



PLANNING COMMISSION

Wednesday, November 20, 2024 at 5:00 PM

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

LIVE STREAM available on Town website

AGENDA – REV 11/18

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 October 16, 2025 Meeting

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

- [2.](#) Application for Minor Resubdivision/Replat - Largo Terrace (201 Poco Ave, Beltran)
- [3.](#) Application for Master Plan Resubdivision of Lakeview Heights Units 3, 4 and Portion of Unit 2

Business Items

- [4.](#) Recommendation on Resubdivision/Replat of Largo Terrace
- [5.](#) Recommendation on Lakeview Heights Master Plan Submittal
- [6.](#) Distribute Article 2 Final Version

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 and Future Items -

Workshop 12/2 to review preliminary pedestrian walkway design (GMS)

Possible virtual workshop with CMI (code revisions)

Potluck dinner

Adjourn

Americans with Disabilities Act

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

Notice

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



PLANNING COMMISSION MEETING

Wednesday, October 16, 2024 at 5:00 PM

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

MINUTES

Call to Order. Vice Chair Fisher called the meeting to order at 5:07 pm.

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

Approval of Minutes

1. Minutes from September 18, 2024 Meeting. MOTION (Bruce, Zapalac) to approve the minutes. Motion passed 5-0.

Business Items

Vice Chair Fisher addressed items 3 and 4 while waiting for the arrival of Med Spa owner to arrive.

3. CMI Response to Article 2, Zone Districts
4. Review of Revised Land Use/Dimensional Table

Discussion ensued about various questions about the use table. Fisher suggested that both items be reviewed in the workshop following the meeting. Commissioner Miner raised a few questions, and it was agreed to refer the items to the workshop.

Public Comment

Mr. Matt Stephens expressed appreciation to members for reviewing the zoning and land use code. He commented on his concern about medical facilities in zoning and also cautioned members to the legislation about defining ADUs in the code.

2. Sign Review for Med Spa. Ms Trina Shook reviewed the sign design of hammered metal to be placed five feet back from the current mailbox post. Discussion took place about the signposts and desired landscaping around the sign. Ms Shook stated once the sign is installed, she will remove the existing sign from the mailbox post. MOTION (Caves, Zapalac) to approve the sign as presented. Motion passed 5-0.

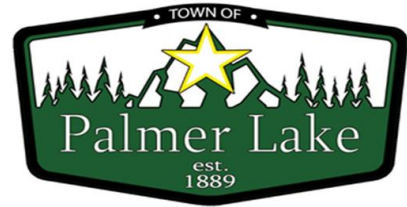
Next Meeting (November 20) and Future Items

Discussion took place about future items and prioritizing the order of addressing land use code. Collins referred to the critical issues previously identified to review and rewrite and noted that grant funds are nearing an end. It was requested to revisit prioritizing the land use issues with CMI.

Commissioner Caves suggested that members track the issues they learn about in the sign code to clarify in the future.

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

Minutes by: Dawn A. Collins, Town Clerk



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

DATE: November 2024	ITEM NO.	SUBJECT: Application for Replat/Resubdivision for Largo Terrace (Poco Ave)
Presented by: Town Administrator /Clerk		

Background

Enclosed is replat/resubdivision for Largo Terrace, real property owned at Poco Ave. Overall, the replat reduces the density for the area.

Staff had requested an exhibit separate from the replat to evidence that the replatted lines will not create further non-complying lots pursuant to zoning code. Due to circumstances, the applicant is requesting the hearing be continued to complete this exhibit.

Recommended Action

Continue the hearing, as requested, until January to hear and consider a recommendation to the Board of Trustees.

Dawn Collins

From: F9Fan <cpuser2003@yahoo.com>
Sent: Thursday, November 14, 2024 8:22 AM
To: Dawn Collins
Subject: RE: Exhibit for Replat/Resubdivision

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

Good Morning Dawn,

I was hoping to have this done, but unfortunately we're not able to get the structure plan prepared in time due to last weeks snow storm.

Would you be able to move our planning commission hearing to a later date?

With the holidays around the corner I'll understand if its not until after Christmas, but I'd feel better knowing it's not rushed.

Thanks again for your support and assistance, Tony

Yahoo Mail: Search, Organize, Conquer

On Wed, Nov 13, 2024 at 6:15 PM, Dawn Collins
<dawn@palmer-lake.org> wrote:

Were there any questions and can we expect an exhibit to include?

Dawn Collins

Town of Palmer Lake

From: Dawn Collins
Sent: Monday, November 11, 2024 1:12 PM
To: Garry Rohleder <garry@prismdgc.com>; Brian Johnson <brian@prismdgc.com>; F9Fan <cpuser2003@yahoo.com>
Cc: Mark A Morton <mamorton@gmsengr.com>
Subject: Exhibit for Replat/Resubdivision

Hello,

Thanks again for your time reviewing this matter prior to the Nov-20 Planning Commission meeting.

Mr. Mark Morton, GMS engineering, and I spoke with Attorney Krob about the question of requesting an exhibit - separate from the replat exhibit - to provide evidence that the replat will not create further non-complying lots.

Attorney Krob agreed that an exhibit is in order for the application submittal, such that the replat lot lines meet the zoning requirements.

Please consider submitting an exhibit that shows the existing structures, zoning setbacks, with the replatted lot lines. This replat has no bearing on current/existing property lines, which if non-complying will remain non-complying. Staff has a duty to confirm that lots are not further non-conforming to zoning regulations.

The deadline for the Planning Commission packet is Fri., Nov 15. Please provide your response and additional exhibit by Fri., to complete the meeting packets. Let me know how I can assist, thank you,

Dawn A. Collins, CMC

Town Administrator/Clerk



Town of Palmer Lake

42 Valley Crescent

PO Box 208

Palmer Lake CO 80133

719.481.2953

dawn@palmer-lake.org

NOTICE OF PUBLIC HEARING

TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on Wednesday, November 20, 2024, at 5 PM at the Town Hall at 28 Valley Crescent, Palmer Lake, to consider an application for minor resubdivision/replat of Blocks 38 and 39 and vacated portion of Largo Ave., of Glen Park, Palmer Lake. A recommendation will be made to the Board of Trustees on the same matter scheduled to be heard on Thursday, December 12 at 6 PM. A copy of the complete application is on file at the Town Clerk office, at 719-481-2953. /s/ Dawn A. Collins, Town Clerk



TOWN OFFICE USE ONLY

Date Received: 9-3-2024By: LGFee: \$ 1,000.00Pmt Type: check #102

Property #: _____

LAND USE REGULATIONS/DEVELOPMENT APPLICATION

TYPE OF SUBMITTAL (CHECK ALL THAT APPLY)	
☐ Certificate of zoning compliance (17.12.060)	☒ Minor Subdivision (Attach Minor Subdivision Application - 16.36.020)
☐ Annexation (CRS 31-12-101 et seq.)	☐ Resubdivision (Attach Subdivision Application- 16.64.010)
☐ Zoning Change (Ordinance required-Attach Rezoning or Map/Text amendment Application)	☐ Conditional Use Permit (Attach application-17.100.010)
☐ Planned Unit Development (Attach PUD Plan 17.72.100 or PUD Final Development Plan Application 17.72.110)	☐ Variance from Zoning Regulations (Attach Variance Application- 17.64.160)
☐ Site Plan Review (Attach Site Plan Application-17.12.070)	☐ Sign Permit (Attach Sign Application-17.76.040)
☐ Subdivision Master Plan (16.16.010)	☐ Grading and Erosion Control Plan (Attach application-17.68.080)
☐ Major Subdivision Preliminary Plat (Attach Major Subdivision Application- 16.20.010)	☐ Hillside Overlay District (Attach application-17.68.110)
☐ Major Subdivision Final Plat (Attach Major Subdivision Application-16.028.010)	☐ Floodplain Development Permit (Attach application-17.64.130)

Please submit the following with this application:

☒ Attach Vicinity Map☐ Attach County Assessor Parcel Information showing property & lot lines (<https://assessor.elpasoco.com>)Property Address: 201 POCO AVEApplicant Name: Joseph BELTRAN Phone: 719-201-9301Email: CPUSER2003@YAHOO.COMMailing Address: PO BOX 758 PALMER LAKECity: PALMER LAKE State: CO Zip: 80133

Owner(s) of Record Name (if different from above): _____

Email: _____

Mailing Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

APPLICANT SIGNATURE - I certify the information & exhibits I submitted are true & correct to the best of my knowledge. In filing this form, I am acting with the knowledge & consent of the property owners. I understand that all materials & fees required by the Town must be submitted prior to having this application processed. Form may be signed electronically by typing your name in the Signature field or manually printing & signing.

OWNER CERTIFICATION - I certify that I am the lawful owner of the parcel(s) of land or mineral interests which this application concerns and consent to this action.

Joseph Beltran 09-02-24
Applicant Signature Date

Joseph Beltran 09-02-24
Owner Signature Date

RE: 201 Poco.Ave. Replat Application

Dear Board Members,

I would like to replat my property locate at 201 Poco ave. from one to three sections in accordance with our towns ordinances and procedures.

A thorough and complete survey of the property was completed August 16th, 2024 by WLR Services Garry Rohleder. (303-243-1309).

If there are additional items or concerns to be addressed in the interim, please feel free to contact myself or Garry Rohleder.

Thank you for your consideration.

Truly yours,  08-29-2024
Joseph Beltran
(719)-201-9301

LAND DETAILS

SEQUENCE NUMBER	LAND USE	ASSESSMENT RATE	AREA	MARKET VALUE
1	SINGLE FAMILY RESIDENTIAL	6.700	2.02 Acres	\$185,000

BUILDINGS DETAILS

^ RANCH 1 STORY (1)				Market Value \$363,561
Assessment Rate	6.700	Above Grade Area	1,836	
Bldg #	1	First Floor Area	1,836	
Style Description	RANCH 1 STORY	Above First Floor Area	0	
Property Description	SINGLE FAMILY RESIDENTIAL	Lower Level Living Area	0	
Year Built	1995	Total Basement Area	1,836	
Dwelling Units	1	Finished Basement Area		
Number of Rooms	6	Garage Description	Attached	
Number of Bedrooms	3	Garage Area	699	
Number of Baths	2.00	Carport Area	-	

v RANCH 1 STORY (2)				Market Value \$209,366
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SALES HISTORY

	SALE DATE	SALE PRICE	SALE TYPE	RECEPTION
+	06/03/2019	\$0	-	219060271

TAX ENTITY AND LEVY INFORMATION

TAXING ENTITY	LEVY	CONTACT NAME/ORGANIZATION	CONTACT PHONE
EL PASO COUNTY	6.862	FINANCIAL SERVICES	(719)520-6400
EPC ROAD & BRIDGE SHARE	0.165	-	(719)520-6498
TOWN OF PALMER LAKE	21.238	DAWN A COLLINS	(719)481-2953
EPC-PALMER LAKE ROAD & BRIDGE SHARE	0.165	-	(719)520-6498
LEWIS-PALMER SCHOOL DISTRICT #38	37.500	BRETT RIDGWAY	(719)488-4705
PIKES PEAK LIBRARY DISTRICT	3.061	RANDALL A GREEN	(719)531-6333
PALMER LAKE SANITATION DISTRICT	0.000	BECKY ORCUTT	(719)481-2732

MAP SHEET

[Click to view Map Sheet 1](#)

Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.



OVERVIEW

Owner:	BELTRAN JOSEPH A
Mailing Address:	PO BOX 758 PALMER LAKE CO, 80133-0758
Location:	201 POCO AVE
Tax Status:	Taxable
Zoning:	.
Plat No:	R00391
Legal Description:	LOTS 1-16 INC BLK 39 GLEN PARK TOG W/ LOTS 1-6 NC BLK 38 GLEN PARK TOG W/ VAC LARGO AVE BY ORD NO 10-2017 AT REC# 219060271

MARKET & ASSESSMENT DETAILS ?

	Market Value	Assessed Value
Land	\$185,000	\$12,400
Improvement	\$572,927	\$38,390
Total	\$757,927	\$50,790



Minor Subdivision Checklist

form date: May 29, 2024

Notes:

- Town staff will strive to review the submitted application for completeness within ten (10) days of receipt. Once an application is deemed complete, required payment of fees are received, and cost reimbursement agreement is signed, the application will be forwarded to appropriate staff and referral agencies.
- Land use applications fees can be found on the Town website - see adopted Master Fee Schedule.
- For submittal and drawing items listed below, see code section 16.20.110(a) for more information.
- On this checklist, check off items included in the application and shown on the drawings.

SUBMITTAL REQUIREMENTS	
☐	Number of paper copies to be determined
☐	Digital copy (PDF) of all submittal items
☐	Land Use application form, completed & signed
☐	This checklist – check off all items submitted and drawing requirements that have been met
☐	Application fee
☐	Cost reimbursement agreement
☐	30-day requirement signed waiver
☐	Title commitment
☐	Mineral rights affidavit
☐	Minor subdivision plat (see Drawing Requirements below)
☐	Site development plan
☐	Project narrative

DRAWING REQUIREMENTS	
☐	24" x 36" sheet, unless other size is approved
☐	Title of project
☐	North arrow
☐	Written & graphic scale
☐	Vicinity map
☐	Date of preparation
☐	Name of person or firm that prepared drawing
☐	Legal description of the entire subdivision
☐	Basis of established bearing
☐	Closure calculations
☐	Name/business name/address/phone/email:
☐	- Owner(s)
☐	- Applicant (if not the owner)

DRAWING REQUIREMENTS (continued)	
☐	- Designer(s)
☐	- Engineer(s)
☐	- Surveyor(s)
☐	Bearings, distances, and curve information for the perimeter and all lots, blocks, ROW's, and easements
☐	Excepted parcels note
☐	Lot and block numbers
☐	Existing and proposed ROW
☐	Existing and proposed street names
☐	Existing and proposed easements
☐	Location and description of monuments
☐	Floodplain boundary
☐	Signature and certification blocks for:
☐	- Registered land surveyor
☐	- Owners and mortgagees
☐	- PC, BOT, Town Clerk, County Clerk & Recorder
☐	- Utility providers
☐	- Ownership and dedications

REVIEW PROCESS

The following is a general description of the steps involved in processing your Minor Subdivision with an estimate of the time required. NOTE: PC means Planning Commission, BOT means Board of Trustees.

Step 1: Pre-application conference	Applicant may request conference before submitting the application.
Step 2: Submit application	Applicant submits a complete application.
Step 3: Certification of completeness	Staff reviews the application and either certifies that it meets submittal requirements, or notifies the Applicant of what deficiencies that need to be corrected before the application is accepted.
Step 4: Referral of application	If accepted, Staff refers the application to other staff and parties of interest.
Step 5: Staff review	Staff reviews the application and sends comments to the applicant.
Step 6: Applicant responds to comments	Applicant addresses comments and submits revised documents.
Step 7: Staff review and report	Staff reviews revisions, prepares staff report, and sets PC hearing date.
Step 8: Public notice 15 days before PC hearing	By certified mail, Applicant provides notice to property owners within 300 feet. Staff posts sign and submits notice to the newspaper.
Step 9: PC public hearing and recommendation	Staff provides all information to PC at least 1 week prior to hearing. On 3rd Wednesday of the month , PC holds hearing and makes a recommendation. APPLICANT MUST BE PRESENT FOR THE HEARING.
Step 10: Applicant addresses PC recommendations	Applicant revises documents and resubmits to the Town Clerk.
Step 11: Final Staff review	Staff reviews revised submittal and prepares staff report.

Step 12: BOT public hearing and action	BOT makes a decision or continues to a specific date. APPLICANT MUST BE PRESENT AT HEARING.
Step 13: Prior to recording	Applicant submits required documents prior to recording
Step 14: Plat recording	Applicant submits signed mylar of plat to Town Clerk. After Town signs mylar, Applicant submits document(s) to County Clerk and Recorder. Within 14 days of recording, Applicant must submit to Town Clerk copy of recorded documents.

CRITERIA FOR APPROVAL SUMMARY

A minor subdivision has the same criteria for approval as a final plat. For the full text of the criteria, see code section 16.20.100(c).

Final plat conforms to preliminary plat and conditions.
Substantially complies with Title 17 standards.
All technical standards have been met.

