uses in each zone district, and a dimensional table.

Before we schedule a virtual meeting, we would like the Planning Commission to review the land use table and the dimensional requirements. Please submit revised tables to both me and Mike.

After much back and forth, we agreed a virtual workshop with Barb would be best to get through this. All members agreed to submit their own comments on the worksheet back to you no later than next Wednesday. Preference for the virtual workshop was to have PC meet at town hall with Barb being virtual if that works. I'm sure it will take some time to get through the comments for her, but once you have a few proposed dates/times please let us know. I am finishing up compiling all of our discussion notes we did cover last night into one document and will get that to you later today. Let's see where we are at after the Commission reviews the cleaned up draft and overview.

Thanks!

From Group re: worksheet

- 1) Reflects what PC said last Fall- NO-- PC was unclear on the purpose of the new "BI" and "B-North End Retail" as it seems like any and all uses are acceptable. Concerns we could run into issues with uses on adjacent properties that aren't compatible. Uses within the Business Industrial Mixed Use have been trimmed. The Land Use Table created by CMI shows what is currently suggested after your comments have been addressed. Please review the Land Use Table and send us comments. (note we have not included the full internal analysis that listed land uses currently allowed and land uses noted in Master Plan- please focus on the recommended land uses per category).
- 2) Members felt strongly that we should retain the term "Hillside Overlay/Ordinance" at least in parenthesis following the Stormwater Ordinance. The problem with this term is it has nothing to do with 'hillside.' It applies to all land within the Town of Palmer Lake. This section will be moved to the new Article 3 as a general standard applicable to all property. We recommend that we call it what it is as noted in 17.68- "This chapter shall

be known as the "Hillside Overlay District and Stormwater Quality Control Ordinance of the Town of Palmer Lake." When we were undertaking the Master Plan the fact that this was called an overlay was extremely confusing since it applied to all land within the town boundaries. Also, we will not change any of the terms in 17.68- this was recently adopted by the Town in 2021.

- 3) clarification on Hwy 105 minimum setbacks, if the Master Plan references 100-300 feet, we would like to see at least 200 ft. - can we remove "or the average setback on all parcels within 750 ft"? We will remove the average and set the minimum setback at 200 ft.
- 4) High Density- generally we were ok with this, but would like to reference the 3-mile plan to determine what areas could fall into this zone. We do not want to call it "High Density" zone but Multi-Family Zone; Okay with higher density zone district within 3-mile Plan- As noted, because you have created a zone district, it does not exist until property is rezoned to that zone district. We have changed the name to Multi-family.
- 5) Clarification on new PD zone size, 10-acre min vs 5-acre min, would PC have more "say" or control if we reduced to 5-acre min? Not necessarily- but 5 acres is fine.

Amy H: Zone Districts Worksheet Answers

Question 1

Could we combine RA & RE? Combine R1,R2& R10k? We strongly suggest that the Commission not take this route. It will increase densities and allow people to subdivide larger lots into lots that are at minimum 10,000 sq. ft. OR alternatively down zone property which may result in legal challenge. We did combine R-1 and R-2.

What exactly are unlisted uses-intention? With technological changes and new uses occurring frequently, this section provides criteria by which to determine if an unlisted use should be prohibited or allowed as a conditional use. We will simplify this to reference the the North American Industrial Classification System (NAICS) to assist in the interpretation of the similarity of uses, note that uses similar in nature but not listed shall be considered a conditional use, and refer the matter to the Planning Commission for their recommendation and then to the BOT for their determination. Or we are comfortable for it to simply go to the Planning Commission. We would like Dawn to weigh in on this.

Commented [SM1]: And must go before PC for recommendation to the BOT for approval?

Commented [BC2R1]: YES

Can 17.2.010 C 1&2-Can the last two sentences just say all uses require site/plot plan and building permits. CMI recommends that it is clear that SF and duplexes (defined as a two-family residence) only require a plot plan and multi-family and non-residential uses require a site plan. We will clarify that multi-family (3 or more) does require a site plan.

Question 2

What exactly is subordinate size? Seems arbitrary The term will be defined but it is anything smaller than the principal use—it would be more arbitrary to establish absolute #s because the size of a principal structure varies so much- as long as it is smaller, we think that is simplest.

Set back from 105 in green corridor increase to 150ft? Per other recommendations, we will increase to 200 feet and remove the average.

PUD 5 acres also- YES

VMU & B1N= height 35? Like other multiuse/commercial- YES, change has/or will be made.

RE/RLL C5 25%30% why that 35 number for impervious – We used the maximum building coverage as the percentage to start.

R1-change at least one to max of one per ½ acre- that is what it states- combining R-1 and R-2.

3b 4plex max- Discussion item for the Planning Commission- Adopted Plan talks about “Like the Old Town residential area, this residential category, with a range of 4 to 8 units per acre includes single-family detached and attached units such as townhomes, carriage houses, and two-and four-unit attached dwelling units.

VMU-CU >10 units per acre multi use- In this zone, multi-family is an accessory use and is only allowed on the second floor or in the rear of a use—this area is a sales tax generating zone.

DMU-why the change to 40 ft height? We are going to change this to a bulk plane height per Bill's drawings and suggest a height of between 32 ft and 35 ft—we strongly encourage more density in this zone and want to encourage uses such as rooftop decks and eating areas. OR if it is residential above, patio space.

Question 3 okay with

Question 4

RA principle use removed—Small solar energy systems? State law.

RE principle use removed -“”

R1 principle use removed-public schools-seems too small for school-State law and they will not locate without centralized services.

R10k principle use removed- parks and open space-again too small? This is the size of a small pocket park or tot lot.

R3-remove park/os, public buildings, group home-too small? IF something is zoned Small lot, it does not prevent a larger lot from developing- this is the minimum lot size.

R4/HD-remove public schools-too small? State law and lot size minimum is 15,000 sq. ft.

add multiuse and commercial? That is addressed in the other zones but we could allow business, retail, office, and daycare etc. as an accessory use

BI Mixed use remove I (same as h), vehicle sales? W same as b, no – this is a large area and could accommodate such uses

fulfillment centers (like amazon) We are cleaning up the uses in this zone, please review the land use table

Recreation/OS- remove water skiing facilities- yes- this as well as snow skiing are in the existing code

Question 5

BI mixed use-accessory use change multi family housing down to 10/acre- We are recommending 12 because many communities like Fountain consider 16 units to be considered a low number for multi-family and also because of State law noted above.