Application received date: 9/3/2024

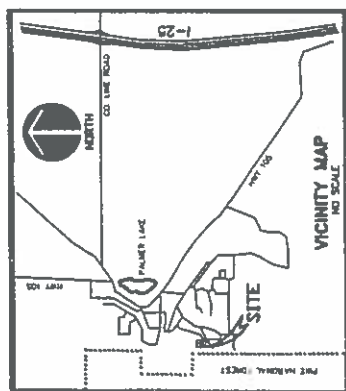
Accepted as complete date: 9/18/2024

PC hearing date: 11/20

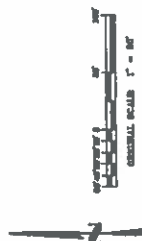
BOT hearing: 12/12

Recording date: _____

BEING A REPLAT OF BLOCKS 38 and 39 and A VACATED PORTION OF LARGO AVENUE;
OF GLEN PARK, LYING IN THE NW $\frac{1}{4}$ of SECTION 8, T. 11 S., R. 67 W. of the
6th PRINCIPAL MERIDIAN, TOWN OF PALMER LAKE;
COUNTY OF EL PASO, STATE OF COLORADO
AREA = 2.130 Acres±

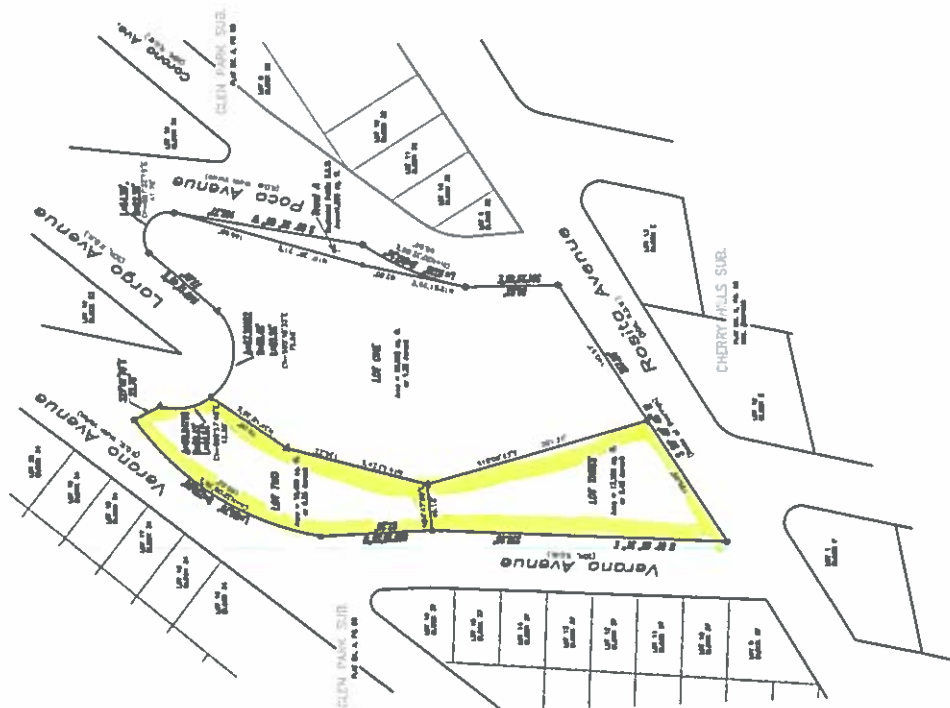


NOTES:



063410

SECTION LINE	PLAYED BOUNDARY LINE	107' (36") LINES	PAVED	CENTRAL ALLEYS	CONCRETE WALKWAY, UTILITY



CERTIFICATE OF OWNERSHIP AND DEDICATION:

[illegible][illegible]

PLANNING COMMISSION APPROVAL CERTIFICATE

THIS MAJOR SUBVERSION PLAN WAS RECOMMENDED FOR APPROVAL BY THE TOWN OF PALMER LANE
PLANNING COMMISSION ON _____ DAY OF _____ 20____
APPROVED BY: _____ DATE: _____

BOARD OF TRUSTEES APPROVAL CERTIFICATE

THE ABOVE INFORMATION IS APPROVED BY THE CHIEF OF POLICE, BOARD OF TRUSTEES, CITY OF CHICAGO, AND IS FOR THE RECORD WITH THE CLERK AND RECORDS, AND FOR THE RECORD OF THE BOARD OF TRUSTEES, CITY OF CHICAGO.

ATTEST BY: _____ DATE: _____

SURVEYOR CERTIFICATE

MASTERSHIP CERTIFICATE: THIS IS AN INDISPENSIBLE CHANGE OF THE SURVEY WORK USED IN THE PROMOTION OF THE PLAT. THE POSITIONS OF THE PLATTED POINTS BEING LOCATED HAVE AN ACCURACY OF NOT LESS THAN ONE (1) FOOT IN ANY HORIZONTAL DIRECTION. THIS CERTIFICATE IS VALID FOR ALL SUBSEQUENT RE-SURVEYS AND ALL SUBSEQUENT RE-LOCATIONS OF THE PLATTED POINTS. THIS CERTIFICATE IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY WORK, BUT A GUARANTEE OF THE ACCURACY OF THE PLATTED POINTS. THIS CERTIFICATE IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY WORK, BUT A GUARANTEE OF THE ACCURACY OF THE PLATTED POINTS.

CLERK and RECORDER CERTIFICATE

COUNTY OF CL. HEND. DAY OF _____ 20____ AT
 CITY OF COLUMBIA MISSOURI RECEIVED AT RECEIPTION NUMBER _____
 HENRY CLAY COUNTY CLERK

WLR

PREPARED BY
WLR SERVICES
1309 COUNTY RD. #4
CLARK COUNTY COLO 80601
Phone : (303) 948-4288

DATE: 11/21/2024 15:00 TIME: 14:00

MEMO

Date: September 10, 2024 DRAFT

To: Dawn Collins, Town Administrator and Town Clerk, Town of Palmer Lake

CC: Scott Krob, Krob Law, Town Attorney
Mark Morton, PE, GMS Inc., Consulting Engineers for the Town of Palmer Lake

From: Mike Davenport, AIA, AICP, Community Matters Institute
Barb Cole, Executive Director, Community Matters Institute

RE: Poco Replat – Completeness Review

SUMMARY

This memo is a completeness review of the application for approval of the proposed Largo Terrace minor subdivision replat. Joseph Beltran is the owner and applicant, and the property address is 201 Poco Avenue. The Applicant proposes dividing the existing parcel into three lots and dedicating a narrow tract of land to public right-of-way. See “Findings” at the end of this memo for additional information that is needed before the application goes to the next step in the review process.

REVIEW PROCESS

Most resubdivisions are classified as either a minor subdivision or a major subdivision. A proposed subdivision meeting the criteria in Municipal Code section 16.20.040(a) is a minor subdivision. Briefly, a minor subdivision is subject to a Planning Commission public hearing and recommendation and then a Board of Trustees public hearing and decision. A fuller description of the minor subdivision process is listed in section 16.20.110(a).

PROJECT INFORMATION

Project information:

Address:	201 Poco Avenue
Legal description:	Block 38, Block 39, and a vacated portion of Largo Avenue
Bounded by:	East – Poco Avenue North – Largo Avenue West – Verano Avenue South – Rosita Avenue
Property size:	2.130 acres±
Owner:	Joseph Beltran
Consultant:	Gary Rohleder (303-243-1309) of WLR Services, Surveyor (303-648-9755)
Proposed lots :	Lot 1 – 1.33 acres

	Lot 2 – 0.36 acres
	Lot 3 – 0.40 acres
	Tract A to be dedicated as right-of-way – 1,950 square feet (SF)
Existing zoning:	R-3 (Medium Density Residential Zone) on the Town’s zoning map
Proposed zoning:	No change proposed in the application
Surrounding zoning:	R-3 on all sides
Existing land use:	Single family residential
Proposed land use:	No change of use is proposed in the application

COMPLETENESS REVIEW – PART 1: ITEMS TO BE SUBMITTED

Listed below are the submittal requirements and items that were received. See section 16.20.110(a)(2) for the list of requirements.

- Land Use Application Form, completed and signed – received
- Application Fee – received (per application form)
- Cost Reimbursement – It is our understanding this is not being required
- Title Commitment – not received
- Mineral Rights Affidavit – not received
- Minor Subdivision Plat – received
- Site development plan – not received

COMPLETENESS REVIEW – PART 2: INFORMATION TO BE PROVIDED ON THE DRAWING(S)

Listed below are the submittal requirements. See section 16.20.110(a)(2) for the list of requirements.

- 24"x36" sheet, unless other size approved – OK
- Title of project – OK
- North arrow - OK
- Written and graphic scale - OK
- Vicinity map - OK
- Date of preparation - OK
- Name of person or firm preparing the drawing - OK
- Legal description of the entire subdivision - OK
- Basis of established bearing - OK
- Closure calculation(s) – may not be needed, the closure calculations are usually a separate document and not on the plat, up to the Town’s engineering consultant if required
- Owner information - OK
- Applicant information – OK, same as owner
- Surveyor information – OK, please provide the email address if there is one
- Bearings, distances, and curve information – OK

- Excepted parcel(s) note – not applicable
- Lot and block numbers - OK
- Existing and proposed right-of-way - OK
- Existing and proposed street names - OK
- Existing and proposed easements – none shown
- Location and description of monuments - OK
- Floodplain boundary – not in a floodplain, see Note 4, OK
- Signature and certification blocks for:
 - Registered land surveyor - OK
 - Owners and mortgagees – owner, OK, not known if there are mortgagees
 - Planning Commission - OK
 - Board of Trustees (Mayor) - OK
 - County Clerk and Recorder - OK
 - Ownership and dedications – OK

FINDINGS

The application is complete, except for the following additional information that is needed before the application proceeds to technical review.

1. Proof of ownership. This may be an attorney's opinion, a title commitment no more than 30 days old, or an older title commitment with an update letter no more than 30 days old. The title information would also answer whether there are mortgagees that would need to sign the plat.

2. Mineral rights affidavit.

3. Site development plan. A site development plan is similar to a preliminary plat. This is needed to determine if the proposed lots can meet the minimum requirements of the Town's zoning and subdivision regulations.

4. Closure calculations. The Town's consulting engineer needs to determine if closure calculations are required for the proposed subdivision and proposed right-of-way dedication.

/mjd

AFFIDAVIT

I, JOSEPH A. BELTRAN, 201 POCO AVE. PALMER LAKE, FORMALLY ATTEST TO MEETING WITH EL PASO COUNTY COLORADO COMMISSIONER, RICK VAN DYKE. ON THURSDAY, SEPTEMBER 12TH, 2024.

MR. AVN DYKE STATED THERE ARE 'NO SEVERED MINERAL RIGHTS ASSOCIATED WITH MY PROPERTY" AT 201 POCO AVE, PALMER LAKE.

SIGNED

A handwritten signature in blue ink that reads "Joseph Beltran". The signature is fluid and cursive, with a long horizontal stroke at the end.

JOSEPH BELTRAN SEPTEMBER 14TH, 2024

SITE PLAN 201 POCO AVE.

IT HAS BEEN DETERMINED THERE IS NO REZONE FOR 2012 POCO. AVE., AND THEREFORE NO SITE PLAN IS REQUIRED OTHER THAN STATING:

"THE APPLICATION FOR A SIMPLE REPLAT OF 201 POCO AVE. INTO THREE SECTIONS IS FOR THE PURPOSE OF PROPERTY INTEGRITY."

SIGNED SEPTEMBER 14TH, 2024



JOSEPH A. BELTRAN

Perimeter Boundary of Largo Terrace Replat

Point of Beginning : North: 1470290.4053' East: 3166478.6797'

Segment #1 : Line

Course: S01° 29' 47.54"E Length: 80.830'
 North: 1470209.6029' East: 3166480.7907'

Segment #2 : Line

Course: S56° 49' 45.50"W Length: 267.057'
 North: 1470063.4864' East: 3166257.2519'

Segment #3 : Line

Course: N02° 08' 30.94"E Length: 258.853'
 North: 1470322.1583' East: 3166266.9265'

Segment #4 : Line

Course: N03° 10' 59.46"W Length: 97.197'
 North: 1470419.2056' East: 3166261.5293'

Segment #5 : Curve

Length: 195.789' Radius: 249.996'
 Delta: 044.8722 (d) Tangent: 103.225'
 Chord: 190.824' Course: N32° 00' 25.45"E
 Course In: S80° 25' 44.47"E Course Out: N35° 33' 24.64"W
 RP North: 1470377.6388' East: 3166508.0458'
 End North: 1470581.0206' East: 3166362.6703'

Segment #6 : Line

Course: S27° 41' 09.70"E Length: 25.764'
 North: 1470558.2061' East: 3166374.6411'

Segment #7 : Curve

Length: 132.638' Radius: 50.430'
 Delta: 150.6957 (d) Tangent: 192.884'

Chord: 97.580' Course: S58° 34' 02.15"E
 Course In: S73° 13' 09.82"E Course Out: S43° 54' 54.49"E
 RP North: 1470543.6466' East: 3166422.9236'
 End North: 1470507.3185' East: 3166457.9014'

Segment #8 : Line

Course: N40° 12' 46.29"E Length: 77.611'
 North: 1470566.5862' East: 3166508.0094'

Segment #9 : Curve

Length: 54.199' Radius: 22.198'
 Delta: 139.9478 (d) Tangent: 60.878'
 Chord: 41.695' Course: S57° 32' 18.78"E
 Course In: S37° 30' 44.81"E Course Out: S77° 33' 52.74"E
 RP North: 1470548.9852' East: 3166521.5212'
 End North: 1470544.2070' East: 3166543.1899'

Segment #10 : Line

Course: S09° 32' 02.54"W Length: 166.766'
 North: 1470379.7446' East: 3166515.5679'

Segment #11 : Curve

Length: 97.282' Radius: 247.240'
 Delta: 022.5442 (d) Tangent: 49.278'
 Chord: 96.655' Course: S22° 26' 08.62"W
 Course In: S56° 17' 31.76"E Course Out: N78° 50' 11.00"W
 RP North: 1470242.5369' East: 3166721.2412'
 End North: 1470290.4053' East: 3166478.6797'

Perimeter: 1453.985' Area: 92790.99 Sq. Ft.

7021 2720 0000 8353 4327

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Dennis Dukey

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Item 2.

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Bub + Ann Marie McGuffee

Street and Apt. No., or PO Box No.

393 Verano Ave

City, State, ZIP+4®

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Elkhart VA 22827

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Postage \$0.73

Total Postage and Fees \$5.58

Sent To

MaryAnne Ackers

Street and Apt. No., or PO Box No.

1446 Bethel Church Rd

City, State, ZIP+4®

Elkhart VA 22827

PS Form 3800, April 2015 PSN 7530-02-000-9047

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7021 2720 0000 8353 4372

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Colorado Springs CO 80908

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Postage \$0.73

Total Postage and Fees \$5.58

Sent To

Steven Beebe

Street and Apt. No., or PO Box No.

12610 Falcon Dr

City, State, ZIP+4®

Colorado Springs CO 80908

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.58

Sent To

Bill Fisher

Street and Apt. No., or PO Box No.

PO Box 1395

City, State, ZIP+4®

Palmer Lake CO 80133

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23

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Sent To Kelly Underwood

Street and Apt. No., or PO Box No. PO Box 376

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Sent To RPK Properties LLC

Street and Apt. No., or PO Box No. PO Box 1099

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☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

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Sent To Dale Beaver

Street and Apt. No., or PO Box No. PO Box 136

City, State, ZIP+4® Palmer Lake CO 80133

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PALMER LAKE
 10 PRIMROSE ST
 PALMER LAKE, CO 80133-9998
 (800)275-8777

10/15/2024 11:35 AM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.73
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Palmer Lake, CO 80133

Weight: 0 lb 0.30 oz

Estimated Delivery Date

Thu 10/17/2024

Certified Mail®			\$4.85
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Tracking #:

70212720000083534341

Total			\$5.58
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Weight: 0 lb 0.30 oz

Estimated Delivery Date

Thu 10/17/2024

Certified Mail®			\$4.85
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Tracking #:

70212720000083534358

Total			\$5.58
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First-Class Mail® Letter	1		\$0.73
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Palmer Lake, CO 80133

Weight: 0 lb 0.30 oz

Estimated Delivery Date

Thu 10/17/2024

Certified Mail®			\$4.85
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Tracking #:

70212720000083534365

Total			\$5.58
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Steven Beebe
12690 Falcon Drive
Colorado Springs, CO 80908

Joseph "Tony" Beltran
PO Box 758
Palmer Lake, CO 80133

Dear Neighbors,

I hope this letter finds you well. I am writing to inform you about an upcoming replat of the property lines for my property located in the Town of Palmer Lake. This modification to the plat is intended to enhance the functionality of the land and better align with the town's development goals.

As part of this process, I am reaching out to all neighbors within a 300-foot radius of my property to ensure that everyone is informed and aware of the planned changes. The replat will include adjustments to the property lines, which will not affect the boundaries of adjacent lots. I want to assure you that my intention is to improve our community while maintaining the integrity and character of our neighborhood.

I encourage you to reach out with any questions or concerns you may have regarding this replat. Your feedback is important to me, and I want to ensure that we maintain open lines of communication throughout this process. If you would like to discuss this further, please feel free to contact me at cpuser2001@yahoo.com

Thank you for your understanding and support as we move forward with this project. I look forward to hearing from you.

Warm regards,

Joseph "Tony" Beltran

10/16/2024
Dawn Collins
Town Administrator/Clerk
42 Valley Crescent Dr.
PO Box 208
Palmer Lake, CO 80133
dawn@palmer-lake.org

Joseph "Tony" Beltran
Po Box 758
Palmer Lake, CO 80133
cpuser2001@yahoo.com
719-201-9301

Dear Dawn Collins,

I am writing to formally submit a second request regarding the waiver of the site development plan for our proposed minor subdivision replat of existing land located in the Town of Palmer Lake.

As outlined in the GMS memorandum, we believe our project meets all necessary criteria for a waiver. Our plans do not entail any new developments but rather focus on the replatting of existing R3 zoned land. We are committed to ensuring that our project aligns with the community's goals and vision, and we have designed our plans with the utmost consideration for both the environment and the residents.

We understand the importance of adhering to local regulations and appreciate the efforts of the Planning Department in maintaining the integrity of our community. Given that no new developments are involved and all criteria set forth in the GMS memorandum are satisfied, we respectfully request that you review our case favorably for a waiver of the site development plan requirement.

Attached you will find a copy of the certified mailing sent to neighbors within 300 ft and a second copy of the survey closure notes.

Thank you for your attention to this matter. I am eager to discuss this with you further and provide any additional information or documentation that may be needed to facilitate your assessment. I look forward to your prompt response.

Warm regards,

Joseph "Tony" Beltran

A handwritten signature in black ink, appearing to read "J Beltran", written over a horizontal line.

AFFIDAVIT OF PUBLICATION**STATE OF COLORADO
COUNTY OF El Paso**

I, Kate Dickens, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 10/30/2024**

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

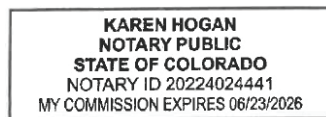


Kate Dickens
Sales Center Agent

Subscribed and sworn to me this 10/30/2024, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires June 23, 2026.



Karen Hogan
Notary Public
The Gazette

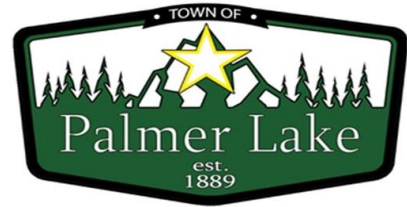


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PUBLIC NOTICE**NOTICE OF PUBLIC HEARING
TOWN OF PALMER LAKE**

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on Wednesday, November 20, 2024, at 5 PM at the Town Hall at 28 Valley Crescent, Palmer Lake, to consider an application for minor resubdivision/replat of Blocks 38 and 39 and vacated portion of Largo Ave., of Glen Park, Palmer Lake. A recommendation will be made to the Board of Trustees on the same matter scheduled to be heard on Thursday, December 12 at 6 PM. A copy of the complete application is on file at the Town Clerk office, at 719-481-2953. /s/ Dawn A. Collins, Town Clerk

Published in the Tri-Lakes Tribune October 30, 2024



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

DATE: November 2024	ITEM NO.	SUBJECT: Master Plan Resubdivision for Lakeview Heights – Hearing and Recommendation to Board of Trustees
Presented by: Town Administrator /Clerk		

Background

Following is a link to the Lakeview Heights Master Plan submittal material –
<https://www.townofpalmerlake.com/bc-pc/page/notice-public-hearing-resubdivision-lakeview-heights-units-3-4-and-portion-unit-2>

Enclosed with this item is the following –

- memo from Attorney Scott Krob including comments from engineering
- memo from Fire Chief Vincent
- response from the Development Review Team to the 4th resubmittal from the applicant

Recommended Action

Consider the resubdivision master plan for recommendation to the Board of Trustees.

LAKEVIEW HEIGHTS DEVELOPMENT STANDARDS

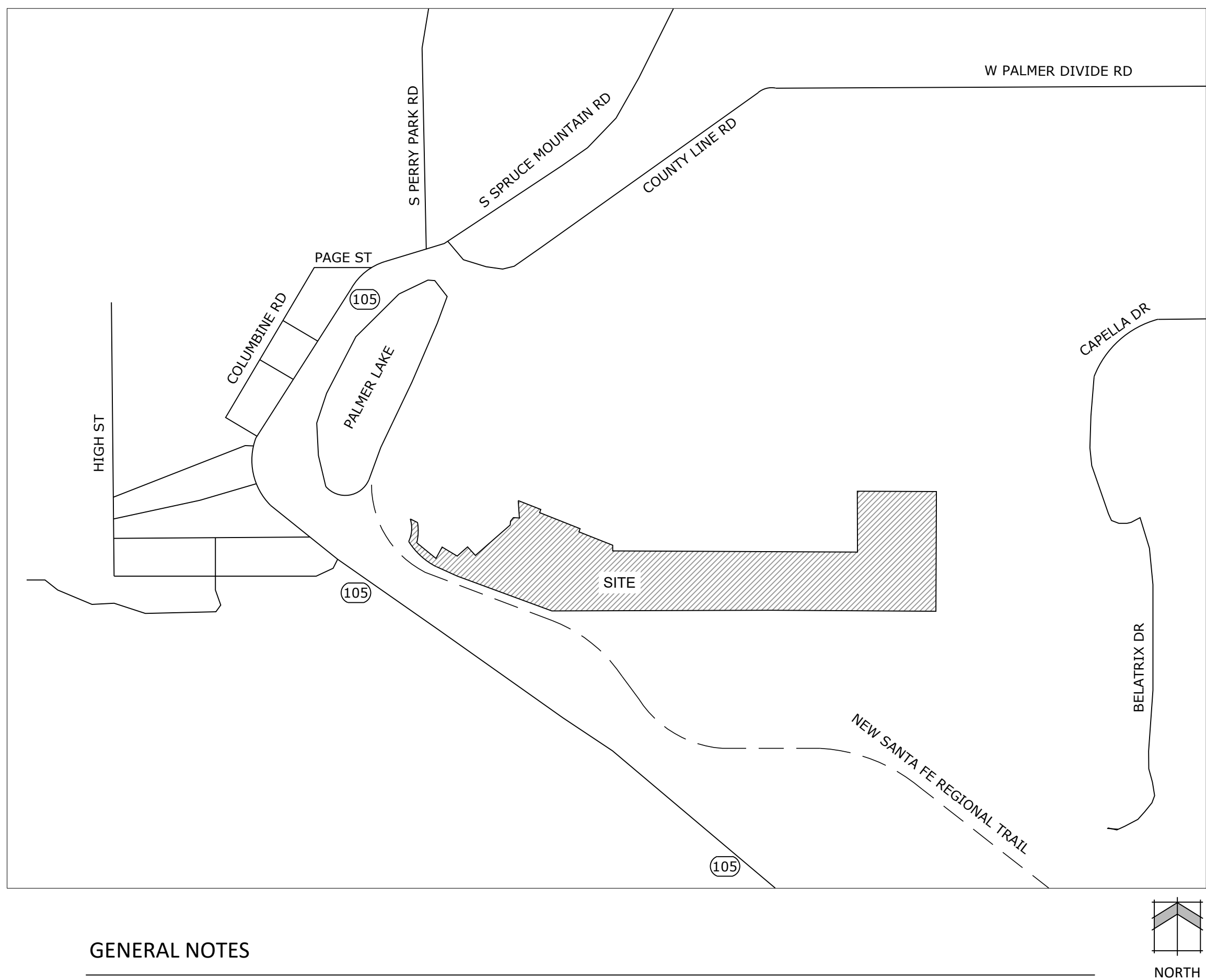
- A. Public Improvements
- The Developer agrees to construct and install, at its sole expense, the following public improvements with Phase 1 of the Lakeview Heights development:
 - Roadways. The Developer shall complete the Phase 1 roadway improvements to Lake Avenue, Cathedral Drive, and Carol Drive in accordance with the road cross-section identified in the approved construction drawings. This shall include a temporary turnaround at the east end of Phase 1 as agreed with the Town of Palmer Lake Fire Department, sufficient for emergency equipment.
 - Water Supply. The Developer will install water lines in Phase 1. Water line quality will match current water line type to ensure proper type/fit and design.
 - Wastewater. The Developer shall bear all financial responsibility, cost and expense of improvement, expansion and extension of wastewater infrastructure service to the Phase 1 lots, to be owned and controlled by the Palmer Lake Sanitation District.
 - Drainage. The Developer shall construct all necessary drainage and stormwater infrastructure as related to the Phase 1 lots and public roadways, as depicted on the Master Plan.
 - Electric. The Developer shall construct all necessary infrastructure to extend electrical service to the Phase 1 lots.
 - Gas. The Developer shall construct all necessary infrastructure to extend gas service to the Phase 1 lots.
 - Costs will be recovered for the public improvements in A.1 from property owners within Phase 2 per the separate cost recovery agreement.
 - All roadways constructed within Phase 1 shall be dedicated to the Town of Palmer Lake and warrantied for a period of two (2) years.
 - The Developer agrees to provide appropriate collateral until the public improvements in A.1 are completed and accepted by the Town. Improvements will be deemed completed only upon final acceptance by the Town and upon expiration of the 2-year warranty period.
 - None of the Phase 1 lots shall be issued Building permits until the required improvements under A.1 have been commenced in accordance with the approved construction plans. None of the Phase 1 lots shall be issued certificates of occupancy until the required improvements under A.1 have been completed in accordance with the approved construction plans, and initially accepted by the Town. This allows the developer to build homes while infrastructure improvements are underway.
- B. Vacant of Internal Lot Lines
- The Town processes will be followed to eliminate applicable interior lot lines on the Phase 1 lots, as a precondition to issuance of building permits thereon. This process shall include the vacation of utility easements between conjoined lots which will be combined into the Phase 1 lots but will maintain utility easements along all buildable lot boundaries.
- C. Fire Augmented Community
- The Lakeview Heights community is planned as a "Fire Augmented Community", which is a community that is able to shelter in place during a fire event due to the fire mitigation efforts undertaken throughout the community, rather than being required to evacuate. The following minimum standards will apply to both Phases 1 and 2 of the Lakeview Heights development to achieve the Fire Augmented Community status:
 - Landscape Wildfire Prevention Requirements.

Recognizing that Lakeview Heights is within a natural forest, the community is designated as a Fire Augmented Community. The goal of a Fire Augmented Community is to protect the homes and the forest by reducing the natural and manmade fuels surrounding a home that are available for a fire should there be one.

As a Fire Augmented Community, Owners and Residents of the community are required to install and maintain their property so that it remains in compliance with the following Firewise guidelines. The Town of Palmer Lake will conduct routine Firewise inspections with the date determined by the Board. Owners who are not in compliance with Firewise guidelines or have items that require maintenance due to Firewise guidelines will be notified by the Fire Department and provided a set time frame to bring their property back into compliance with Firewise guidelines. The Fire Department, at the direction of an approved Firewise Representative, will make the final decision as to what constitutes compliance.
 - General:
 - These landscape guidelines are modeled from the Colorado State University Extension fire-wise guidelines; however, these guidelines have been modified to reflect the level of fire-retardant materials used in home construction, which is also a component of the fire-wise preventative measures. The Fire Department reserves the right to make changes or additions to a submitted plan to bring it into Firewise compliance.
 - No trees shall be planted within utility easements.
 - All submitted landscape plans must show all easements (2) and Zone 1 setback lines for review.
 - All plants selected must meet the 'Fire-Wise Species List' appendix. Other plant selections may be proposed and will be assessed for fire-wise compliance.
 - Adjacent lots must maintain a twenty (20) foot separation between groups of trees. This includes existing trees. (Consider incorporating proposed plantings among existing vegetation.)
 - Cul-de-sac lots will be assessed on a case-by-case basis.
 - Zone 1 Landscaping (High Hazard Areas): Zone 1 is comprised of well irrigated areas within twenty (20) feet of all sides of the home and its attachments (decks, fences and accessory buildings). Requirements for Zone 1 are:
 - Create a "fuel free" area within five (5) feet of the home by installing landscape rock with either metal or concrete edging. Mulch (wood or rubber), bark or plants are not allowed in this area. Decorative rock and boulders are allowed in this area.
 - All trees, whether existing or planted, are to be spaced fifteen (15) feet between tree trunks.
 - Deciduous and ornamental trees to be planted at a minimum of fifteen (15) feet from the home, measured at the tree trunk.
 - All trees must be maintained to a minimum separation of five (5) feet from the home while maintaining a separation of fifteen (15) feet between tree trunks.
 - All trees shall be pruned six (6) to ten (10) feet from the ground. Trim back all trees that overhang a home, so as to maintain a 5' separation.
 - Plants should be carefully selected; free of resins and oils that burn easily. Plants in this zone may be selected from the 'Zone 1' section found in the Fire-Wise Species List appendix. Plants may be selected outside the Fire-Wise Species List but are subject to approval and assessed for Fire-Wise compliance.
 - Remove dead vegetation from under decks and within ten (10) feet of the home.
 - Firewood stacks are not allowed within Zone 1.
 - Annually clear roofs and gutters of pine needles and other flammable debris.
 - Zone 2 Landscaping (Moderate Hazard Areas): Zone 2 is the area that is twenty (20) to one hundred (100) feet from the home or property boundary. Requirements for Zone 2 are:
 - Leave fifteen (15) feet between single or clusters of trees, measured at the trunk(s).
 - Deciduous and ornamental trees may be planted anywhere within this zone. Coniferous (evergreen) trees to be planted a minimum of twenty (20) feet from the home. (Existing evergreen trees are allowed to remain in place).
 - All trees must be maintained to a minimum separation of five (5) feet from the home while maintaining a separation of fifteen (15) feet between tree trunks.
 - Plants should be carefully selected; free of resins and oils that burn easily. Plants in this zone may be selected from the 'Zone 2' section found in the Fire-Wise Species List appendix. Plants may be selected outside the Fire-Wise Species List but are subject to approval and assessed for fire-wise compliance.
 - Prune trees up six (6) to ten (10) feet from the ground.

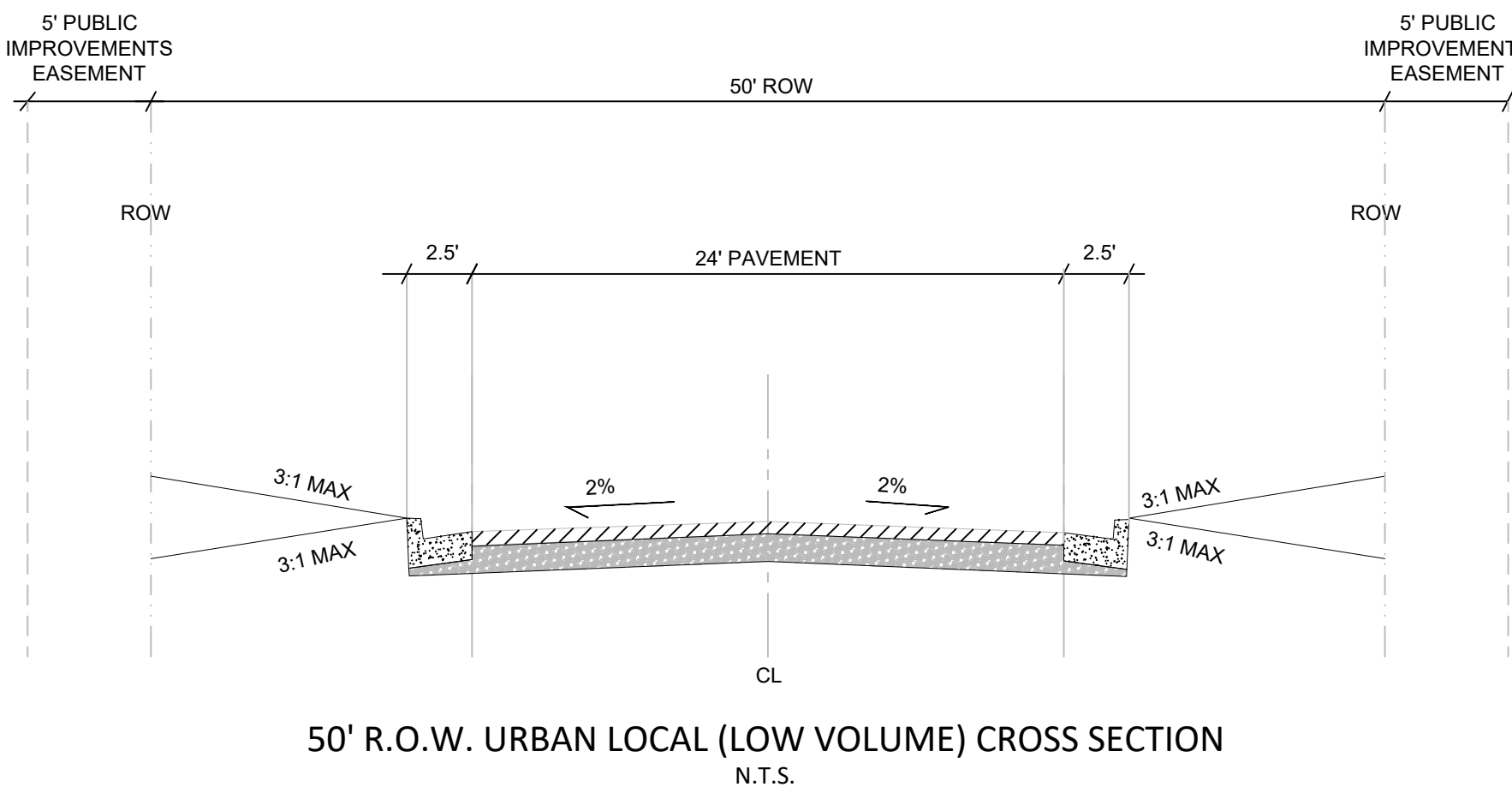
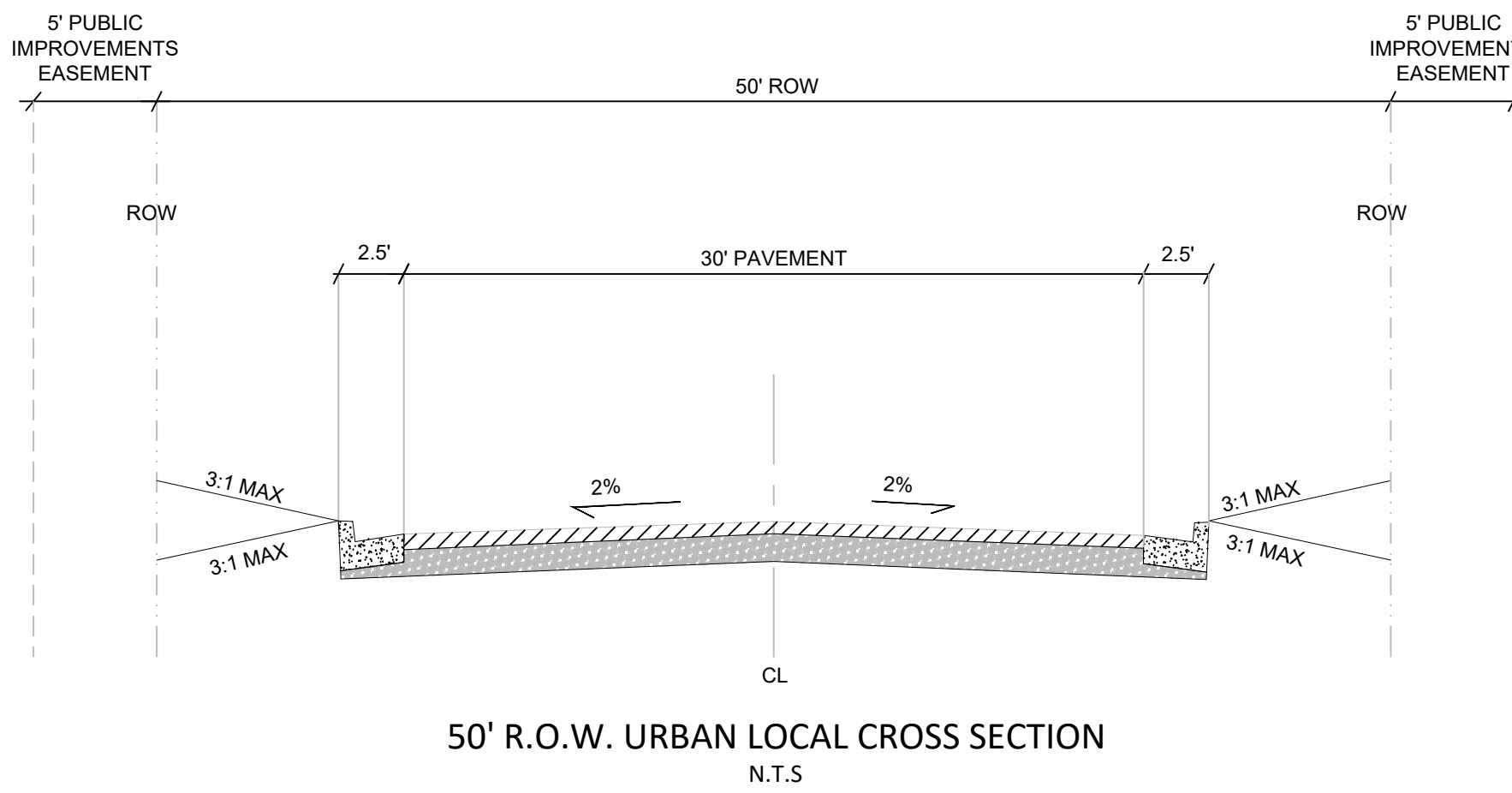
- e. Zone 3 Landscaping (Low Hazard Areas): Zone 3 is the area that is beyond one hundred (100) feet from the home. Requirements Zone 3 are:
- Reduce the density of tall trees so that canopies are not touching.
 - Remove smaller conifers that are growing between taller trees.
 - Remove heavy accumulations of woody debris.
- f. Maintaining Landscaping: The following are guidelines for maintaining the landscaping around the homes within the Fire Augmented Community:
- Keep trees pruned six (6) to (10) feet from the ground.
 - Remove leaf clutter and dead or overhanging tree branches
 - Mow the lawn regularly and promptly and properly dispose of cuttings and debris.
 - Store firewood at least thirty (30) feet away from the home.
- g. Lot-to-Lot Transitions. When applicable with homes in close proximity, Lot-to-Lot Transitions should be smooth, creating a cohesive transition between lots. Sod and planting areas should connect with flowing planting bed edges from one Lot to another. Landforms, and at times retaining walls, should be continued across property lines to create cohesive landforms. Plantings of similar species or type, as well as similar wood mulch or rock should be utilized on both sides of a property line to create a harmonious planting bed and blended at the property line for a smooth transition.
- Homeowners are encouraged to coordinate with their neighbors to create these smooth transitions. Should a homeowner's landscape adjoin an adjacent undeveloped lot, the homeowner should anticipate this lot-to-lot transition and install a landscape to allow for a smooth transition. Homeowners should also plan for and guard against current and future drainage surface flows within their landscape design, by incorporating appropriate rock swales near lot lines to carry these potential surface flows from their lot and any adjoining lots. Also refer to approved plant material lists.