Question 6

RA-conditional use-isn't this the same as 1 e? Just make principle use and add a noise limit- YES- good catch - noise will be covered in Article 3- do you want to keep the setback of 100 ft. from property line

RE-same as above. We will make that change but we do recommend the setback for this type of use Also is it appropriate to have any schools or religious institutions on only 2.5 acres? State Law. Also, they are not going to locate unless they have centralized facilities.

R1-conditional-what is subordinate in size definition? See above. Max a 4plex, non public school removed-too small- Charter schools and other educational institutions are often small- the 100 ft. of frontage also controls the lot size- again it's a minimum lot size. From Plan: "Residential density should be at least one dwelling unit per ¼ acre." We will move the conditional use to a 4-plex

R10k-conditional use remove group homes over 8, non public school and religious- OKAY

R3 conditional use remove b & c the same thing, non public school and religious- **OKAY**

BI Mixed use remove-emergency services, what is l?, j same as c, k same as g- **we are cleaning this up but need emergency services somewhere and this is a good location- remember this area also includes the existing town shops.**

VMU- conditional use -add opaque screening, **We will add this as a development standard** remove nursing homes- **this is a perfect place for this type of facility but perhaps we change the name to assisted living facilities- they will have services within walking distance.** emergency services(too small)- **disagree** change multi family max to 10/acre- **remember the multifamily is limited to upper floors and in the rear** , i the same as e, do we want more type 1 manufactured homes?- **This is an existing use**

Recreation OS- conditional use - should we define or limit a stadium? **This is an existing permitted use!!**

Question 7

5 acres or more not 10 **OKAY**

what is the current allowed density in pud? **Unclear and messy- We will be bringing the new PD ordinance to you for your upcoming meeting. There are no densities prescribed in a PD.**

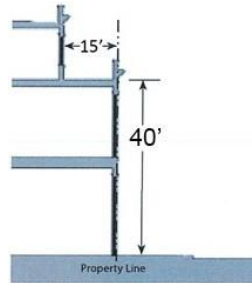
150 setback from 105- **Revised to 200 ft.**

k, 2- modifications if would result in 2

what is a more livable environment?- PD hoops- 2+ reasons to do something different- **good suggestion- review ordinance as proposed.**

Unable to answer questions as a group w/o detailed review to understand. Following are my General Comments referring to the entire Document:

- Streamline for ease of compliance and review. **Note all procedures will be in Article 6**
Unnecessary reg's?: solar farms? **Definitions will include small solar; note State Law.** max ag slopes? distance between buildings? **This was to avoid dead spaces but we will remove and rely on building code. Best example is my commentary at Unlisted Uses. Changed and simplified**
- Need Definitions:
 - Building Ht's: how measured and how high? needs discussion and graphic analysis. Bill has some of this. **Building height definition will be in definitions and mirror building code; per Bills graphics, we will add a bulk plane rule to the downtown zone this example is from Granby- note the height regulation in the draft states 40 ft or 3 stories – change to 32 ft per Bills Sketch Bill please advise- CMI suggests a height that is no taller than the mature trees-Mike advocates 30 or 35 ft with the 3rd story stepped back**
 - Impervious is confused by also having max. Building coverage %'s that don't make sense- **There should be no reference to building coverage**
 - "remain in a natural state" meaning? Topo, existing vegetation, disturbed ground, new LS? **We will not be amending 17.68—I believe this is referenced in 17.68**
 - Home Business: does this depend on physical attributes? (parking, structures, customers coming to the location,...) If there are none then no reg's? **Home Occupations will be covered in Article 3- but basically state no exterior indication**
 - Personal or Business Service- **again defined term- hairdressers, nail salon and architects, lawyers, real estate, etc**
 - Drive in Commercial. Does this mean drive thru windows? **Yes, Term from old code, cleaned up and deleted term**
 - Industrial vs light industrial vs Warehousing / Storage: are warehouses light industrial? **Yes**
 - Side yard setbacks PER FLOOR? We're typically limited to 2 stories plus a loft. Per Floor is unnecessary and too restrictive. **REMOVED**
- Utility Facilities mentioned in many zones and Commercial parking lots (including R4) need screened w/ berms and/or LS- **Parking standards in Article 3 will require this in addition in certain zones eg. Downtown parking must be to the side or rear**
- Use types (PP, PAU, CU) lack clarity. In a Res. Zone we can have (?): **See Land Use Table**
 - 1 house **Yes**
 - private garage subordinate to res. (do we get an attached AND a detached garage? **Nothing would prohibit it because the attached garage is not an accessory structure. This would be allowed.**
 - ADU should be PAUs in all R zones limited by number of BRs: 4 in RA.....2 in R3? **Now required by State Law- allowed as a conditional use in all R zones.**



- o I advocate STRs are CUs in all most zones. **Agreed but not in our scope nor in the Zoning Chapter- we have lots of experience**
- o Customary Accessory Uses (permitted but unspecified size). Lots of small sheds are ok? **Yes-anything under 200 sq.ft. does not require a building permit.**
- o Another accessory structure size limited. Is this in addition to a detached garage? **NOTE: Accessory structures are also regulated by % of impervious surface and setbacks**
- o We should mention Greenhouses- **YES**
- All existing is grandfathered, correct? And you can't keep someone from building back their non-conforming house lost in a fire. **Correct however the rule is 50%**
- Does no pyramid zoning just mean no SFR in commercial? **Sort of- we are allowing residential as an accessory use.** Map and LDC need to be perfect? **As best we can—often after adopting a new code, it will be need to be tweaked.**
- Is the new B1 zone the suburban sprawl zone? NO! The market and gas station that robs Mainstreet of what it could be? **Gas station probably is a no go in the downtown (direct access issues onto 105, plus you want pedestrian friendly A 2nd DT but w/ Industrial and Warehousing? It might turn into that but we noted it as a mixed use node in the Master Plan**
- Residential Zones are very confusing - Different in the table and the sections included in the document. Names that include sizing would help: See Land Use Table and yes we have updated the names to reflect the concept below. Noted that there are restrictions in terms of what 'fits' on the GIS zoning map.
 - o R A (5)
 - o R 2.5 (RE)
 - o R 1- (1/2)
 - o ~~R 1/2~~
 - o R ¼ (10000)
 - o R Small lot (5,000)
 - o R MF

SECTIONS OF ARTICLE 2 WITH COMMENTS FROM SUSAN MINER

- Redundant zoning/ **Remove pyramid zoning!** I agree with the removal of pyramid zoning.
- Yes, each zone should clearly stand on its own.
- Add an area specifically for multi-use. **- These are the BI-MU and VC-MU per Master Plan**
- Delete R-4 no one wants per Master Plan. **Group agreed to R-MF**
- Combine some of the residential districts. **Combined R-1 and R-2**
- Add to zone district- the more clear details given, the better we serve the Town and the requestor.
- I agree with the recommendation to replace the specific lists of permitted uses and provide a general use description instead.
- (1) Density ranges should align with the Community Master Plan. **They do**
- (2) ADUS should be a conditional review use in R-1E, R1 and R2- **see State Law- all single family residential zones**
- (3) All items related to zoning and zone districts will be addressed in this section including standards that apply to specific districts. Standards that apply to all uses will be contained within Article 3.