VICINITY MAP



GENERAL NOTES

- THE APPROXIMATE SCHEDULE OF DEVELOPMENT IS TO START CONSTRUCTION SPRING OF 2024 AND BE COMPLETE BY SPRING 2025.
- MAINTENANCE FOR THE DETENTION POND AND DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE LAKEVIEW HEIGHTS METROPOLITAN DISTRICT.
- THERE SHALL BE NO PARKING ON INTERNAL PUBLIC ROADS.
- THE PROPERTY IS NOT WITHIN A FEMA 100-YEAR OR 500-YEAR FLOOD ZONE.
- FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE SURFACED SO AS TO PROVIDE ALL WEATHER DRIVING CAPABILITIES, ROADS WILL BE BUILT TO MEET A MINIMUM OF 27,000 LBS SINGLE AXLE WEIGHT AND 75,000 BL TOTAL APPARATUS WEIGHT.
- PROPOSED SEWAGE TREATMENT SERVICE TO BE PROVIDED BY PALMER LAKE SANITATION DISTRICT. INFRASTRUCTURE TO BE PROVIDED AND INSTALLED BY DEVELOPER.
- PROPOSED WATER SUPPLY SERVICE TO BE PROVIDED BY TOWN OF PALMER LAKE. INFRASTRUCTURE TO BE PROVIDED AND INSTALLED BY DEVELOPER. EVIDENCE OF WATER RIGHTS, QUALITY, QUANTITY, AND SUPPLY ARE DETAILED IN THE LAKEVIEW HEIGHTS - SEPP WATER RESOURCES REPORT, DATED SEPTEMBER 27, 2023.
- SITE VEGETATION CONSISTS PRIMARILY OF TALL NATIVE GRASS AND MIXED PRAIRIE PERENNIAL VEGETATION. PORTIONS OF THE SITE PRIMARILY ALONG THE NORTHERN BOUNDARY AND THROUGH THE CENTRAL PORTION OF THE PROPERTY ARE HEAVILY TREED WITH PONDEROSA PINE TREE AND GAMBLE OAKS. THE SITE HAS STEEP SLOPES AND ROCK OUTCROPPINGS ON THE PARTS OF THE NORTHERN BOUNDARY. THE PALMER LAKE MASTER PLAN IDENTIFIES THE SITE WITHIN THE EXPANSIVE SOILS AREA OF THE GEO-HAZARDS MAP AND WITHIN AN AREA OF LOW TO MODERATE RISK ON THE WILDFIRE RISK MAP. SHEET 3 INCLUDES A SLOPE ANALYSIS AND IDENTIFIES EXISTING TREES AND ROCK OUTCROPPINGS.
- THERE IS NO POTENTIAL RADIATION HAZARD ON THE SITE.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THIS MASTER PLAN AND ARE INCLUDED IN THE TOWN'S FILE FOR THE MASTER PLAN: WATER RESOURCES REPORT, DATED SEPTEMBER 27, 2023; PRELIMINARY TRAFFIC STUDY, DATED SEPTEMBER 28, 2023, REVISED APRIL 26, 2024; MASTER DEVELOPMENT DRAINAGE PLAN, DATED MAY 25, 2023, REVISED OCTOBER 18, 2023.
- PER INTERNATIONAL FIRE CODE (SECTION D107.1.), IF SPRINKLERS ARE PROVIDED, A SECOND POINT OF ACCESS IS NOT REQUIRED. IT IS THE APPLICANTS' INTENT TO INCLUDE SPRINKLERS IN ALL NEW HOMES WITHIN PHASE 1. ANY LOT OWNER/BUILDER IN FUTURE PHASES WHO FAILS TO COMPLY WITH THIS PROVISION AND THUS TRIGGERS THE REQUIREMENT FOR A SECONDARY ACCESS SHALL BE SOLELY RESPONSIBLE FOR ALL COSTS, CONSTRUCTION, AND APPROVALS ASSOCIATED WITH SUCH SECONDARY ACCESS.



SITE DATA

Site Location:	Lakeview Heights Unit 2, 3, & a portion of 4
Existing Zoning District:	R-10,000
Total Acreage:	56.152 Acres
Existing Uses/Buildings:	Vacant Undeveloped Single Family Residential Lots
Proposed Uses:	Single Family Residential (SFR)
Phase 1 & 2 Lot Total:	80 lots
Net Density (Phase 1 & 2 Only):	2.53 DU/AC (Excludes Future Phase Area)
Total Potential Lots:	99 lots
Gross Density:	1.76 DU/AC
Maximum Building Height:	30 ft
Maximum Lot Coverage:	As limited by Code Section 17.68.040
Minimum Lot Size:	10,000 SF
Minimum Lot Setbacks:	
Front:	25'
Side:	7.5'
Rear:	25'
Minimum Lot Width:	50'
Utility Providers	
Water:	Town of Palmer Lake
Wastewater:	Palmer Lake Sanitation Dist./OWTS
Electric:	Core Electric Cooperative
Natural Gas:	Black Hills Energy
Land Use Summary	
Phase 1 ROW Area:	7.697 ac
Lot Area:	
Phase 1:	13.472 ac
Phase 2:	8.659 ac
Detention Area:	1.785 ac
Future Phase:	24.539 ac
TOTAL:	56.152 ac

LEGAL DESCRIPTION

LOTS 13-18, 29-47 BLOCK 2 LAKEVIEW HEIGHTS UNIT 2
LOTS 1-44 BLOCK 3 LAKEVIEW HEIGHTS UNIT 2
LOTS 1-26 BLOCK 4 LAKEVIEW HEIGHTS UNIT 2
LOTS 1-11 BLOCK 5 LAKEVIEW HEIGHTS UNIT 2

LOTS 1-17 BLOCK 1 LAKEVIEW HEIGHTS UNIT 3
LOTS 1-34 BLOCK 2 LAKEVIEW HEIGHTS UNIT 3
LOTS 1-16 BLOCK 3 LAKEVIEW HEIGHTS UNIT 3

LOTS 1-2 BLOCK 1 LAKEVIEW HEIGHTS UNIT 4
LOTS 1-43 BLOCK 2 LAKEVIEW HEIGHTS UNIT 4
LOTS 1-11 BLOCK 3 LAKEVIEW HEIGHTS UNIT 4
LOTS 1-31 BLOCK 4 LAKEVIEW HEIGHTS UNIT 4

TRACT IN SE4SE4 OF SEC 5-11-67 LY N OF RR

PROJECT TEAM

OWNER:	Sepp & Affiliates 857 Tailings Drive Monument, CO 80132 719-400-9430 Contact: Eric Sepp II, Owner (See plan sheets 3 & 4 for other ownership information)
CIVIL ENGINEER:	Atwell, LLC 143 Union Blvd. STE. 700 Lakewood, CO 80228 303-462-1100 Contact: Garrett Bales, P.E.
SURVEYOR:	Atwell, LLC 143 Union Blvd. STE. 700 Lakewood, CO 80228 Contact: Vladislav Skrejev
PLANNER :	N.E.S. Inc. 619 North Cascade Avenue, STE. 200 Colorado Springs, CO 80903 719-471-0073 Contact: Brooks Swenson

SHEET INDEX

1 OF 5	COVER
2 OF 5	OVERALL MASTER PLAN
3 OF 5	SLOPE ANALYSIS
4 OF 5	UNIT 2 ENLARGEMENT
5 OF 5	UNIT 3 ENLARGEMENT



N.E.S. Inc.
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Colorado Springs, CO 80903

Tel. 719.471.0073
Fax 719.471.0267

www.nescolorado.com

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PLANNER / LANDSCAPE ARCHITECT
IN ASSOCIATION WITH

LAKEVIEW HEIGHTS

MASTER PLAN

DATE:	7/25/2024
PROJECT MGR:	A. BARLOW
PREPARED BY:	A. LANGHANS

STAMP

DATE:	BY:	DESCRIPTION:
7/5/2023	AL	INITIAL SUBMITTAL
11/14/2023	AL	PER TOWN COMMENTS
7/25/2024	JBS	PER TOWN COMMENTS

COVER

1

1 OF 5

PLAN FILE #



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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

LAKEVIEW HEIGHTS

MASTER PLAN

PROJECT INFO

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PREPARED BY: A. LANGHANS

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7/5/2023	AL	INITIAL SUBMITTAL
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7/25/2024	JBS	PER TOWN COMMENTS

ISSUE / REVISION

MASTER PLAN

2

2 OF 5

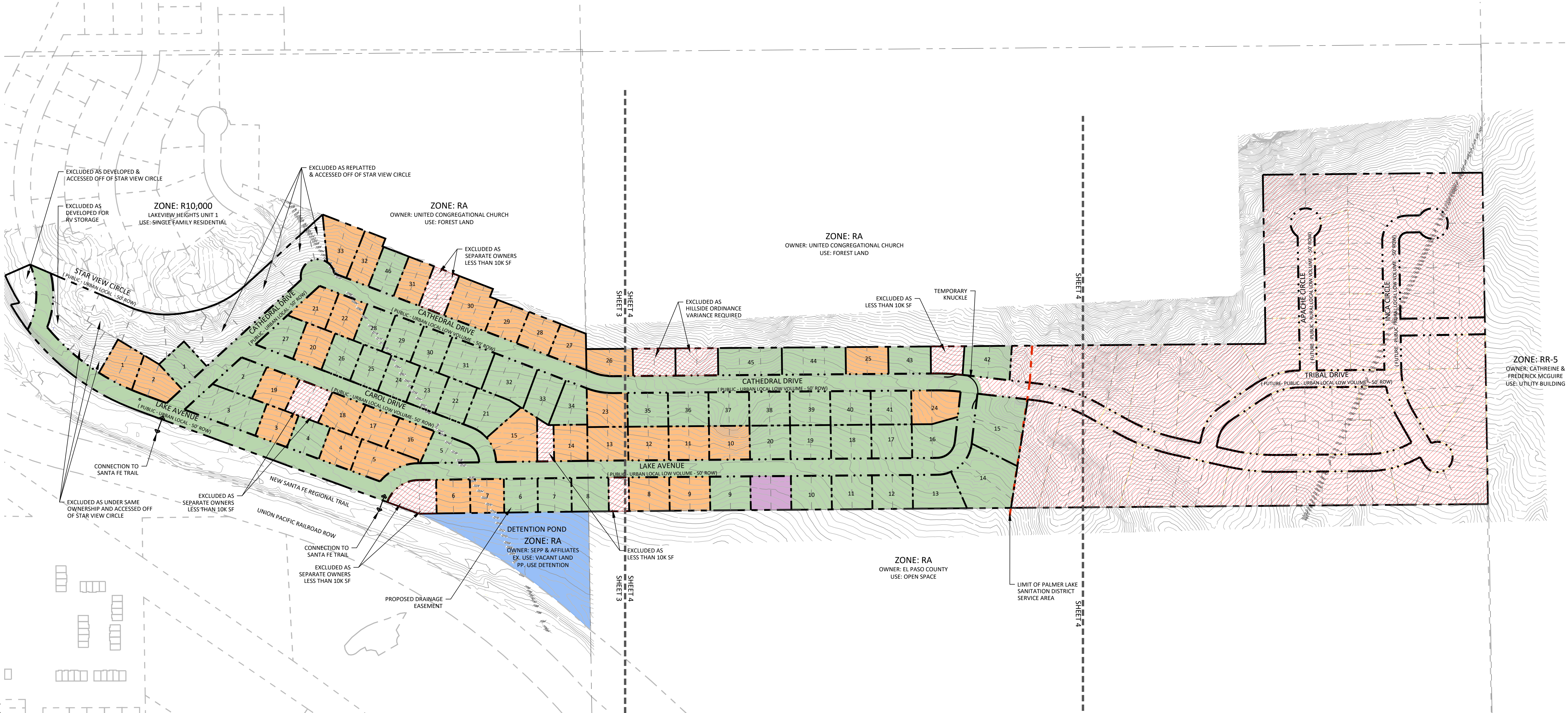
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PLAN FILE #

LAKEVIEW HEIGHTS

PALMER LAKE, COLORADO

MASTER PLAN

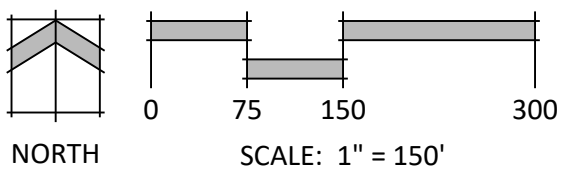


PROPOSED PHASING

- **Phase 1:** 46 lots owned by Sepp & Affiliates, and construction of road and utility infrastructure to serve these lots.
- **Phase 2:** 33 lots owned by others that can be served off the roads constructed in Phase 1 and that can meet the requirements of the R-10,000 zone without a variance. These will be served by infrastructure constructed with phase 1.
- **Future Phase:**
 - 9 potential lots that would require a variance due to the lot size not meeting the zone district minimum lot size. These will be served by infrastructure constructed in Phase 1;
 - 2 potential lots that would require a variance from the hillside ordinance due to slope and resultant buildable area. these will be served by infrastructure constructed with Phase 1;
 - 8 potential lots on the east side of the Master Plan area. This approximately 20-acre area lies east of Palmer Lake Sanitation District Boundary and would have to be served by septic systems for wastewater. The terrain also creates challenges for water service extension, so water would have to be provided by wells. This would require a minimum lot size of 2.5 acres, which would limit the area to 8 lots. These will not be served by infrastructure constructed with phase 1.
 - 1 lot in escrow to be owned by Sepp and Affiliates and included in Phase 1 upon closing.

LEGEND

- PHASE 1 (46 LOTS OWNED BY SEPP & AFFILIATES)
- 1 LOT IN ESCROW (TO BE OWNED BY SEPP & AFFILIATES)
- PHASE 2 (33 LOTS OWNED BY OTHERS)
- STORM WATER DETENTION/DRAINAGE
- FUTURE PHASE
- PROPOSED LOT LINE
- - - EXISTING LOT LINE
- . - ROW
- - - LIMITS OF MUNICIPAL SANITARY SEWER SERVICE



LAKEVIEW HEIGHTS

PALMER LAKE, COLORADO

MASTER PLAN



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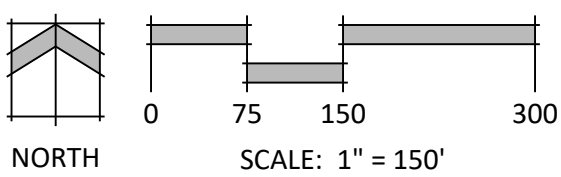
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LEGEND

- ROCK OUTCROPPING
- EXISTING TREES
- 30%+ SLOPE
- FUTURE PHASE
- PROPOSED LOT LINE
- EXISTING LOT LINE
- ROW
- LIMITS OF MUNICIPAL SANITARY SEWER SERVICE



LAKEVIEW HEIGHTS

MASTER PLAN

DATE: 7/25/2024
PROJECT MGR: A. BARLOW
PREPARED BY: A. LANGHANS

DATE:	BY:	DESCRIPTION:
7/5/2023	AL	INITIAL SUBMITTAL
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SLOPE ANALYSIS & NATURAL FEATURES

3

3 OF 5



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IN ASSOCIATION WITH

LAKEVIEW HEIGHTS

MASTER PLAN

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PREPARED BY: A. LANGHANS

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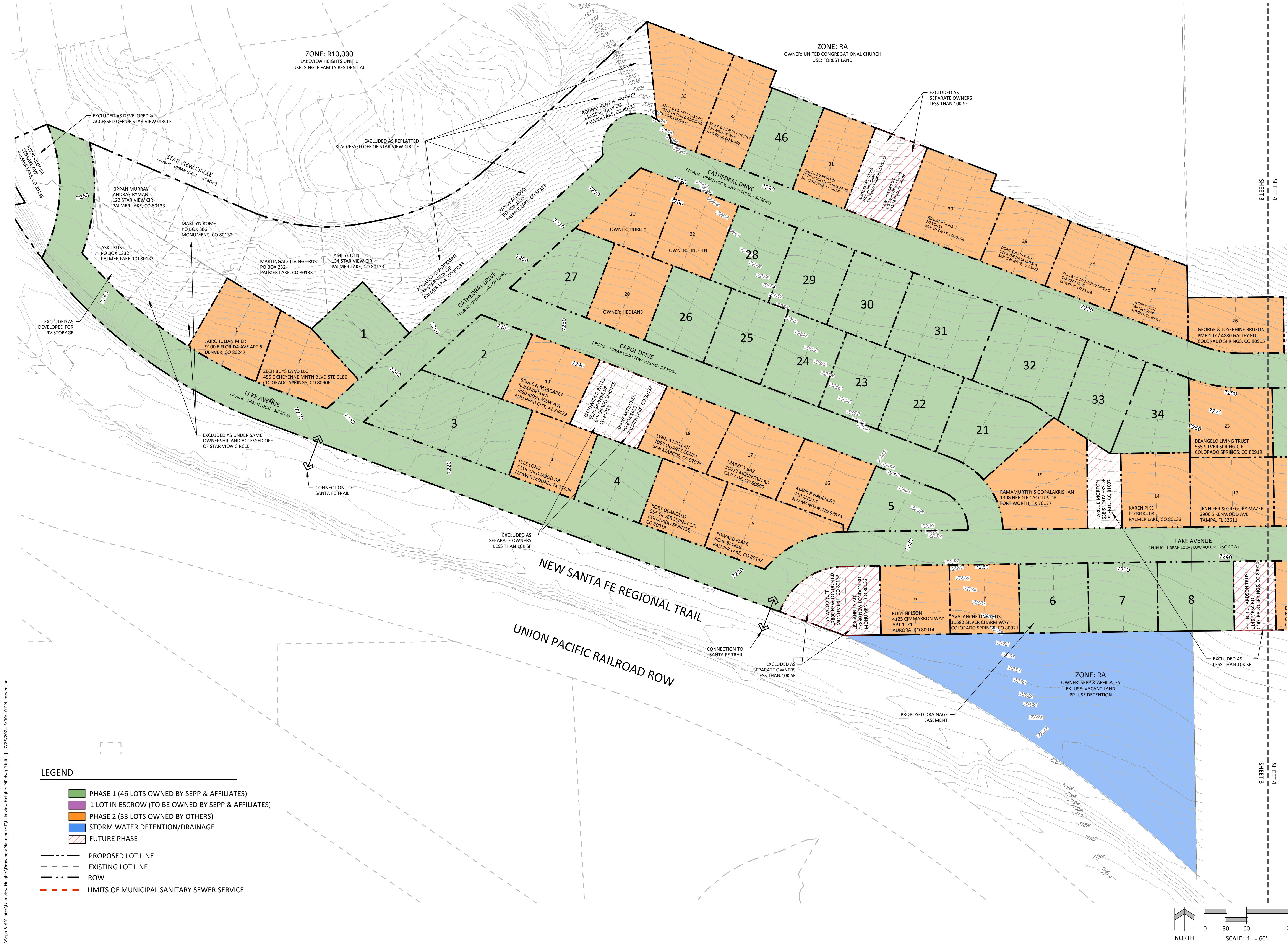
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UNIT 2 ENLARGEMENT

4

4 OF 5

PLAN FILE #



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LAKEVIEW HEIGHTS

PALMER LAKE, COLORADO

MASTER PLAN



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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

LAKEVIEW HEIGHTS

MASTER PLAN

PROJECT INFO

DATE: 7/25/2024
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ISSUE / REVISION

UNIT 3 ENLARGEMENT

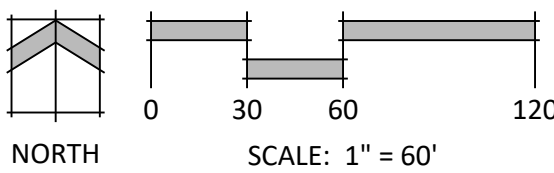
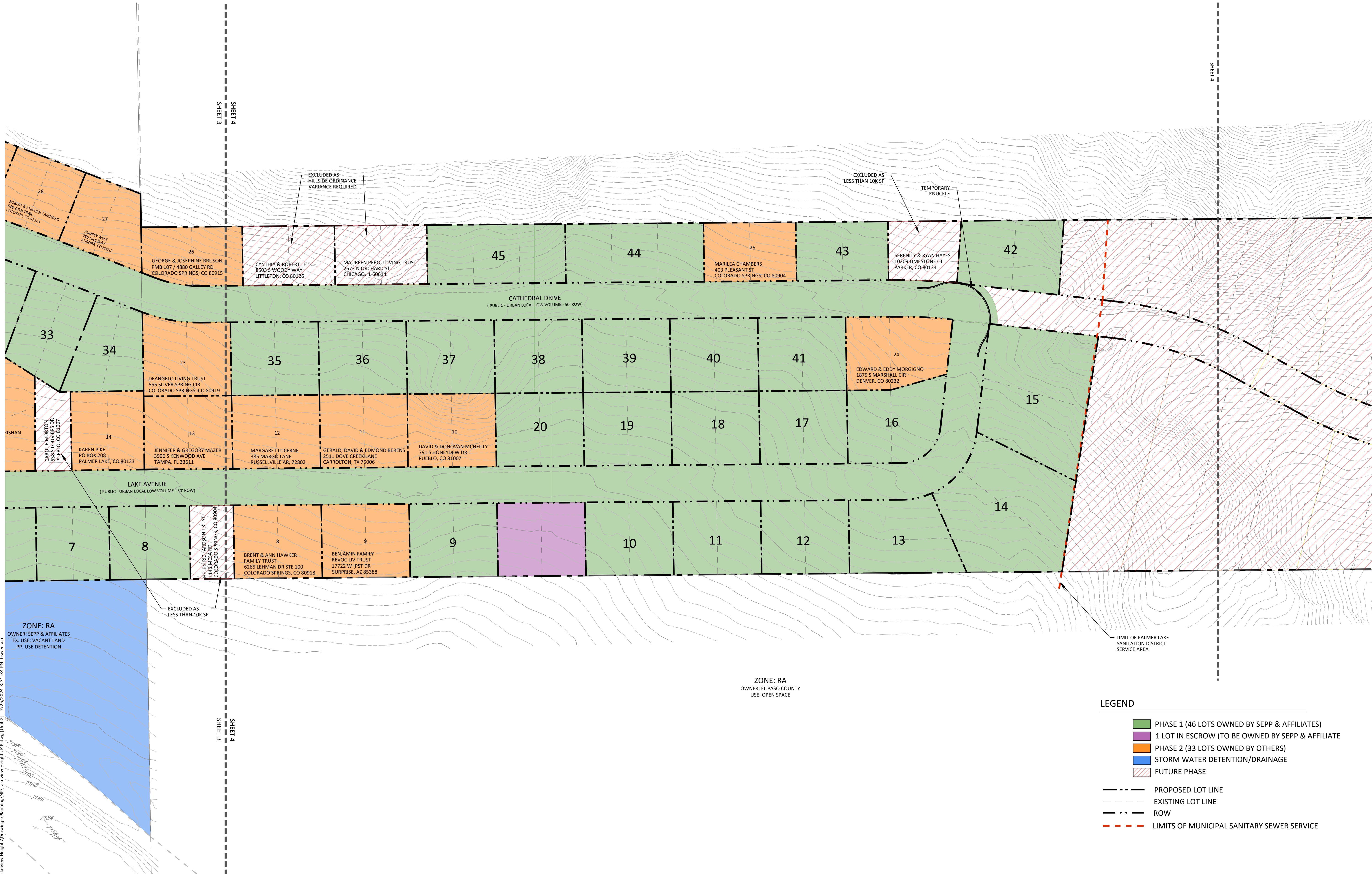
SHEET TITLE

5

5 OF 5

SHEET NUMBER

PLAN FILE #





KROB LAW OFFICE, LLC
Attorneys at Law

MEMORANDUM

To: Town of Palmer Lake Planning Commission

From: Scotty P. Krob, Town Attorney

Date: November 15, 2024

Re: Consideration of Lakeview Heights Resubdivision Master Plan

The Master Plan for Lakeview Heights Resubdivision is on the November 20, 2024 agenda for the Planning Commission's consideration and recommendation to the Board of Trustees. This memo is being provided to assist the Commission in its consideration. Under the applicable regulations, the Planning Commission is charged with reviewing the Master Plan and then submitting it to the Board of Trustees along with recommended actions. It is within the purview of the Commission to recommend approval, approval with conditions, or denial. The Master Plan must be approved, with or without conditions, by the Board of Trustees before the applicant proceeds to the next step, which will involve submission of a preliminary plat.

The comments from the Town's Design Review Team (DRT) are reflected in the November 11, 2024 memo from Dawn Collins to the applicant, that is included in your packet.

There are a couple issues related to this subdivision that have been raised and that the DRT would like to address at the outset of this memo and that we will be glad to follow up and discuss any questions you have at the meeting.

Issue 1: What are the "applicable regulations" governing the Commission's consideration of this application?

I recognize that the Planning Commission and the DRT have devoted a substantial amount of time and effort to developing new and improved subdivision regulations and that those new subdivision regulations were approved by the Board of Trustees based on the Planning Commission's recommendation, effective July 25, 2024. The question has been raised whether the most recent submittal from the applicant should be considered under the Town's new or

previous subdivision regulations. Having considered the issue and discussed the various filings with staff, my conclusion is that the Lakeview Heights subdivision is to be considered under the old regulations and that if the Town were to apply the new regulations, it would be changing the rules midstream, exposing the Town to potential liability. My reasons for reaching this conclusion are as follows:

When a land use application is submitted under one set of regulations and then the regulations are replaced with a new set, the regulations under which the application was initially submitted continue to govern the application if (1) the application was substantially complete at the time it was filed, (2) the applicant has pursued the application with reasonable diligence, and (3) the current application is substantially the same as the initial application. It is the date of initial submission, and not the date of completeness, that is the determinative date for deciding which regulations apply.

In this instance, the applicant submitted its original application on July 19, 2023. Its second submission was filed on November 15, 2023; third submission on July 26, 2024; and current resubmission on October 29, 2024. The Town Administrator has indicated the initial application was substantially complete, that many of the changes in subsequent submissions were made to comply with adopted regulations, at the request of Town staff and consultants, and that the current submission is substantially the same as the initial one. That is consistent with my understanding, as well.

Under these circumstances, the subdivision application should be reviewed under the subdivision regulations that were in place at the time of the original submission. For purposes of this memo, when there is a reference to the “applicable regulations” it refers to the subdivision regulations in effect on July 19, 2023. To assist the Planning Commission, a copy of the applicable code, which is Title 16 Subdivisions as it existed on July 19, 2023, is included in your packet.

Issue 2: Is a second access required?

It is my understanding that some of the early drawings related to the Lakeview Heights development showed a second access, but that second access is no longer available because a portion of the land needed for the second access is not owned by the applicant. The Town’s engineer has provided the following information for the Planning Commission’s guidance on this issue:

Regarding a second access to the proposed Lakeview Heights development, a review of the applicable criteria, adopted by the Town, from the El Paso County (EPC) Land Development Code (LDC) and Engineering Criteria Manual (ECM) indicate that a second access is not required by these criteria. The following is a summary of that review. Chapter 8 of the EPC LDC speaks to dead-end roads, particularly Paragraph 8.4.4.(D) which reads as follows:

(D) *Dead-End Road Standards.*

- (1) *Maximum Number of Lots on Dead-End Road.*** *The maximum number of lots fronting and taking access from a dead-end road is 25. A corner lot is not counted in the maximum number of lots on a dead-end road when the fire department*

determines that adequate emergency access is provided to the corner lot by an alternative road.

- (2) ***More than 25 Lots on a Dead-End Road.*** *Where more than 25 lots would front and take access to a dead-end road, a second means of access shall be provided. The second access shall be either a public road or a road located within an easement specifically constructed for emergency access purposes.*

In situations where a second access is planned but is not practicable to construct initially, a divided 4 lane road meeting the design and construction requirements of the ECM shall be considered a second means of access until the second access road is constructed. Provision for crossing the median of a 4 lane road by emergency vehicles shall be included in the design. Roads taking access from the 4 lane road shall be subject to the dead-end and roadway termination standards of this Code and the ECM.

- (3) ***Maximum Length of Dead-End Road.*** *The maximum length of a dead-end road is governed by the ECM, and may be further limited in those areas subject to wildfire hazard in accordance with this Code.*

These paragraphs are speaking to dead-end roads not being allowed more than 25 lots. They are specifically speaking to the dead-end configuration, which is interpreted as a singular leg of road that ends without an access point, usually in a cul-de-sac or similar turn-around. The Phase 1 roads of the Lakeview Heights development are not necessarily dead-end roads. The internal roads are looped such that no dead-end roads are created. The issue of a second access for this development is focused more on the single point of entry to the site from Lake Avenue. Unfortunately, the LDC does not provide a specific definition of dead-end roads that can be interpreted or applied to the entry point of this development. When speaking to dead-end roads, the LDC does reference the ECM. However, the ECM does not address the number of access points to/from roads, it speaks only to the spacing of access points according to roadway classifications.

Applying the dead-end road configuration presented in the LCD to this development, dead-end roads are only identified in the future phase as the shorter cul-de-sac roads located toward the east end of the Master Plan drawing. If the applicant combines the lots along those future roads, as has been proposed, those roads would pass as having less than 25 lots. Keep in mind that the future phase is not being considered for approval at this time. For the Phase 1 being considered, since the LDC speaks to dead-end roads and not single access point developments, the adopted codes and regulations do not require a second access to the development as it is currently proposed with looped internal roadways.

To provide support to this conclusion, reference is made to a similar development in EPC. The Forest Lakes development started at Bristlecone Lake (west end of Baptist Road/Forest Lakes Drive from I-25) and progressed west toward the mountains. EPC approved this development that has a single access road into the development with looped internal roads and a few select dead-end roads. The characteristics of the Forest Lakes development are similar to the Lakeview Heights development. The similarities and the EPC approval of the Forest Lakes development supports the above interpretation of the LDC and ECM criteria as it applies to the Lakeview Heights development.

Staff recommendations

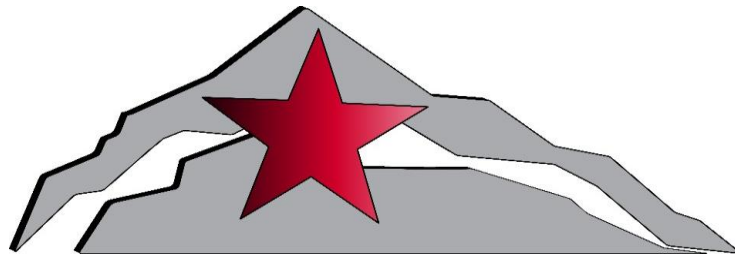
In addition to the two issues discussed above, the memo to the applicant identified a number of other issues warranting discussion by the Planning Commission. With regard to those issues, the DRT recommends the Planning Commission's recommendation of the Master Plan to the Board of Trustees include the following conditions:

1. With regard to ownership of the lots that are subject to the application, that the applicant provide evidence demonstrating that (1) it is the owner of all lots within the proposed resubdivision or (2) that it has written authority to act on behalf of each of the owners.
2. With regard to the requirement for an additional 5 feet on each side of the roadway, that the applicant either (1) add all impacted lot owners as applicants and dedicate the additional area on the plat or (2) obtain easement agreements acceptable to the Town from the owners of each of the affected lots.
3. With regard to other burdens the applicant proposes to place on lots not included in the application, including sprinklering of new homes, if required, and participation in the Firewise Community program, that the applicant provide written confirmation that the non-applicant lot owners have been advised of and consent to such burdens being placed on their property.
4. With regard to public land dedication, that the applicant dedicate 20% in the form of a parcel of property within the subdivision the Commission deems appropriate, or pay a fee in lieu of such dedication. The fee- in-lieu of land dedication must be approved by the Board of Trustees as established in the applicable subdivision regulations.
5. With regard to the roadway and related utilities, that the applicant provide evidence that the owners of all affected lots have received notice that their lot would be subject to a proportional reimbursement requirement before a building permit would be issued for their lot and of the anticipate costs involved.
6. With regard to engineering issues, that the matters identified by the Town's Engineer in the memo to the applicant be addressed, including the letter of intent from the wastewater provider, Master Plan Drawings, Traffic Impact Study, and Master Drainage Development Plan.
7. With regard to the detention facility for the subdivision, that it be included within the subdivision plat.
8. With regard to the zoning of the property, that all lots must be combined as part of the platting process.

9. Regarding stormwater drainage, that the comments of the Town's stormwater consultant as set forth in the memo to the applicant be addressed
10. A general note that the applicant must comply with all other applicable Town regulations in submitting and pursuing the preliminary and final plat.

The Commission should also discuss with the applicant the referral comments that are summarized in the memo to the applicant and recommend conditions the Commission deems appropriate to address those comments, particularly those of the El Paso County Department of Parks and Community Services and School District 38.

I look forward to our discussions.



PALMER LAKE FIRE DEPARTMENT

November 15, 2024

TO: Town of Palmer Lake Planning Commission
 FR: John Vincent, Fire Chief
 RE: Consideration of Lakeview Heights subdivision Master Plan

During discussions with the applicant and upon my last review of the Lakeview Heights documents, two points of egress cannot be met, and the developer will install fire sprinkler systems in the homes to be built.

It is my understanding that the applicant meets the Exceptions laid forth in the following code Section D107.1, thus allowing this subdivision as proposed.

Per the International Fire Code 2015 and reference Town of Palmer Lake Ordinance 6-2021:

Section 907.2.25. One and Two-Family Dwellings in Wildland Urban Interface. Where specifically required on the approved development plan, one-and two-family dwellings (R3) occupancies located in wildland urban interface overlay, shall comply with Appendix K, in addition to other requirements of this code, or as identified on the approved development plans.

Section D107.1. One or Two Family Dwelling Residential Developments. Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units *are* equipped throughout with an approved automatic fire sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
3. The fire code official is authorized to modify the requirement of two separate and approved fire apparatus access roads, when they are not possible due to location on property, topography, water ways, non-negotiable grades or similar.