Commented [SM3]: Define this please.

Commented [SM4]: We might need it in the future

Commented [SM5]: Not sure this is a good idea. Palmer Lake is so diverse and I think we need to maintain that eclectic land use.

Commented [SM6]: Agree

- (4) Remember that what is now called the Hillside Overlay District is Stormwater Quality Standards and the standards apply to all zone districts within the Town. These will be moved to Article 3. 17.68 applies to lands that are not necessarily on a hillside.
- (5) For now, per the original approved Table of Contents the Zoning Code will be referred to as the Land Development Code (LDC).

Commented [SM7]: I think Hillside and Stormwater, although related, are different

Commented [BC8R7]: NO they are the same- I checked with John Chavez



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M E M O

To: Palmer Lake Planning Commission
 Thru: Dawn Collins, CMC, Town Administrator/Clerk
 From: Barb Cole, Executive Director, CMI
 CC: Mike Davenport, CMI, Mark Morton, GMS, and Scott Krob, Town Attorney
 Date: September 13, 2024
 RE: Article 2- Zone Districts Overview and Responses to Planning Commissioner Comments and Suggestions

Your packet includes the following items:

1. Overview and Responses to Planning Commission:
 - a. Overview of the Code (statutory considerations)
 - b. Review of Land Uses per Zone District- table for review
 - c. Review of Dimensional Standards – table for review
 - d. Specific answers to Amy, Bill, and Susan’s comments are highlighted in yellow and underlined.
2. Specific questions for the PC (see below_
3. ARTICLE 2 draft in progress
4. Bill Fisher’s graphic on height in the downtown district.
5. Draft PD ordinance.

Question # 1: Please review the list of principal uses for each zone district using the newly created land use table. Remember that all terms that are not commonly used will be included in Article 7: definitions.

Do any principal uses need to be added: _____

Do any principal uses need to be removed: _____

- Are there any redundancies? _____
- What terms would you like to have defined? _____

Question # 2: Please review the list of accessory uses for each zone district.

- Do any accessory uses need to be added: _____
- Do any accessory uses need to be removed: _____
- Clarification: As the Code is currently drafted, you can have an attached garage as well as a detached garage or other accessory structure because the attached garage is not an accessory structure? (Bill's question)- Is this acceptable? _____

Note: Any structure under 200 sq. ft. does not need a building permit. However, the property owner still needs to comply with the impervious surface standard. This will be the controlling standard.

Question # 3: Please review the list of conditional (review) uses for each zone district.

- Do any uses need to be added: _____
- Do any uses need to be removed: _____
- ADUS are now a conditional (review) use in all R zones per State Law. How
- Should we change the name to Conditional Review Uses to help applicants understand that impacts need to be mitigated?

The following is found at the beginning of the Chapter (pg. 5): "Conditional uses are uses that may be allowed in the zone district subject to any applicable regulations. Conditional uses may be permitted if it can be demonstrated that the location and the

site proposed for the use is appropriate, supports the purposes and intent of the zone district, and is compatible with the surrounding area. Conditions to mitigate impacts are attached to the Conditional Use Permit. Conditional uses require the issuance of a permit approved by resolution after a duly noticed public hearing by both the Planning Commission and Board of Trustees.”

Question # 8: M-1 zone district accommodates Adult oriented uses, Marijuana facilities, and healing centers. Within the M-1 district, a number of businesses including those along County Line Road are an example of a success. Should the district boundaries of the north end M-1 be modified?

- Yes Make district smaller by adding property to the new B-I (old C-1) district _____**

- Yes Clean up by removing small zoned property that is not M-1 (R-A, R-10,000 and C-1 on the other side of the tracks)
Comments_____**

- No- Keep as is and if someone wants to change the zone designation they can apply for a zone amendment. Comments:
_____.**

17.2.170 – Planned Development District.

Commented [BC1]: LAST DISTRICT IN ARTICLE 2 same location as existing code.

17.72.010. Description.

(a) Intent. The intent of the Planned Development (PD) district is to promote and improve the health, safety, and general welfare of the residents of the Town by allowing the negotiation of a specialized zoning district which accommodates innovative patterns of development. This district is intended to be used only when no district in this Code, and no combination of districts, can be used to approve a new development that provides substantial additional benefits to the Town that would not otherwise be required by this Code. nor is it intended to be used to approve variations from the standards and criteria in this Code. Since the Planned Development is a master planned development, development standards, dimensional requirements, and permitted uses are negotiated and shall be allowed as set forth in the Planned Development Plan (PDP) and Final Development Plan. Significant additional benefits to the Town must be demonstrated as provided by the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101 et seq.) as amended.

(Code 1973, § 17.52.010; Ord. No. 15-1973, § IV:1, 1973; Ord. No. 1-1991, § 3, 1991)

(b) The purpose of the planned unit development district is:

- (1) To encourage a unified approach to planning, design, and development of land that is consistent with the goals and objectives and comprehensive plan of the town.
- (2) To encourage flexibility, innovation of quality design and variety of development types in order to promote the most suitable and appropriate use of a site.
- (3) To facilitate the adequate and efficient provision of streets, utilities and municipal services.
- (4) To achieve a compatible land use relationship with the surrounding areas.
- (5) To preserve the unique, natural, scenic, historical and cultural features of a site.
- (6) To encourage energy efficiency and conservation of energy and natural resources.
- (7) To provide for usable open space and recreational areas in new development.
- (8) To permit a developer to propose a total development plan which can be considered as to its overall merits under a unified development plan.

(c) The planning commission and the Board of Trustees ~~town board~~ shall consider the purposes of this chapter in approving or denying any requests for a planned ~~unit~~ development district or and in review of for a planned ~~unit~~ development plan.