November 11, 2024

TO: Mr. Eric Sepp and NES Team
 BY: Dawn Collins, Town Administrator
 FR: Development Review Team (DRT)
 RE: Lakeview Heights Master Plan Resubdivision – Review of 4th Submittal

This is the Master Plan submittal required under the applicable regulations, Ch. 16. This review is for Phase 1 only, but because the submittal impacts owners of non-applicant owned lots, issues affecting areas outside Phase 1 are also discussed in some instances.

It appears the applicant's proposal, if approved as requested, could result in substantial burdens being placed on lots that are not part of this application, including an easement across non-applicant owned property for roadway and utilities, a requirement that all future homes be sprinklered, and compliance with requirements for becoming a Firewise Community, in addition to reimbursement for roadways and related subdivision improvements. The developer will need to provide the Town written confirmation that the non-applicant lot owners have been advised of and consent to such burdens being placed on their property, as part of the Master Plan approval.

Additionally, this review is not an implied acceptance of the Development Standards or other submission details appropriate for future steps – ie., preliminary and final plat. The Master Plan review is made with the understanding that lots will be combined through this resubdivision process in the forthcoming preliminary plat to meet the zoning requirements of 10,000 sq. ft. minimum lot size.

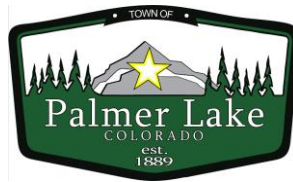
Lastly, evidence of ownership from all lot owners in Phase 1 including Sepp and Affiliates, Zoom Holding Trust, and Hulsman is required. Proof that these entities currently own the Phase 1 lots and authority for the applicant to act on behalf of the landowners must be provided prior to the public hearing for this application to proceed.

The following summarizes the Town of Palmer Lake (TOPL) Development Review Team (DRT) review of your October 29, 2024, electronic *resubmittal* documents, and the paper copy delivered on October 30, 2024.

This memo and a separate memo with the Town's staff recommendation to the Planning Commission will be distributed to Planning Commission members no later than November 15, 2024.

In addition to the DRT's review of the 4th submittal, the DRT has also summarized items that have been sent to you and NES as early as April 24, 2024. To aid in your consideration of staff comments and requirements previously sent to the applicant, these comments and requirements are arranged by contract staff:

- Town Attorney -- Krob Law Firm



- Town Engineer – GMS Inc., Consulting Engineers
- Town Planner -- Community Matters Institute
- Town Water Quality Consultant -- Chavez Consulting

Administrator Collins has asked for further recommendations based on the referral comments received. The memo that will go to the Planning Commission will include recommendations as well as suggested conditions of approval.

DOCUMENTS RECEIVED



Figure 1: 4th Submittal Plan. See Figure 3 below for the legend to this map.

The 4th submittal received by the Town included the following documents from the Applicant Team.

- Lakeview Heights – TIS Revised April 2024
- Lakeview Heights - Master Plan 10-28-24
- Lakeview Heights - MDDP 2024-10-28 (sealed)
- Lakeview Heights - PLSD Petition for Inclusion
- Lakeview Heights - Black Hills Energy - Will Serve
- Lakeview Heights – CORE – Will Serve
- Lakeview Heights – Revised Letter of Intent 4th Submittal
- LVH Water Resources Report CDC 10-25-24
- NES Responses to GMS Review Memo 09-24-24
- NES response to CMI Review Letter
- Trip Generation Table (October 2024)

LEGEND

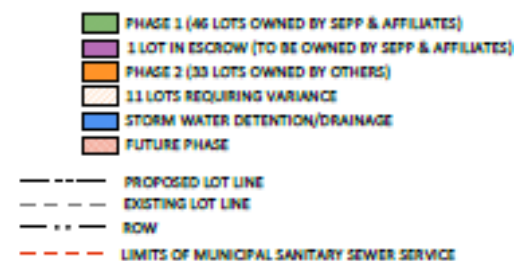


Figure 2: Legend for map in Figure 2.



Development Review Process

The Master Plan is the first step in the major subdivision process under the applicable subdivision regulations:

A master plan for a subdivision shall be required when multiple land use (more than one) are proposed for an area by the subdivider and/or when the developer does not intend to subdivide all of his contiguous holdings at the same time, or if a development is to be phased.

The only definition of Master Plan under the old regulations is “Master plan means a land use plan or map, which indicates the desired future physical development of any portions of the town. Such a plan is submitted by the developer and is intended as a general summary of his proposal for development.”

Under the newly adopted subdivision regulations, this step has been renamed ‘Sketch Plan.’ The intent is the same. The purpose of this first step is more clearly articulated in the recently adopted subdivision ordinance:

“The purpose of the sketch plan review is to evaluate whether a proposed subdivision conforms to the Town of Palmer Lake Community Master Plan, if it will be compatible with the surrounding neighborhood, and if the development can be adequately served with necessary infrastructure. Sketch plan review also provides an opportunity to determine whether a subdivision will comply with the Town’s review and approval criteria, and to address any issues or concerns early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street, and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.”

In summary, the intent of the first step in the platting process is to ensure that the overall development plan undergoes a technical review as well as a properly noticed public review by both the Planning Commission and Board of Trustees to raise any concerns prior to the applicant investing time and money in the detailed engineered preliminary and final plat.

Overview of 4th Submittal

Proposed phasing. The plan shows three phases –

- **Phase 1:** lots owned by the applicant and others (shown as green) and proposed to be replatted.
- **Phase 2:** lots owned by others (shown as orange), including lots requiring a variance (shown as orange cross hatching).
- **Future Phase:** large lots east of the proposed infrastructure (shown as red hatching).



- **The purple lot** is currently in escrow but it is stated it will be added to Phase 1 after closing. Current status unknown.
- **The blue area** is a parcel adjacent to but not within the subdivision that is proposed be used for storing drainage.

Existing site. The Letter of Intent 3rd Submittal notes the following about the existing site:

“Site vegetation consists primarily of tall native grass and mixed prairie perennial vegetation. Portions of the site primarily along the north boundary and through the central portion of the property are heavily treed with ponderosa pine tree and gamble oaks. The site has steep slopes and rock outcroppings on parts of the northern boundary.” The Community Master Plan identifies the area as having low to moderate wildfire risk. The site includes expansive soils. Narrow unimproved roads or drives are located in the existing platted rights-of-way.

Proposed layout: The proposed plan maintains the previously platted rights-of-way. Phase 1 and Phase 2 are located in the western two-thirds of the site, between the cluster of trees on the east to the embankment and existing homes on the west. The number of lots proposed in Phase 1 total 46, with one additional lot indicated in escrow and anticipated to be include in Phase 1 when closed. The number of non-applicant owned lots in Phase 2 has been revised from 33 lots to 44 lots. Applicant indicates variances may be sought for 11 non-applicant owned lots in Phase 2, which prompted the revision. The area also includes a portion of the Future Phase. The larger portion of the Future Phase is to the east beyond the service area of the Palmer Lake Sanitation District (PLSD) where 8 future large lots on septic systems are planned. The property is shown fully developed with lots and rights-of-way, except for the embankment at the west end. The proposed stormwater detention to the south of the “bend” in the subdivision is on a separate parcel outside of, but adjoining the subdivision.

Zoning and Uses. The existing and proposed zone district is R-10,000 Intermediate Density Residential. Existing uses are undeveloped single-family residential (SFR) lots and narrow unimproved drives in the existing platted right-of-way. The proposed use is single-family dwellings on lots of at least 10,000 sq. ft. No conditional uses are proposed.

Acreage: The Master Plan shows the following acreages. Acreages highlighted in yellow are not under review by the Town and there is no guarantee that these lots will be approved in the future.

Note the following acreage from the 3rd submittal:

- | | |
|---------------------------------|--|
| • Phase 1 ROW | 7.697 acres (ac.) |
| • Lot area Phase 1 | 13.472 ac. (green lots with dashed line through the interior of the lot indicating its two lots) |
| • Lot area Phase 2 | 8.659 ac. (orange lots) |
| • Detention area | 1.785 ac. (Master Plan Sheet 2 shows this area outside of the Subdivision) |
| • Future Phase | 24.539 ac. |
| • Size of proposed development: | 56.152 ac. (includes the detention area) |



TOWN ATTORNEY

1. The “applicable regulations” for the current application

As you know, the Town adopted new subdivision regulations effective July 25, 2024. The question has been raised whether the most recent submittal from the applicant should be considered under the Town’s new or previous subdivision regulations.

When a land use application is submitted under one set of regulations and then the regulations are replaced with a new set, the regulations under which the application was initially submitted continue to govern the application if the application was substantially complete at the time it was filed, the applicant has pursued the application with reasonable diligence, and the current application is substantially the same as the initial application. It is the date of initial submission, and not the date completeness is determined, that is the determinative date for deciding which regulations apply.

In this instance, the applicant submitted its original application on July 19, 2023. Its second submission was filed on November 15, 2023; third submission on July 26, 2024; and current resubmission on October 29, 2024.

The Town Administrator has indicated the initial application was substantially complete, that many of the changes in subsequent submissions were made to comply with adopted regulations, at the request of Town staff and consultants, and that the current submission is substantially the same as the initial one. That is consistent with the Town Attorney’s understanding, as well.

Under these circumstances, the subdivision application should be reviewed under the subdivision regulations that were in place at the time of the original submission. For purposes of this memo, when there is a reference to the “applicable regulations” it refers to the subdivision regulations in effect on July 19, 2023. To assist the applicant and the Planning Commission, a copy of the applicable code is attached.

2. 20% public land dedication

Under the applicable subdivision regulations, Section 16.76.010, a 20% land dedication for public lands is required for residential subdivisions. This 20% is in addition to the dedications required for roads, easements for drainage and utilities, etc.¹

The applicable regulations also provide in Section 16.76.030 for the payment in lieu of public land dedication, if, based on the recommendation of the Planning Commission, the Board of Trustees concludes that the land proposed for dedication is not suitable for its intended purpose or the public interest would be better served by requiring cash in-lieu of such dedicated lands. (See Town Planner comments and El Paso County comments on 20% land dedication.)

The only reason for not requiring a public land dedication or payment of a fee in lieu is if the applicant could demonstrate to the satisfaction of the Town that this dedication or payment was made by a previous owner of the property. It is the Town Attorney’s understanding nothing has been provided



indicating such prior payment or dedication, nor as required by Code was any such land dedication filed with the El Paso County Clerk and Recorder.

3. Ownership or written authority to act on behalf of all property owners within the application

As I mentioned in my April 24, 2024, letter to the applicant's attorney, the applicant must either own all of the property included in the application or have the written authority to act on behalf of all owners for Phase 1. As discussed above, it appears there may have been a transfer of ownership, which will need to be cleared up before the matter proceeds. This is required as part of the Master Plan submittal.

4. Roadway/utility right-of-way dedication or easement

As mentioned in the Town Attorney's April 24, 2024, letter to the applicant's attorney, an additional five-foot wide public improvements easement on each side of the existing 50-foot right-of-way is needed in order to achieve the total 60-foot width that is required. Town staff requested dedication of the additional right-of-way, but the applicant suggested it would be more expeditious to obtain five-foot easements across each lot to achieve the 60 feet and asked that it be allowed to use the easement approach, rather than the right-of-way dedication approach. Staff agreed, provided the applicant obtained the appropriate easements. Accordingly, to meet this requirement, the applicant needs to provide easements across the property of each affected lot, duly executed by the owner of each property that would be encumbered by such easement. This includes lots within this application as well as other lots along the platted roadways that are not owned by the applicant. I do not believe I have seen those easement agreements. Without the non-applicant lots being added to the plat and joining in the application process, or easements being obtained from the non-applicant owners, I have concerns about how this matter can move forward.

5. Second access versus sprinklering

In our meeting earlier this year, the applicant represented having a letter from the Fire Department indicating that no second access would be required, provided the houses built on the property are sprinklered. In my April 24, 2024 letter, I asked the applicant's attorney to provide that letter. I do not believe it is included in either the 3rd or 4th submittal from the applicant. In addition, if the lack of a second access issue is to be resolved by requiring sprinklering, that requirement would likely apply to all future homes to be built in the subdivision and would be a substantial change from what purchasers understood when they bought their lots. Accordingly, I recommend the applicant provide the Town evidence that all affected property owners have received notice so they have an opportunity to fully understand and address this issue. It is in the Town's and the applicant's interest, as well as the interests of all potentially affected landowners to resolve such matters at the outset of the process. While not part of this review, a Subdivision Improvements Agreement (SIA) will be the vehicle to determine who conducts the Firewise Inspections, it should not be presumed that the cost or burden of these inspections will fall on the Town of Palmer Lake Fire Department.



6. Reimbursement for public improvements

To reiterate my discussion of this issue in my April 24, 2024 letter, it is my understanding that with regard to the roadways that run through the proposed subdivision, none of the abutting lots have been built on. If so, if the applicant puts in the entire roadway system and utilities, then Town staff supports entry into a reimbursement agreement between the Town and the applicant requiring proportionate reimbursement of actual costs prior to issuing a building permit for a benefitted lot, at least for a substantial period of time. The note in the development standards added in the 4th submittal does not state 'proportional.' All lots within the subdivision would be subject to reimbursement regardless of ownership.

TOWN CONSULTING ENGINEER

1. Applicant's 4th submittal package

a. Letter of Intent

- i. The wastewater provider is the Palmer Lake Sanitation District, not Town of Palmer Lake Sanitation District.

b. Master Plan Drawings

- i. Lakeview Heights Development Standards Notes: As noted, the Development Standards are not reviewed at the Master Plan submittal. The development standards will be a matter for further review and negotiation. Some items, such as the Firewise requirements, may be considered in the SIA.
- ii. General Note #10 indicates by date the previous versions of other supporting documents in the Master Plan submittal package. All documents listed must be updated with the latest dates of revision to coincide with the latest versions submitted as part of the 4th submittal package being reviewed, in order to reference the correct and applicable documents.
- iii. General Note #14 was added to require all property owners to dedicate a 5' public improvement easement adjacent to the Right-of-Way. However, it does not indicate how the non-applicant owned lots will consent to, or convey, that easement. The Applicant must provide the intended process for obtaining the easements from non-applicant owned properties as noted by Attorney Krob. Refer to comments below regarding the NES response to the CMI letter.
- iv. The Owner indicated on the title sheet has changed from Sepp & Affiliates to Zoom Holdings Trust. All other drawings appear to indicate Sepp & Affiliates as the property owner of applicant-owned lots. It appears that there may be at least one other non-applicant owner participating in Phase 1. All lot owners must consent to the Master Plan submittal, refer to previous comments on this matter.



- c. Water Resources Report
 - i. No additional comments
- d. Traffic Impact Study
 - i. The submitted document is the exact same document as was submitted for in the third submittal package, no changes in response to previous comments.
 - ii. The only apparent response to previous comments was a separate Trip Generation table which revised (increased) trip counts based on previous comments regarding total lots included in Phase 1 and Phase 2. The request in previous comments to identify the impacts and changes that resulted from increasing the values in the Trip Generation table were not given. It is recommended that the Traffic Impact Study be revised to:
 - 1. Update all discussions on trip generation values
 - 2. Update all figures to illustrate the additional traffic loads, including the individual movements counts through the intersections evaluated
 - 3. Update all traffic count tables and data tables
 - 4. Update all trip generation and level of service tables, and identify all changes to the level of service provided due to the increase in trip counts
 - 5. Confirm whether or not the increase in trip counts requires any changes to turn lane construction requirements or requires additional turn lane construction
 - 6. Identify the changes to roadway section construction limits for the Urban Local and Local (Low Volume) roadway sections due to the additional trips
- e. Master Drainage Development Plan
 - i. Refer to comments provided by Chavez Consulting
 - ii. The offsite stormwater detention tract should be included in the replat and noted as being associated with the drainage requirements of the replatted lots.
- f. NES responses to GMS comments
 - i. Traffic Impact Study was not updated, only a single table for trip generation was provided. Refer to the comments above regarding the Traffic Impact Study.
- g. NES responses to CMI comments
 - i. On Page 5 regarding the CMI comments under Number of Lots and Density, the CMI comment was ***“Required: For the preliminary plat application, signatures of all property owners for each phase are required.”*** The NES response was *“Noted. To be provided with preliminary plat.”* On Page 10 under Other Easements, the CMI



comment was ***Comment:*** *The Applicant shall provide more information on how the road easements will be obtained and what will be done if a property owner is unwilling to provide this easement.* The NES response only spoke to the manner in which the applicant owned lots will convey the easement, it did not address how the non-applicant owned lots will convey the easement. The applicant must confirm if the non-applicant owned lot easements will be provided with the preliminary plat as indicated in the previous item response on Page 5, or by other means.

NOTE: As described above by Attorney Krob, non-applicant owners will be required to provide consent to easements and other burdens imposed by the Master Plan.

2. Previous Outside Agency Rereferral Comments (Refer to the Referral Comments section below for additional details)
 - a. Lewis Palmer Schol District
 - i. The current Master Plan submittal is for the development of 46 single family lots only (47 if the lot in escrow is closed and proof provided), although certain infrastructure will be constructed for these 46 lots which will support future lot development.
 - b. Master Drainage Development Plan
 - i. Refer to comments provided by Chavez Consulting
 - c. Master Plan Drawings Review
 - i. No additional comments
 - d. El Paso County Department of Parks and Community Services
 - i. The letter includes several comments regarding the proposed development's impact to the Ben Lomand Mountain Secondary Regional Trail, Santa Fe Regional Trail, the County's designation of candidate open space in the development, designated open space within the development, stormwater impacts, multiple trail and open space connections and public trail easement requirements. As it does not appear that these items have been addressed in the 4th submittal package, it is recommended the items in this letter be individually addressed by the applicant to the satisfaction of the County and Town of Palmer Lake Planning Commission and Board of Trustees.
 - ii. Regarding the County comments on road sections, the Master Plan Drawings do indicate the proposed road sections to be constructed in accordance with El Paso County Engineering Criteria Manual requirements, as adopted by the Town. The applicant's intended construction includes curb, gutter and stormwater infrastructure to convey runoff to the detention facilities. The applicant can confirm this intent for the County.
 - e. Colorado Department of Transportation
 - i. No additional comments



TOWN CONSULTING PLANNER

Item 1: Role of the Master Plan. As noted in the Master Plan application the recently adopted Community Master Plan (aka Comprehensive Plan) classifies this land as an 'environmentally constrained residential area' on the Future Land Use Map. These areas are identified as including steep slopes, extensive forested areas, or areas that are difficult to serve or access. Some of these land areas show platted roads that have never been built. There is no water or sewer service to these sites, making the development potential severely limited and extremely expensive. The environmentally constrained residential areas are not suitable for development except for single-family homes on larger lots and the size of the lot will be determined by the Hillside Overlay District - known as the Stormwater Quality Control ordinance.