(d) This Chapter shall apply to and govern all PD applications submitted after the effective date hereof which relate to and include lands located within the legal boundaries of the town. The provisions of this section may also be applied to PD applications for lands which are located outside of the town but which are proposed to be annexed to the town, as permitted by Section [31-12-115](#), C.R.S.

(e) Coordination with other codes, regulations, and plans.

Created: 2024-05-14 16:43:30 [EST]

(Supp. No. 3, Update 1)

(Code 1973, § 17.52.020; Ord. No. 15-1973, § IV:1, 1973; Ord. No. 1-1991, § 4, 1991)

17.72.030.

(f) Establishment, coordination with other codes, regulations, plans and vesting of the PD zone designation

(1) A planned unit development district may be established upon any tract of land that is 5 acres or more and is held under single ownership or unified control, provided a zoning/rezoning application is submitted for the tract or lots in compliance with the provisions of this chapter and the application is reviewed by the planning commission and approved by the board of trustees, provided that the landowner or his agent in fact with the power to consent to the inclusion of the site within the planned unit development does so consent.

(2) No PD application shall be approved without the written consent of each landowner whose properties are included within the PD. The PD application shall be made by a person or entity having an interest in the property to be included in the PD and shall include the consent of all owners of interest in such property. Lienholder consent will consist of a written acknowledgment that the mortgaged title holders agree to the application for a PD in the town.

(3) Approval of a PD Planned Development Plan 1(hereinafter referred to as "PDP") by the Board of Trustees shall constitute an overlay district upon the base zone, the base zone being the zone district designation existing prior to the approval of said PDP. If the time limits, as spelled out in the development schedule expire and no time extensions for the Final Development Plan (hereinafter referred to as "FDP") are approved, then the Board of Trustees, in its sole discretion, may terminate the FDP and may record a resolution with the El Paso County Clerk and Recorder evidencing such termination. Upon such termination, the PDP shall be deemed to have been expired and cease to exist as it relates to all lands within the development for which a final plat and FDP have not been approved (undeveloped lands). Despite such expiration, the zoning of undeveloped lands shall remain the same as it existed under the PDP, except no further permits or approvals, including but not limited to FDP, final plat, or building permit approvals, shall be granted by the town in connection with the undeveloped lands unless and until the town has approved a new or amended development plan for the undeveloped lands or a portion thereof. The FDP shall continue to exist and apply to all parts of the development other than the undeveloped lands.²

² This provision has been successfully tested and used in Granby Colorado to the satisfaction of 3 large developers (5,000 acres PUD, 1500 PUD that went under and new buyers developed with an amended ODP and the PUD was also restructured after 2009 and then again in 2021. This creates an easy method to update the Overall Development Plan as market conditions change.

Commented [BC2]: Ask Krob Law if this is the appropriate term— the regulations contained in this section have been on the books since 1991. However, based on our review of the PUD zones NOTHING was ever vested and there is no plan that contains the required vesting language. Scotty- do we need to add specific vesting language here since the rest of the Code has not been drafted?

Commented [BC3]: PC wants 5 acres

-
- (4) Existing PDs shown on the Official Zoning Map. Planned Developments without a Planned Development Plan (PDP) or Final Development Plan (FDP) recorded at the El Paso County Clerk and Recorders Office are required to initiate a new planned development zoning application.
- (5) Where an expired PD was an approved annexation, the base zone shall be the Residential Agricultural district (RA-5), unless the board expressly agrees otherwise.
- (6) Upon approval of the PDP, the PD shall be given an ordinance number and its geographical area outlined on an overlay sheet constituting part of the Official Zoning Map of the town. This PD designation and ordinance number shall continue until the development schedule in the PDP expires as provided above or is extended or amended or completed. Upon completion of any PD project, the designation shall stand unless changed and all documents shall be kept on file for reference.
- (7) Land use and development within any PD approved pursuant to these regulations shall be controlled by the provisions of the approved PDP and FDP. Specific maps and a written document detailing negotiated items and other matters related to these approved plans shall be recorded with the El Paso County Clerk and Recorder and duplicate files of said plans and documents kept on file for ready reference in the administrative offices of the Town Clerk.
- (8) Subdivision Regulations. The provisions of these regulations concerning PD's are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in state statutes and the codes and regulations of the Town. The uniqueness of each PD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by the town, if the reasons for such exceptions are well documented. Modifications may be incorporated only with the approval of the Planning Commission and the Board of Trustees as a part of its review of the development agreement for a PD and shall conform to acceptable engineering, architectural, and planning principles and practices.³ It is the intent of this chapter that any subdivision review under the subdivision regulations be carried out either:⁴
- a. Subsequent to the approval of an PDP; or
 - b. Simultaneously with the review of an FDP under this section; or
 - c. Within the time frame specified in the development schedule included in the approved FDP and FDP.

³ One of the most challenging issues when dealing with old Planned Developments is that the negotiated infrastructure requirements or the requirements in place by the municipality are dated and do not work after 15- 20 years. Both the developer and Town need a process to amend the Development Agreement without starting all over again. These provisions allow this to happen.

⁴ You do not have to do a PD and subdivision simultaneously- procedures for concurrent review are found in Article 6 (to be drafted)

(9) Permitted Uses. No PD shall be approved by the Planning Commission or the Board of Trustees unless the PD is found to be in substantial conformance with the adopted Comprehensive Plan (aka Community Master Plan).

Commented [BC4]: Placed here or below???

(10) Results of failure to meet schedule or record a final development plan. Failure by the developer to meet submit a final development plan or miss scheduled dates shall result in one of the following:

Commented [BC5]: Scotty- this seems to confuse two items- failure to record an FDP and then failure to meet schedule?

a. Stop orders (court orders stopping construction) or a freeze on the issuance of new development permits.

b. Extension of due dates if the extension is justified by the developer.

c. Suspension of approved PD or Final development plan, pending its reinstatement upon meeting the obligations required for the past due date and its resubmittal to the planning commission and town board.

d. Reversion of the PUD zone back to the conventional base zoning.