The adopted Master Plan requires as a first step in the review of an application a FINDING OF SUBSTANTIAL COMPLIANCE WITH THE FUTURE LAND USE PLAN. The Plan further states "If the development proposal or request does not substantially conform to the Community Master Plan, the request may be denied." The Planning Commission and Board of Trustees will need to consider this statement as well as the second step in their review- FINDING OF CONSISTENCY WITH THE ADOPTED COMMUNITY GOALS AND GUIDING OBJECTIVES.

Item 2: Open Space Dedication

1. As noted in the Town Attorney's e-mail to the applicant's attorney dated April 24, the applicant is required to dedicate 20% open space as part of the Phase 1 Plat application. (See Section 16.76.010. "Land for public uses" of the applicable subdivision ordinance.) The adequacy of the land dedication is reviewed by the Board of Trustees. In addition, under the applicable regulations (Section 16.76.030-Park land dedication or cash in-lieu thereof) allows a cash in-lieu of dedication but only if the Board finds the following:

"When the dedication of required park, open space, and trail lands is not deemed suitable or not in the public interest, the board of trustees shall require the subdivider, in-lieu thereof, to pay to the town a fee in-lieu of land."

2. El Paso County referral comments asked for useable open space within the subdivision and a connection to the Sante Fe Open Space both to meet the requirement and also to reduce stormwater run-off concerns. (See full request under referral comments.)

Item 3: Detention facility should be included in the subdivision plat. (See comments from Chavez Consulting.) This is preferable rather than making the detention facility an off-site improvement and is standard practice in El Paso County.

Item 4: Applicant shall provide an overview of the cost-reimbursement plan for infrastructure, and this shall be made part of the record. (See comments on same from GMS/Krob Law.)

Item 5: Land Disturbance. Slopes under 16 % are required to comply with the Hillside Overlay District. (See Zoning Section 17.68.064 Development standards.) For preliminary plat submittals, indicate the average slope utilizing the following section of the Municipal Code - 17.68.050. Merger of contiguous



lots. Also see 17.68.030. Definitions for the method of calculating the slope of a property. On the preliminary plat for each lot, show on the “map” or in a table, the slope and the percent of the lot to remain in a natural state.

Item 6: Land In Natural State Requirement. On the preliminary plat for each lot, show on the “map” or in a table, the slope and the percent of the lot to remain in a natural state.

Item 7: Sheet 1 General Note 1. Revise dates.

Item 8: Sheet 1 General Note 13. Please delete 17.60. This was incorrectly included in a comment previously sent to you.

Item 9: Midblock walkways. Provide midblock walkways as required by Subdivision section 16.40.040. *Applicant responded ‘no sidewalks’ proposed.* Midblock walkways MUST be provided.

Item 10: Sheet 2 Lot variances. Legend indicates 11 lots need variances. Map layout appears to show 8 such lots. Reconcile or explain.

Item 11: Required. For the preliminary plat application, signatures of all impacted property owners are required.

Item 12: Requirement on Compliance with Zoning. For the hearing on the master plan, add a note that the project will comply with Title 17 Zoning as is currently being amended. Specific attention to the following sections of the Municipal Code shall be adhered to: Chapter 14.20- Lighting, and current chapters 17.12, 17.60, 17.64, 17.68 and 17.84 regarding drainage, flooding, erosion, and landscaping.

TOWN STORMWATER CONSULTANT

The MDDP provided is not signed. The MDDP must be signed and stamped by the Engineer of Record and the Owner to be considered a complete submittal.

The MDDP states the site is 57 acres, which is consistent with the Master Plan documents. However, the MDDP does not account for the entire site. Only Phases 1 and 2 are accounted for in the MDDP. This exclusion should be noted in the MDDP.

A second MDDP will be required for review of “Future Phase” identified in red shading in the Master Plan map. El Paso County Parks (Outside Agency Review) expressed concern about the runoff associated with the “Future Phase” of this development. Stabilized drainage ways will be required downstream of the permanent stormwater control measure for that phase.

Sub basin A24 is not included in the Standard Form SF-3 STORM DRAINAGE SYSTEM DESIGN (RATIONAL METHOD PROCEDURE) DEVELOPED spreadsheets. Please explain/justify the omission.

The Cross Sections for Gutter Capacity are based on 1% slopes whereas anticipated slopes of streets are stated to be considerably greater than 1%. Re-evaluation should be conducted based on actual proposed slopes of the streets.



The Four Step Process section does not refer to the need for stabilized drainage ways specifically in sub-basin A24. The description of basin A24 identifies the need for a “cutoff channel” and will require stabilization.

The parcel of land on which the proposed extended detention basin is located is not included in the Plat. This parcel must be included in the Plat and identified as a Tract or as a drainage easement.

There is an El Paso County Parks trail intersecting the drainage path downstream from the proposed Extended Detention basin. Additional considerations may be required to ensure no negative impact to the trail occurs.

The hydraulic analysis must include an evaluation of the Extended Detention Basin drain and infiltration time for the 10-year event. The Mile High Flood Control District has a workbook “SDI-Design Data v2.00, Released January 2020,” which must be used to verify there are no downstream impacts on water right owners.

REFERRAL COMMENTS

Colorado Department of Transportation

1. The Colorado Department of Transportation requested a copy of the MDDP. A copy of the final, signed MDDP should be provided to CDOT.
2. A State Highway Access Permit will be required for the connection of Spruce Mountain Road to State Highway 105A.
3. CDOT has requested copy of the drainage plan for review.
4. On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S. and all rules pertaining to outdoor advertising.
5. Any utility work within the state highway right-of-way will require a utility permit from CDOT.

El Paso County Department of Parks and Community Services

1. The Applicant should reconsider the current lot design to integrate useful open space areas into the plan as requested by the County. The Town requests that the applicant meet with El Paso County to resolve this issue and to seek means to reduce runoff onto the County’s property.
2. No stormwater runoff shall impact the Santa Fe Open Space or Trail.
3. The Applicant is required to work with EPC Parks and Community Services staff on neighborhood trail connections to the Santa Fe Open Space and two noted neighborhood trail connections from Lake Avenue.
4. Consider the construction of decorative but effective fencing between the Santa Fe Open Space and the residential lots north of and adjacent to the Open Space.
5. Provide a 25’-50’ wide public trail easement through the eastern portion of Lakeview Heights for the construction and continued maintenance of the Ben Lomand Mountain Secondary Regional



Trail, and to designate and provide the easement on forthcoming preliminary plans and final plats.

6. El Paso County Parks expressed concern about possible erosion impacting the trail from the future discharge from the “Future Phase” of the Master Plan. This area is not included in the MDDP and should be clearly stated.

School District 38

Fees in lieu of land is required at the rate of \$1,360 for each single family detached dwelling unit (SF DU). Based on the 4th submittal plan, following are the total amounts for each phase.

- Phase 1 with 46 SF DU = \$62,100
- Phase 2 with 33 SF DU = \$44,550
- 20 other possible SF DU = \$26,400

Xc:

- September 10, 2024 letter from Teresa Guagliardo, Colorado Department of Transportation
- August 29, 2024 letter from Ross Williams, El Paso County Parks and Community Services
- September 20, 2024 email from Melissa Andrews, Lewis Palmer School District

i Ch 17.76.030 *Land dedication standards.*

- (1) Any land to be dedicated as a requirement of this section shall be suitable, in the opinion of the board of trustees, for use as parks, open space, and/or trails. Land dedication shall include the board of trustees for use as parks, open space, and/or trails. Land dedication shall include the real property together with all tributary, non-tributary, and not non-tributary water rights owned by the subdivider as a consequence of ownership of the dedicated property, well rights, ditches, and ditch rights appurtenant to the property, mineral rights and all improvements thereon. Factors to be used in evaluating the adequacy of proposed park areas shall include, but are not limited to, size, shape, topography, geology, flora, fauna, access, and location. No such land dedication shall be located within the 100-year flood plan boundary unless this requirement is expressly waived by the board of trustees.
- (2) The board of trustees, in consideration of the recommendations of the planning commission, will determine the suitability of the land proposed for dedication in providing for the intended purpose of the dedication, in accordance with the standards and criteria set forth in this section. If the board, in its sole discretion, determines that such land is not suitable for dedication or that the public interest would be better served by requiring cash in-lieu of such dedicated lands, the subdivider shall be required to provide cash in lieu of such dedicated lands pursuant to the provisions of subsection (b) of this section. Further, nothing contained herein shall be construed to prevent the board from requiring that part of the park land dedication requirement be made in the form of dedicated land and that part of such requirement be made in the form of cash in lieu of the remaining requirements for such land.

AFFIDAVIT OF PUBLICATION**STATE OF COLORADO
COUNTY OF El Paso**

I, Kate Dickens, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 10/30/2024**

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

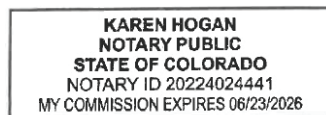


Kate Dickens
Sales Center Agent

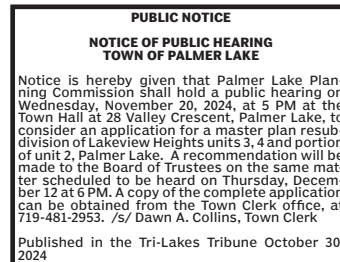
Subscribed and sworn to me this 10/30/2024, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires June 23, 2026.



Karen Hogan
Notary Public
The Gazette



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Community Matters Institute

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barbcole@communitymattersinstitute.org

Item 6.

M E M O

To: Planning Commissioners
Through: Dawn Collins, CMC, Town Administrator/Clerk
From: Barb Cole, Executive Director, CMI
CC: Mike Davenport, CMI, Mark Morton, GMS, Scott Krob, Krob Law
Date: November 18th2024
RE: Next Steps- Code Update

As discussed and noted in memos to the Planning Commission since the outset of our contract with the Town of Palmer Lake, Community Matters Institute (CMI) is under contract to undertake critical updates to the Subdivision and Zoning code. As we have together tackled each Article, necessary substantive changes to the code have had to be addressed. Additionally, since the Planning Commission noted early on that a total reorganization was desired, the new code will need to be adopted as a whole and cannot be adopted by Article. The result is after 50 years, with essentially the same set of land use regulations, direction from the Planning Commission, coupled with input from the Development Review Team (DRT), will result in a new code. Critical updates are not sufficient, particularly given statutory changes over the last 50 years.

The Planning Commission has repeatedly reiterated its concurrence with moving through the Code Update according to the agreed-upon Table of Contents (see attachment). We have relied on the Planning Commission's direction and believe the agreed-upon course of action is in the best interest of the Town and its citizens, particularly given an increase in development interests.

Last November and early January, the Commission gave approval to Article 1, and we stated that you would have another opportunity to review Article 1 once the entire code is completed. The same holds true for Article 2. As we draft each Chapter, it may require 'tweaks' to those articles you have already approved. It may also be that items get moved from one chapter to another. This is most likely between Articles 3 and 4. Throughout our code update effort, we have noted such required tweaks in memos to the Planning Commission sent through the Town Administrator.

We strongly recommend that we stay the course and want to reiterate the following process:

Step 1: The Planning Commission approves a draft and conditionally approves the Article.

Step 2: Once the Planning Commission is comfortable and conditionally approves the draft of each article, it is forwarded to the DRT (Town Administrator, Town Contract Planner, Town Contract Engineer, Town Contract Stormwater Consultant, and Town Attorney) for their review and comment.

Step 3: CMI reviews and reconciles DRT comments and creates a 2nd draft.

Step 4: The Planning Commission reviews the 2nd draft and recommends any additions or changes.

Step 5: The 2nd draft is forwarded to the Board of Trustees for their conditional approval.

Step 6: Once all articles are conditionally approved, CMI will create a final draft including all definitions.

Step 7: The Planning Commission reviews the final draft, amends, if needed, and recommends approval to the Board of Trustees.

Step 8: CMI makes necessary amendments and sends the final draft to the Town Attorney for review. A copy will also be sent to the DRT to also make any further comments.

Step 9: The final draft of Title 17 revisions will be sent to the Board of Trustees for their consideration.

Step 10: The Board of Trustees considers the ordinance and once approved, Title 17 becomes law 30 days after publication by title.

Synopsis of the Agreed-upon Table of Contents and What Has Been Completed to Date

Article 1: General Provisions. Approved by the Planning Commission in January of 2024; sent to Attorney Scott Krob for review; final to be reviewed with entire update to the Zoning code.

Article 2: Districts and Uses. Updated Article 2, sent to Planning Commission on November 18, with the memo outlining remaining issues; anticipated workshop on December 2, 2024, and on December 4th special meeting, Planning Commission to consider a recommendation to the Board of Trustees that this draft is acceptable and a motion to accept Article 2 as complete, with a final review by the Planning Commission and Board of Trustees after remaining Articles are completed pending Town Attorney legal review.

Article 3: General Standards Applicable to All Zone Districts. As noted in previous correspondence to the Planning Commissioners, this Article is the next 'meaty' article to be drafted and logically should remain the next priority. Article 3 will contain:

- Updated parking standards including loading standards and pedestrian connectivity.
- Landscape standards
- Site design standards
- Building design standards
- Improved dark sky standards
- Nuisance standards related to land use (externalities including glare, vibration, odor, smoke etc.)
- Signs (new sign code will be inserted here)
- Possibly home occupations (*this would move from Article 4*)
- Current stormwater requirements (*Hillside Overlay District - this would move to Article 4*)

Article 4: Special Requirements. This includes much of what is already in the current code including flood-prone areas, Industrial and Commercial performance standards and perhaps a cluster development provision alternative to the PD.

Article 5: Subdivision. COMPLETED AND ADOPTED AS TITLE 16

Article 6: Administration and Procedures. *Note in January we asked the Planning Commissioners if this should be the next step, and the decision was to move to Article 2.*

Article 7: Annexation. *The Town is currently relying on State statutes. Chapter 17.14.040 adopted.*

Article 8: Definitions. This is typically the last task when updating a code, and should not include any rules, but simply define the terms. It is difficult and time-consuming and often results in inconsistencies if definitions are drafted by Article.

This course of action ensures consistency between articles, documents progress as we move through the articles, and reflects wisdom gained as the major rewrite is undertaken.

/bac

Attachment: Suggested Reorganization of Palmer Lake's Land Use Regulations. V 2

SUGGESTED REORGANIZATION OF PALMER LAKE'S LAND USE REGULATIONS (CHAPTERS 16 AND 17) VERSION 2: JULY 22ND, 2024

SENT AND AGREED TO BY PLANNING COMMISSION: July 22, 2024; January 22, 2024, November 15, 2023, October 2023

The agreed-upon Table of Contents was based on the Code Diagnosis conducted by CMI and Planning Commission worksheet results on what needed to be updated in the Code, dated October of 2023, and the Planning Commission meeting on October 25, 2023. Preceding this was a virtual workshop and PowerPoint presentation with the Planning Commission on April 26, 2023.

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

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

ARTICLE 1: GENERAL PROVISIONS

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

¹ In order to save staff time and the headache of accounting for deposits, we recommend that each applicant pay a non-refundable fee and then sign a cost reimbursement agreement to cover actual costs.

16-1-130	Enforcement
16-1-140	Violation Penalties
16-1-150	Severability

ARTICLE 2: DISTRICTS AND USES

16-2-10 Zoning districts established.

16-2-20 Minimum Size for New Districts

16-2-30. Official Zoning Map.

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

16-2- 50 Use Table

16-2-60 Unlisted uses.