(11) ~~17.72.160.~~ Development time frame and appeals. From start of construction, the maximum time allowed is one year after approval of the final development plan (FDP). If development has not commenced, a new FDP shall be required. One or more extensions may be allowed for good reason by the planning commission and the town board. Board of Trustees

(Code 1973, § 17.52.160; Ord. No. 1 1991, § 18, 1991)

(Code 1973, § 17.52.150; Ord. No. 1 1991, § 17, 1991)

(Code 1973, § 17.52.030; Ord. No. 1 1991, § 5, 1991)

(g) Conditions and Standards

(1) One or more of the following shall be achieved to approve a Planned Development:

- a. The encouragement of innovations in residential, commercial, and limited industrial development through greater variety in the type, design, and lay-out of buildings that the Town's existing zone districts cannot accommodate and by the conservation and more efficient use of open space ancillary to said buildings.
- b. A better distribution of induced traffic on the streets and highways.
- c. Conservation of the value of the land.
- d. Preservation of the site's natural characteristics.

(2) The PD shall be consistent with the intent of the Palmer Lake Community Master Plan including the Future Land Use Plan and goals and guiding objectives therein.

(3) The design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking, and loading spaces.

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- (4) The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the PD as well as the impact of the proposed development on Town services and facilities and on neighboring property that reasonably could be impacted by the proposed development. Capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the land proposed for development.
 - (5) While there may be no fixed dimensional requirements, the Planning Commission and Board of Trustees may require setbacks, lot widths, and space between buildings as necessary to provide adequate access and aid in fire protection, ensure proper ventilation, light, air, and snow melt between buildings, and to ensure that the PD is compatible with other developments in the area.
 - (6) Open space for the PD shall be planned to produce maximum usefulness to the residents of the development for purposes of recreation, preservation of scenic views and to maintain the rural character outlined in the adopted Community Master Plan. All areas designated as common or public open space pursuant to the requirements of this Chapter shall be accessible by proper physical and legal access ways.
 - (7) The development shall be designed with the necessary mix of commercial, recreational and educational institution facilities conveniently located adjacent to residential housing.
 - (8) All dimensional standards shall be established and documented on an approved written and graphic PD plan.
 - (9) The developer shall provide within the PD central water and sewer facilities as required by the Planning Commission, Board of Trustees, the Palmer Lake codified water requirements, the Palmer Lake Sanitation District, the State Department of Public Health, and the local health authorities.
 - (10) Clustered development is encouraged to promote maximum open space, economy of development and variety in the type, design and layout of buildings. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs.
 - (11) The PD shall provide pedestrian ways adequate in terms of safety, separation, convenience, and access to points of destination.
 - (12) The PD shall provide parking areas in conformance with the minimum site development standards of this Title in terms of the number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation, and screening.
 - (13) The PD shall strive for optimum preservation of the natural features on the site.
 - (14) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zoning districts in relation to the following characteristics of the proposed building:
 - a. Its geographic location.
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- b. The probable effect on surrounding slopes and terrain.
 - c. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity.
 - d. Potential problems for adjacent sites caused by shadows, loss of air circulation, or loss of view.
 - e. Influence on the general vicinity, with regard to vistas and open space.
 - f. Uses within the proposed building.
 - g. Fire protection needs.
- (15) No PD shall be approved unless the Board of Trustees, after Planning Commission review and recommendation, is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads drives and parking.
- (16) Maintenance Provisions. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after approval of the planned development, fail to maintain the common open space in reasonable order and condition, the applicable code enforcement procedures will be implemented.
- (h) Conformance with purpose, conditions, and standards. Requests for a PD shall be reviewed for conformance with the purpose, conditions, and standards set forth in this Code. The request for PD approval is a voluntary act by the applicant and does not require or imply any acceptance or approval by the Town. The proposed uses and densities may be deemed inappropriate after review by the Town, and alternative action may be required of the applicant.
- (i) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PD shall govern, except to the extent that the Planned Development Plan for residential, commercial, educational, recreational, or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space or other standards within the existing land use regulations, except those development standards that are not open to modification.
- (j) 17.72.040. Principal permitted uses. This district is intended to be used only when no district in this Code, and no combination of districts, can be used to approve a new development that provides substantial additional benefits to the Town that would not otherwise be required by this Code. The following combination of principal permitted uses are allowed in a planned ~~unit~~ development districts as long as the PD intent statement can be satisfied.
- (1) Mixed-use developments.
 - (2) Residential dwelling units in detached, attached, or multi-family structures or any combination thereof.

Commented [BC6]: This is in the intent statement but is critical- Scotty please review

(3) Nonresidential uses of a cultural, recreational, religious, nonprofit, or commercial character.

of subsections (1) and (2) of this section.

In determining the principal permitted uses, the planning commission and town board will review and consider those uses that are allowed under the current zone district of the tract or tracts of land being requested for rezoning to PUD.

(Code 1973, § 17.52.040; Ord. No. 1-1991, § 6, 1991)

(k) 17.72.050. Density.

The maximum density for any PUD residential development shall be 12 dwelling units per net acre (net of all publicly dedicated lands within the proposed development, e.g., street rights-of-way, parks, school sites, etc.) for attached dwelling units and eight dwelling units per net acre for detached dwelling units. Maximum permissible densities for each development proposal will be determined as part of the PUD plan approval for a PUD request. Densities will be determined in accordance with the following:

- (1) The density and/or intensity of the proposed development shall be based on the capacity of the land to support the PD as well as the impact of the development on Town services and facilities, and on neighboring property that will be impacted by the development. The capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the proposed development.
- (2) Comprehensive plan and approved zoning map. The density established on the approved comprehensive plan shall be considered the maximum allowed density unless the planning commission, based on the PUD plan or new evidence, finds that such density is not feasible or desirable.
- (3) For all PUDs for areas that are not currently included under the comprehensive plan, maximum allowed density will be established in accordance with the following criteria:
 - a. Land use (actual or planned) and character of the surrounding neighborhood and the impact of the proposed PUD on adjacent areas.
 - b. The ability of the existing municipal services and off-site streets, utilities, park and open space, and drainage systems (together with improvements proposed) to effectively handle the proposed PUD density.
 - c. The extent to which the proposed PUD contains unique or innovative design features or utilizes and incorporates special site conditions into its design in order to mitigate the impact of the proposed density on the site and adjacent areas.
 - d. The amount of on-site, usable open space and active recreation areas.
 - e. The density allowed under the current zoning of the tract or tracts being requested for rezoning will be considered in determining the density of the request.

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

Commented [BC7]: Should we change all existing references to 'Comprehensive Plan to Community Master Plan' ?

(l) ~~47.72.060~~. Open space requirements.

- (1) **Amount of open space required.** The total usable open space within a PUD development shall be at least 30 percent of the gross acreage of the development. No more than ~~25~~ 15 percent of the required percentage of usable open space shall be in the form of water surfaces, floodplains, drainage ways, or slopes over 15 percent grade, steep slopes or storm water detention areas. At least 25 percent of the usable open space shall be developed for active recreation which may include, but not be limited to: playing fields (tennis, volleyball, and basketball courts), playground areas, picnic sites; ~~boating areas;~~ or similar active recreation areas. ~~The requirement for active recreation areas is encouraged, but not required, in single family detached residential developments.~~ For the purpose of this section, usable open space shall not include land to be dedicated for parks or schools without the consent of the ~~town board~~ Board of Trustees.
- (2) **Usable open space defined.** Usable open space shall include common open space, or any portion of the development not occupied by buildings, structures, parking areas, driveways, streets, alleys, or service areas.
- (3) **Open Space Negotiations.** PDs are negotiated zone districts and open space dedication is one of the special benefits. The location, type and size of the required open space dedication shall be carried out to ensure the maximum benefit to the residents of the PD and to the general public.

Commented [BC8]: 25% means you could only have 5% useable open space! BUT the # don't make sense.
Steep slopes have been quantified.

Commented [BC9]: Do you want to allow storm water detention areas to count toward open space?

Commented [BC10]: Simply reworded, also the concept that private yards can be useable open space is contrary to the concept.

~~not developed or intended as public dedicated open space such as: schools or parks; or building pads; storage areas; streets; driveways; service areas; and parking areas.~~ Usable open space shall be devoted to landscaping, patios, courts, walkways, trails, recreational areas and facilities (including enclosed buildings), and preservation of natural features such as mature vegetation, steep slopes, rock outcroppings, etc. ~~For single family detached residential areas developed within the PUD zone district, private yards of individual lots, not covered by building pads and driveways, shall be considered usable open space for the purpose of satisfying the 30 percent usable open space requirement of the PUD district.~~

- (4) **Open space location and access.** Usable open space, as defined in this section, shall be so located as to provide for convenient use by residents. Insofar as reasonably practical, open space shall form an interconnected system with access to dwelling units.
- (5) **Open space maintenance.** Provision shall be made through covenants, homeowners' associations or other means acceptable to the board of trustees for the continuing maintenance of any common open space and private walkways not intended to be dedicated to the town.
- (6) **Homeowners' association.** When the board of trustees deems it appropriate, a nonprofit, incorporated homeowners' association, maintenance district, or other suitable mechanism shall be required for the purpose of improving and maintaining common facilities and amenities. In addition, the board may require approved protective covenants to run with the land. Prior to approval of the PUD development, agreements shall be provided which reflect suitable guarantees for the maintenance of common facilities and amenities.

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

(m) ~~47.72.070~~. Buffering, screening, clustered development, and setbacks.

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

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

Commented [BC11]: The adopted Master Plan states 100 to 300 ft.

17.72.080. Modification of subdivision regulations.

(n) Coordinate with other codes, regulations, and plans.

(1) Land use and development within any PD approved pursuant to these regulations shall be controlled by the provisions of the approved PD Plan (PDP) and the Final Development Plan (FDP). Specific maps and documents detailing negotiated items and other matters related to these approved plans shall be recorded with the El Paso County Clerk and Recorder and duplicate files of said plans and documents kept in the administrative offices of the Town Clerk.

(2) Subdivision regulations. When the situation so warrants, the following requirements of the subdivision regulations may be waived or modified after review and recommendation from the Town Engineer, followed by a review by the planning commission and approval of the board of trustees of the town based on the PDP or the FDP: right-of-way and driving surface widths, access and alleyways, location of utility easements or lines, lot and block design standards, and requirement for street lights and storm drainage treatment, off street parking requirements, signs requirements and building height limitations. The planning commission or board of trustees may find that such requirements are not necessary for the general health, safety and welfare of the citizens. If a waiver based on a PUD plan or final PUD development plan has been approved, approval of the same waiver is not required at time of platting. A waiver Modifications may be approved if the modifications would result in at least one of the following:

Commented [BC12]: The items that are crossed out are items of negotiation that can be outlined in the written PD Plan. Storm drainage is not subject to modification per the 2021 Stormwater Quality Control Ordinance.

1. Preservation of natural features.
2. Provision of a more livable environment.
3. Provision of a more efficient vehicle and pedestrian circulation system.
4. Provision of additional open space or active recreation area.
5. Provision of innovative drainage treatment or facilities.

(Code 1973, § 17.52.080; Ord. No. 1-1991, § 10, 1991)

(3) Building permits. No building permits shall be applied for or granted on any portion of property which is currently zoned PUD district until and unless the property is platted in accordance with the town subdivision ordinance as amended ~~or until~~ and unless a final

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(Supp. No. 3, Update 1)

PUD development plan in conformance with this chapter is reviewed by the planning commission and approved by the town board.

(Code 1973, § 17.52.120; Ord. No. 1-1991, § 14, 1991)

PD District

DRAFTING NOTE- SECTIONS 17.72.90 THROUGH X HAVE BEEN MOVED TO ARTICLE 6- PROCEDURES

17.72.090. Procedure and sketch plan.

17.72.100. PUD plan.

17.72.110. Final Development Plan

17.6.500- this assumes that this will be placed in Article 6

The application for a PD in the Town of Palmer Lake shall be subject to a three-faceted review process composed of the following:

- (a) Preapplication conference pursuant to Section 17-6-XXX.
- (b) A Planned Development Plan (PDP); and
- (c) A Final Development Plan (FDP).
 - (1) If the applicant seeks to develop the project in phases, the Planning Commission and Board of Trustees may, in their discretion, postpone the obligation of the applicant to fulfill any of the submission requirements set forth in this article for any delayed phase of the project.
 - (2) These regulations are intended to be applicable to large as well as small project sites. Applicants are encouraged to combine subdivision with the PD process where appropriate and after conferring with Town staff.

Commented [BC13]: Scotty- The entire code is being reorganized— We are wasting time and a thin budget by taking this piece by piece. I have included the code organization in the attached overview and response to the Planning Commission dated 9/13/24

17.6.510. General Preapplication Conference.

Prior to actual submission of the Planned Development Plan application, the applicant shall participate in a preapplication conference pursuant to Section 17-6-205.

17.6.520. Planned Development Plan.

- (a) The complete application packet in accordance with 17-6-205 shall be submitted with detailed information to provide adequate review by decision-making bodies and the general public. The completed application shall be known as the PD Planned Development Plan. In addition to the requirements in 17-6-205, the application shall include the following:
 - (1) A legal description of the total site.
 - (2) Proof of ownership of all lands included in the Planned Development Plan area.

PD District

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- (3) A description of the character of the proposed development, the goals and objectives of the project, an explanation of how the development incorporates innovative design, the rationale behind the assumptions and choices made by the applicant, and an explanation of the manner in which it has been planned to conform to the adopted Comprehensive Plan.
 - (4) Statements clearly outlining the proposed maximum (up to and including) limits or amounts of all design standards (Article III of this Chapter) to be included, or alternate development standards requested to be applied to the PD.
 - (5) A general description of the proposed open space for the development and an explanation of how said open space shall be integrated with surrounding developments, both existing and proposed.
 - (6) A development schedule for the Planned Development Plan and submission of subdivision applications.
 - (7) Quantitative data for the following:
 - a. Total number and type of dwelling units.
 - b. Approximate parcel size.
 - c. Proposed lot coverage ratios of buildings and structures.
 - d. Proposed gross and net residential, and non-residential densities.
 - e. Amount of required land dedication (parks, open space wetlands, trails, recreation sites, etc.).
 - f. Water and sewer demand for projected uses.
 - g. The proposed maximum height(s) of buildings, setbacks, and related dimensional standards within the PD.
 - (8) If residential units are proposed, a letter from the school district stating their ability to accommodate the projected number of students generated by the development.
 - (9) Graphic Documents. Supporting maps, plans, and drawings that portray the basic concepts proposed in the application. The documents shall include, at a minimum, the following information.
 - a. A vicinity map at a legible scale.
 - b. The existing site conditions including topographic contours and watercourses, floodplains (i.e., 100-year), wetlands, unique natural features, and vegetation cover.
 - c. Proposed subdivision boundary lines and site designs in specific or prototypical form. The general location of all existing buildings and improvements. Preliminary architectural standards, elevations, and planned construction materials of proposed buildings and structures.
 - d. General location and size in acres or square feet of areas to be conveyed, dedicated, or reserved as common and private open spaces, public open
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spaces or parks, recreational areas, school sites, and similar public and quasi-public uses.

- e. Existing and proposed circulation system of arterial and collector-type streets and major points of access to public rights-of-way for vehicle, pedestrian, and bicycle traffic. Notations of proposed ownership, public or private, shall be included. The locations of local streets may be required at the discretion of the Planning Commission.
- f. A generalized grading plan for streets requiring substantial cuts and fills.
- g. Description and lot layout showing how 17.68 Hillside Overlay District and Stormwater Quality Control requirements impact site development.
- h. The proposed concept and general off-site connection methods for utility service including sanitary sewers, storm sewers, water, electric, gas, cable, and telephone lines.
- i. Preliminary drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.
- j. A preliminary lighting plan indicating proposed on-site streetlight location, height, and fixture type.

Commented [BC14]: This will be moving to Article 3!!!

(10) Additional Information. The Planning Commission may require additional information from the applicant to evaluate the character and impact of the proposed PUD on the Town, including fiscal impacts over the period of the generalized development schedule.

(b) Approval Procedure.

- (1) Step 1: The completed application packet and supplementary submittal materials shall be filed with the Town Clerk at least 30 days in advance of the regular meeting date of the Planning Commission at which the Planned Development Plan will be heard.
- (2) Step 2: Within a reasonable time, the Town Administrator or designee shall review the application and determine it is complete or send notice to the applicant of deficiencies. The applicant shall address the deficiencies and provide missing or updated information to the Town Administrator.
- (3) Step 3: Upon determination that the application is complete, the Town Administrator or designee shall refer the application to appropriate review agencies in accordance with 17-6-210.
- (4) Step 4: The Planning Commission shall hold a public hearing on the FDP in accordance with 17.6.220 and 17.6.230
- (5) Step 5: The Planning Commission shall either recommend approval, approve with conditions, disapproval, or continue the hearing for 30 days. Consent of the applicant(s) is required for any continuance beyond 30 days. Lack of consent to

Commented [BC15]: We are roughing out these chapters as we move forward- but only at the organizational level

continue or failure to reach agreement on negotiated items shall be deemed a recommendation of denial.

- (6) Step 6: A Public Hearing before Board of Trustees shall be scheduled pursuant to Section 17.6.220 and 17.6.230 of this Article.
- (7) Step 7: If the application is approved as presented, conditionally approved, or denied, the Board of Trustees shall, by resolution, either approve the necessary PUD designation, or disapprove said application. If approved, the PDP documents shall be recorded with the El Paso County Clerk and Recorder.
- (8) Step 8: Within one year following the approval of the Planned Development Plan, the applicant shall file an application packet for a Final Development Plan (FDP). For phased developments, an FDP must be filed for the first phase within six (6) months of approval of the PDP.
- (9) Step 9: If the applicant fails to apply for an FDP or the extensions of deadlines described above, then the Board of Trustees in its sole discretion may terminate the PDP. Subsequent action by the developer or their assignees to revive the MDP after it has been allowed to expire will require a new application and subsequent review and public hearings pursuant to 17.6.200. 205. 210. 220 and 230 of this Article.
- (10) Step 10: Minor Amendment to the Planned Development Plan. Minor changes of not more than 10% in development standards shall be processed by the Town Administrator and Development Review Team. Any minor amendments beyond 10% but still considered minor by the Town Administrator shall be subject to review and consideration by the Planning Commission. Upon consideration of said changes, the Planning Commission shall take formal action in writing, either approving or disapproving the changes. This section shall serve as the mechanism for reviewing and approving changes and a substitute for the variance procedures provided elsewhere in these zoning regulations.
- (11) Step 11: Major amendments to the Master Development Plan include without limitation:
 - a. A change in land use or development concept;
 - b. An increase in density or building coverage;
 - c. An increase in the maximum allowed height of structures;
 - d. A realignment of major circulation patterns or a change in functional classification of the street network;
 - e. A reduction in approved open space or common amenities;
 - f. A reduction of off-street parking.

Commented [BC16]: 1 year or 6 months?

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- (12) Step 12: Major amendments to the PDP must be approved by the Board of Trustees. An application to amend the PDP shall be submitted for consideration and review according to the process outlined above.

17.6.530. - Final Development Plan ("FDP").

- (a) The FDP application is intended to specify design components of the PD or portions thereof and provide for the review of additional items not required by the Final Development Plan. An FDP application may be made for all or a portion of the entire PD district as previously approved at the Planned Development Plan stage. All FDP's must include building locations and footprint dimensions and the location of the required open space dedication. In any PD, an approved FDP for all or portions of the district must be subdivided before any building permits are issued for the construction of buildings and structures. The completed application shall be known as the FDP.
- (b) Submission Requirements. The FDP shall include all of the information required in the Planned Development Plan in its finalized, detailed form plus any additional items included below. Omissions are cause to continue or deny the application.
- (c) Written Documents. The applicant shall submit a written statement which shall include the following additional information:
- (1) A final development schedule indicating the approximate date(s) when construction of the PUD or phases of said development can be expected to begin and to be completed.
 - (2) A description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; the total amount of open space (including a separate figure for the usable amount of open space); a statement explaining the anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated public open space.
 - (3) Copies of proposed development standards, final covenants, declarations, architectural design standards, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, buildings, and other structures within the development.
 - (4) Final environmental studies of the proposed site(s) prepared and attested to by qualified professionals in the fields of soil quality, slope, topography, geology, water rights and availability, groundwater conditions, and impact on wildlife.
 - (5) Any required dedication, documentation and/or improvement agreements and bonds plus a title insurance commitment dated not older than 30 days prior to application.
 - (6) Any new items not submitted with the Planned Development Plan.
 - (7) Quantitative data for the following: final number of dwelling units, total amount of non-residential square footage by use type, densities, calculations for previously
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PD District

agreed upon design and development standards, and footprint sizes of all proposed buildings.

- (8) A statement that integrates pertinent elements of any pre-annexation and development agreements and contracts negotiated with the Town.
- (9) Final traffic impact study.
- (10) Final utility and water plans.

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

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

(e) Approval Procedure.

- (1) Applications for a Final Development Plan shall be submitted in accordance with Section 17.6.205. The FDP must be in conformance with the Planned Development Plan as approved or amended.
- (2) The completed application packet and supplementary submittal materials shall be filed with the Town Administrator at least 30 days in advance of the regular meeting date of the Planning Commission at which the Final Development Plan will be heard.

PD District

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- (3) Within a reasonable time, the Town Administrator or designee shall review the application and determine it is complete or send notice to the applicant of deficiencies. The applicant shall address the deficiencies and provide missing or updated information to the Town Administrator.
- (4) Upon determination that the application is complete, the Town Administrator shall refer the application to appropriate reviewing agencies in accordance with 17.6.210.
- (5) The Planning Commission shall hold a public hearing on the FDP in accordance with 17.6.220 and 17.6.230.
- (6) The Planning Commission shall either recommend approval, approval with conditions, disapproval, or continue the hearing for 30 days. Consent of the applicant(s) is required for any continuance beyond 30 days. Lack of consent to continue or failure to reach agreement on negotiated items shall be deemed a recommendation of denial.
- (7) A Public Hearing before the Board of Trustees shall be scheduled pursuant to 17.6.220 and 230 of this Article. The Board of Trustees may approve, approve with conditions by resolution, or deny the application. If approved, the applicant shall provide two (2) signed mylars of graphic documents, and two (2) 24"x26" paper copies with original signatures.
- (f) No building permits shall be issued on land within the PD until an FDP for that land has been approved by the Planning Commission and Board of Trustees.
- (g) Amendments to the Final Development Plan. Minor changes of 10% or less in the location, siting, and height of buildings and structures may be authorized by the Town Administrator or designee.
- (h) Approval for Amendments to the Final Development Plan. The following changes will require review and approval by the Planning Commission and Board of Trustees at a duly noticed public hearing:
- (1) A change in the use or character of the development.
 - (2) An increase in the overall land coverage of structures.
 - (3) An increase in the intensity and density of use.
 - (4) A reduction in approved open space.
 - (5) A reduction of off-street parking and loading spaces.
 - (6) A reduction in required pavement widths.
 - (7) An increase in height over what was originally approved.
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- (8) All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces may be made by the Board of Trustees after a report is prepared by the Town Administrator or designee, and upon recommendation by the Planning Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the FDP was approved or by changes in the Planned Development Plan.
- (9) Any changes which are approved for the FDP must be recorded as amendments in accordance with the procedure established for the recording of the initial FDP documents with the exception that prior to making its recommendation to the Board of Trustees, the Planning Commission shall hold at least one public hearing with published notice of the general description of said hearing in the official publication of the Town at least 15 days in advance of the hearing.
- (i) Review of Development Schedule. Each approved FDP must contain a detailed development schedule of public and private improvements. Town staff shall monitor the development schedule. Failure of the developer to substantially adhere to the approved schedule shall be cause for an FDP special review by the Planning Commission. Special review shall be conducted as a result of one or more of the following:
- (1) Failure to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within 18 months of the scheduled starting date or extensions thereto.
 - (2) Inactivity or documented lack of progress on any stage of the project for more than two years from the last completed benchmark in the approved development schedule, as determined by either the staff or Planning Commission.
- (j) FDP Special Review process. The FDP special review by the Planning Commission shall determine if the original assumptions and plans of the PD are still appropriate. During the review, the developer may request that the development schedule be formally amended. If no amendment is granted, the Planning Commission shall forward a recommendation to the Board of Trustees that the FDP be declared null and void, in whole or in part.
- (k) Request for extensions to the starting dates by the developer. The Planning Commission may extend, for not more than two periods of 12 months each, the time for beginning the project.
- (l) The Board of Trustees shall hold a public hearing to amend or void the FDP. Said hearing shall be conducted in conformance 17.6.220 and 230 of this Article.

17.6.540. Periodic Reviews of All Planned Development Districts.

The Planning Commission will conduct a review of each project on a biennial schedule commencing on or about the anniversary date of the FDP approval. No fees will be charged to the owner of record for these reviews. The owner of record of PD projects may be asked by

PD District

the Planning Commission or staff to appear at this review and make a progress report. The Planning Commission will decide and so note in the minutes as to whether adequate or no progress has been made by the owner of record.

17.6.550 Common Improvements and Common Open Space

(a) The FDP shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, open space, and other facilities provided by the FDP. No such instrument shall be accepted until approved by the Town attorney as to legal form and effect, and by the Board of Trustees. Such documentation shall conform to Section 24-67-105(6), C.R.S.

(b) The common open space and other facilities provided may be conveyed to a public agency or private association. If the common improvements, open space, or recreational facilities are conveyed to a private association, the developer shall file, as a part of the aforementioned instruments, a declaration of covenants and restrictions, bylaws, and articles of incorporation that will govern the association.

17. 6.560. - Other Provisions and Standards.

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