16-2-65 Dimensional Requirements Table

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

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

ARTICLE 3 - GENERAL STANDARDS APPLICABLE TO ALL DISTRICTS

- A. Site Design Standards (such as zoning and site functions, setback encroachments, transition between residential and non-residential uses, street appeal, grading, and site specifications)
- B. Parking, Loading Vehicle and Pedestrian Regulations
- C. Landscaping Standards (includes Fences, Walls, Screens, and Buffers)
- D. Building Design Standards (discussed by PC and Advisors)
- E. Lighting Standards
- F. Noise and Other External Effects (*glare, vibration, odor, smoke, etc.*)
- G. Signs
- H. Historic Landmarks and Historic Districts

ARTICLE 4: SPECIAL REQUIREMENTS

- A. Flood Hazard and Other Critical Areas
- B. Watercourse Alteration
- C. Master Plan (*for multi-parcel developments that are mixed use or involve several phases*)
- D. Industrial and Commercial Performance Standards

- E. Hillside Development Regulations (this is not an overlay on specific land- it applies to all land in town- might move to Article 3- discuss with GMS)
- F. Flood Hazard and environmentally constrained (should also deal with changes in Floodplain from FEMA or CLOMAR/LOMR)
- G. Cluster Development- new concept
- H. Wireless Communication Facilities (MOVE FROM Chapter 14-Matt Krob indicated he would draft we have a recent template)
- I. RV Parks and Campgrounds (is this needed in Palmer Lake)
- J. Manufactured Homes and Modular Homes
- K. Variances
- L. Sexually Oriented Businesses and Service- do we want to move from Title 5
- M. Temporary and seasonal uses- NOT NEEDED IN PALMER LAKE PER Dawn???
- N. Home Occupations
- O. Animal Raising and Keeping (do we want to move from Title 7)
- P. Solar Energy Installments

ARTICLE 5: SUBDIVISION REQUIREMENTS- ADOPTED AS TITLE 16- PC NEEDS TO DECIDE IF IT IS WORTH THE TIME TO MOVE INTO THE LAND DEVELOPMENT CODE)

- A. General Provisions
- B. Purpose
- C. Applicability
- D. Fee and Cost Reimbursement
- E. Administration and Interpretation
- F. Types of Subdivisions
 - 1. Major Subdivision
 - 2. Minor Subdivision
 - 3. Replat/Resubdivision
 - 4. Plat Amendment/Plat Correction
 - ~~5. Subdivision Waiver~~
 - 6. Vacation of a Plat, Right of Way, or Easement
- G. Application Process

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

H. Public Improvements

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

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

J. Easements

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

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

- A. Administration and Boards (need references to Board of Adjustment and Planning Commission found in Chapter 2)
- B. Public Hearings
- C. Notice of Public Hearing
- D. Administrative Approvals
- E. Site Plan Requirements
- F. Conditional Review Uses
- G. Planned Unit Development Procedures

- H. Rezoning and Amendments
- I. Appeals
- J. Variances
- K. Administrative Exceptions

ARTICLE 7: ANNEXATION

- A. Purpose and Legislative Declaration
- B. Eligibility
- C. Review Process
- D. Criteria for Approval
- E. Standards
- F. Submittal Requirements
- G. Public Notice Requirements

ARTICLE 8: DEFINITIONS

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



Community Matters Institute

Tel: ++303 730 0396

barbcole@communitymattersinstitute.org

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: November 18th, 2024
 RE: Overview of Packet and Changes made to Final Draft of Article 2

Your packet includes the following items:

1. Memo on next steps including further review by the Planning Commission.
2. Agreed upon Table of Contents which is the foundation of our work tasks.
3. This memo regarding requested updates to Article 2, definitions in progress and building height.
4. Article 2- final draft for your consideration. As noted, the Planning Commission will review the entire Zoning Code upon Town Attorney review. *(drafting note: formatting issues will be corrected and inconsistencies fixed by DRT.)*
 - Recommendation: We would like you to make a motion to grant conditional approval of both Article 1 (from January 2024) and Article 2 to the Board of Trustees for their conditional approval.
 - Recommendation: The Town's Zoning ordinance shall utilize the definition of height as adopted by the Pikes Peak Regional Building Department International Residential Code (IRC) and International Building Code (IBC) as may be amended.
5. Building Height Recommendation including graphic showing how height using International Building Code definition.
6. Copy of Article 1 from January 24, 2024 Planning Commission Meeting.

SUMMARY OF CHANGES MADE TO ARTICLE 2 BASED ON PLANNING COMMISSION RECOMMENDATIONS

Draft Note: It is likely that Article 2 will be further refined once we receive comments from the Town Attorney and upon the completion of Articles 3 and 4.

1. Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries have been added as principal uses allowed by right principal in the new BI MU zone. These uses are also allowed as a home occupation as long as there is no exterior indication of such activity as will be further addressed in Article 3.
2. Medical and dental clinics have been added as principal uses allowed by right in the new BI MU zone.
3. Retail sales have been added as principal uses allowed by right in the new DMU & VMU
4. CMI has removed the stipulation that retail establishments can only be on the ground floor level. Retail establishments are allowed in all non-residential zone districts including DMU, BI-MU & VMU.
5. Duplexes are only allowed in the R-5,000 zone district (old R-3) as conditional review uses,
6. Multi-family units are not allowed in the R-5,000 zone district (old R-3) zone district.
7. Multi-family units not to exceed six units per structure are allowed in the RMF zone district. Multi-family dwellings that are over 6 units per structure or over 12 units per acre are a conditional review use.
8. Bed and breakfast establishments have been changed to conditional review uses and are only allowed in the following residential zones: RA, R-2.5 & RMF.
9. Any type of outdoor recreation and entertainment uses have been changed "Low impact recreational uses, the term golf course has been removed, and it is now a conditional review use in the BI MU zone.
10. Vehicle Car Wash has been changed to conditional review use in the new BI-MU (*add car*)
11. Recycling or donation drop-off has been removed as a use, therefore it is prohibited.
12. Storage containers or pods have been removed completely. (*note if we add a section on temporary uses, theses would go here- yet to be determined and not in the scope*).
13. Skeet shooting, a use in the current code, has been removed as a use
14. Public parks, recreation, trails, and open space is allowed in all zone districts.
15. Multi-family units are not allowed in the R3 nor R/SL zone district.
16. Multi-family units not to exceed six units per structure are allowed in the RMF zone district. Multi-family dwellings that are over 6 units per structure or over 12 units per acre are a conditional review use.
17. Motorbike/snowmobile as a use has been removed. This is an allowed use

in the current code.

18. Solar energy systems – community scale: This use remains because of statutory requirements but design standards will be added in Article 3. See footnote in Table.
19. Utilities, major facilities must remain but impacts will be addressed in Article 3. There will be screening standards as well as landscape standards in Article 3
20. Utilities, minor facilities – same as above.
21. Commercial accommodation is a defined term. Once we complete Article 3, we can revisit simplifying the types of lodging but generally, any type of accommodation needs to reflect # of units because that creates the impact.
22. We have combined the following: 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” and pg 23 has “Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot” – they are the same.
23. Private garage subordinate in size to the principal structure has been added as an accessory RA & R-2.5.
24. As the Code is currently drafted, you can have an attached garage as well as a detached garage or other accessory structure. This is in keeping with the new State law that requires that ADUS must be allowed in all residential zone districts. Design standards will be forthcoming in Article 3. Also, as previously noted, 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.
25. Adult Day care and senior centers is defined by the CDPHE and requires a license from the state. We recommend that anything with less than 5 children be a permitted accessory use in all zones and anything 5 or more will be a conditional use. The impact is based on the # of children. There are many examples of in-home childcare facilities that occur in someone’s home that are not large commercial establishments which is why it is important to allow these as a conditional use.
26. Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks was added as a conditional review use to CC/D-MU, lots of small towns have been successful with downtown lodging facilities.
27. Any permanent accessory structure that exceeds 720 square feet per lot is a conditional review use in any zone. (if it meets the requirements outlined in Article 3)
28. Conditional Use has been changed to Conditional Review Use to help applicants understand that impacts need to be mitigated.
29. Any establishment with a drive-thru needs to remain a conditional review use because of the CDOT access requirements.

IDENTIFIED DEFINITIONS THAT WILL BE ADDED TO ARTICLE 8

This is the last article to be drafted but we want to keep a running list of terms that the Planning Commission wants defined. Planning Commissioners and DRT- please add to the list of definitions. Some of the language from State Statute may be referenced.

- Utility facilities. Buildings, telephone exchanges, sewage pumping stations, gas, water and electrical substations, regional storm drainage detention facilities and similar facilities located on a specific site and necessary for the operation of a utility. This definition includes major utility facilities and minor utility facilities.
- Utility facilities, major. Facilities that potentially have a significant impact on adjacent properties, such as administrative offices and operation centers; electric generation facilities; oil and gas transmission facilities; overhead electrical transmission lines, sewage treatment plants; or sanitary landfills.
- Utility facilities, minor. Facilities that do not potentially have a significant impact on adjacent properties and are necessary to provide essential services, such as substations (transmission and distribution); pump stations; water towers and reservoirs; public wells; outfalls; catch basins, retention ponds; water treatment facilities; overhead distribution lines and poles; underground lines and pipes, including water, gas or wastewater trunk lines; transformers and regulator stations; private on-site facilities, such as OSWTS, wells and well houses, etc.
- Commercial accommodations. A building or group of buildings containing 20 or more guest units providing transient accommodations to the general public for compensation. Includes hotel, motel, tourist home, boarding house, lodging house, and dormitories, but not room and board as an accessory use.
- Affordable housing (related to Prop 123)
- Wholesale operations
- Live/Work
- “Childcare centers”, less than 24-hour programs of care defined at Section 26-6-102(1.5), C.R.S., include the following types of facilities:
 - A “large child care center” provides care for sixteen (16) or more children between two and one-half (2- 1/2) and sixteen (16) years of age.
 - A “small child care center” provides care for five (5) through fifteen (15) children between two (2) and sixteen (16) years of age.
 - An “infant program” provides care for children between six (6) weeks and eighteen (18) months of age.
 - A “toddler program” provides care for children between the ages of twelve (12) months (when walking independently) and thirty-six (36) months of age.
 - “Preschool” is a part-day child care program for five (5) or more children

- between the ages of two and one-half (2-1/2) and seven (7) years of age.
- “Kindergarten” provides a program for children the year before they enter the first grade.
- A “school-age child care center” means a child care center that provides care for five (5) or more children who are between five (5) and sixteen (16) years of age. The center’s purpose is to provide child care and/or an outdoor recreational experience using a natural environment. The center operates for more than one week during the year. The term includes facilities commonly known as “day camps”, “summer camps”, “summer playground programs”, “before and after school programs”, and “extended day programs.” This includes centers operated with or without compensation for such care, and with or without stated educational purposes.
- A “building-based school-age child care program” means a child care program that provides care for five (5) or more children who are between five (5) and sixteen (16) years of age. The center is located in a building that is regularly used for the care of children.
- A “mobile school-age child care program” provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis for the care of children.
- An “outdoor-based school-age child care program” provides care for five (5) or more children who are at least seven (7) years of age or have completed the first grade. This program uses no permanent building on a regular basis for the care of children. Children are cared for in a permanent outdoor or park setting. 12 Colo. Code Regs. § 2509-8:7.701.2(C).
- Child care centers, less than 24-hour care (referred to as “centers”), provide comprehensive care for children when the parents or guardians are employed or otherwise unavailable to care for the children. Child care centers may operate twenty four (24) hours a day, but the children are cared for at the center fewer than twenty four (24) hours a day. 12 Colo. Code Regs. § 2509-8:7.702.1(A).
- Child care centers, less than 24-hour programs of care, include the following types of facilities:
 - A “large child care center” provides care for 16 or more children between the ages of 2 1/2 and 18 years.
 - A “small child care center” provides care for 5 through 15 children between the ages of 2 and 18 years.
 - An “infant program” provides care for children between the ages of 6 weeks and 18 months.
 - A “toddler program” provides care for children between the ages of 12 months (when walking independently or with a health care provider’s statement indicating developmental appropriateness of placement in a toddler program) and 36 months.
 - “Preschool” is a part-day child care program for 5 or more children between the ages of 2 1/2 and 7 years.
 - “Kindergarten” provides a program for children the year before they enter the first grade.
 - “Full day program” enrolls children for five (5) or more hours per day.
 - “Part day program” enrolls children for a maximum of up to five (5) hours per day. Individual children shall not attend more than one (1) five (5) hour session per day.

- A “drop-in child care center” provides occasional care for 40 or fewer children between the ages of 12 months and 13 years of age for short periods of time not to exceed six (6) hours in any 24-hour period of time or fifteen (15) hours in any seven (7) day period of time. 12 Colo. Code Regs. § 2509-8:7.702.1(B).
- “Family Child Care Home”, defined at Section 26-6-102(4), C.R.S., means a type of family care home that provides less than 24-hour care for two (2) or more children on a regular basis in a place of residence. Children in care are from different family households and are not related to the head of household. 12 Colo. Code Regs. § 2509-8:7.701.2(A)(1).
 - A “Family Child Care Home” (FCCH) is a type of family care home that provides less than twentyfour (24) hour care at any time for two (2) or more children that are unrelated to each other or the provider, and are cared for in the provider’s place of residence. 12 Colo. Code Regs. § 2509-8:7.707.22(A) In a regular (FCCH) home, care may be provided for six (6) children from birth to eighteen (18) years of age with no more than two (2) children under two (2) years of age. 12 Colo. Code Regs. § 2509-8:7.707.22(B).
 - A three (3) under two (2) license is a type of license that allows a provider to care for six (6) children from birth to eighteen (18) years of age with no more than three (3) children under two (2) years of age, with no more than two (2) of the three (3) children under twelve (12) months; the capacity includes the provider’s own children under twelve (12) years of age. 12 Colo. Code Regs. § 2509-9:7.707.22(C).
 - An infant/toddler license is a type of family care home that provides less than twenty-four (24) hour care only for children who are between birth and three (3) years old. 12 Colo. Code Regs. § 2509-9:7.707.22(D).
 - A large child care home is a family child care home that provides care for seven (7) to twelve (12) children. 12 Colo. Code Regs. § 2509-8:7.707.22(E).
- “Residential Child Care Facility”, defined at Section 26-6-102(8), C.R.S., shall provide twenty-four (24) hour residential group care and treatment for five (5) or more children between the ages of three (3) and eighteen (18) years old and for those persons to twenty-one (21) years old who are placed by court order prior to their eighteenth birthday. A residential child care facility must offer opportunities for a variety of experiences through a group living program and specialized services that can be used selectively in accordance with an individual plan for each child. A residential child care facility includes “Shelter Care Facilities”, “Residential Child Care Facilities”, and “Psychiatric Residential Treatment Facilities”.
- “Transition Program” may be a component of an RCCF program in which the child is residing in the RCCF part of the time and in a living situation that child is expected to move to after treatment in the RCCF is completed. The purpose of transition is to enable the child to transition to the home or a less restrictive setting in a manner that prepares the child for success in the new setting. 12 Colo. Code Regs. § 2509-8:7.701.2(G).
- A “residential child care facility (RCCF)” shall provide twenty-four (24) hour residential group care and treatment for five or more children, between the ages of three (3) and sixteen (16) years old and for children from sixteen (16)-eighteen (18) years old and for those persons to twenty-one (21) years old who are placed by court order prior to their eighteenth birthday. A residential child care facility shall offer opportunities for a variety of services that can be used selectively in

accordance with an individual plan for each child. A residential child care facility is operated under private, public or nonprofit sponsorship. 12 Colo. Code Regs. § 2509- 8:7.705.1.

-
- Day Treatment Centers: A “Day Treatment Center”, defined at Section 26-6-102(2.4), C.R.S., means a facility that provides less than twenty-four (24) hour care for groups of five (5) or more children three (3) to twenty-one years of age. Nothing prohibits a day treatment center from allowing a person who reaches twenty-one (21) years of age after the commencement of an academic year from attending an educational program at the day treatment center through the end of the semester in which the twenty-first birthday occurs or until the person completes the educational program, whichever comes first. The center must provide a structured program of various types of psychosocial and/or behavioral treatments to prevent or reduce the need for placement of the child out of the home or community. This definition does not include special education programs operated by a public or private school system or programs that are licensed by other regulations of the Department of Human Services for less than twenty-four (24) hour care of children, such as a child care center or part-day preschool. 12 Colo. Code Regs. §§ 2509-8:7.701.2(E), 7.706.1.

SOLAR ENERGY: TO BE ADDED TO DEFINITIONS WITH PORTIONS REFERENCED TO STATUTE

The size of the solar energy system can be regulated by KW hours produced.

Definitions suggested (kilowatts can be adjusted-The average American household needs 15–20 solar panels to meet their energy needs. Most solar panels produce around 2 kWh of electricity per day):

Solar energy *system* means a device or facility that converts the sun's radiant energy into thermal, chemical, mechanical, or electric energy to heat and/or cool indoor space or domestic water and/or provide electric power and light.

Solar energy *system accessory* means a device or facility that converts the sun's radiant energy into thermal, chemical, mechanical, or electrical energy and has a combined name plate DC rating of less than fifteen (15) kilowatts, and includes the equivalent kilowatt measurement of energy for systems.

Solar energy *system, large* means a solar energy system requiring a minimum ten (10) acre lot with twenty-five (25) maximum height limit.

Solar energy *system, small* means a solar energy system that has a combined name plate DC rating of fifteen (15) kilowatts to five hundred (500) kilowatts and includes the equivalent kilowatt measurement of energy for systems.

24-38.5-119. Streamlined **solar** permitting and inspection grant program - creation - eligibility - fund created - gifts, grants, or donations - reporting - legislative declaration - definitions - repeal.

Colorado law (C.R.S. 38-30-168) prohibits HOAs from restricting solar device installation.

Colorado's 1979 Solar/Wind Easements and Rights Law (CRS § 38-30-168) renders void any covenants, restrictions, or conditions that prohibit “renewable energy generation devices” or “energy efficiency measures.”

Renewable energy generation devices include solar energy devices and wind-electric generators that meet the state's interconnection standards.¹ Energy efficiency measures

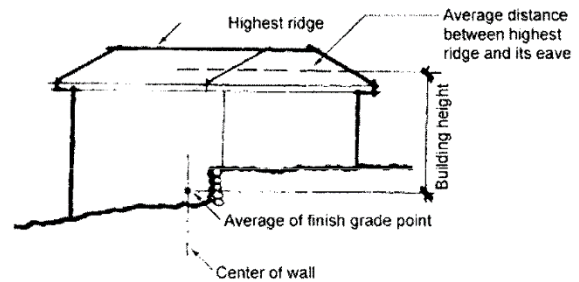
include awnings, attic fans, energy-efficient

lighting, and clotheslines, among other technologies. Some exceptions are made for both renewable energy devices and energy efficiency measures for safety requirements and aesthetic purposes that do not significantly increase the cost of the device or decrease its performance.

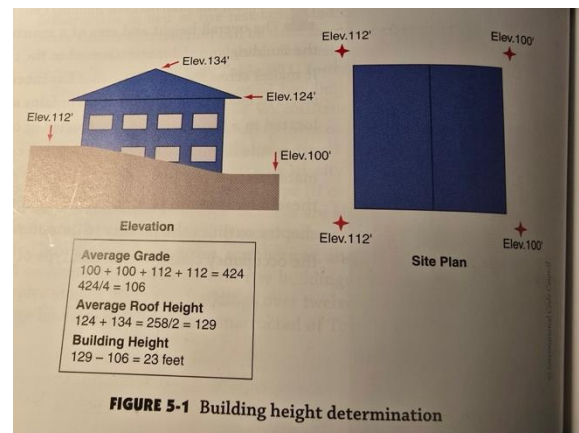
CMI Building Height Recommendations

Recommendation # 1: Use the same definition of building height as used by PPRBD to avoid issues regarding interpretation. (Note: Mike will check to see if this is the latest definition from the International Building Codes and what definition is currently used by PPRBD.)

- *Building height* means the vertical distance above median grade, as defined below, and the highest point of the coping of a flat roof, or to the deck line of a mansard roof, to the average height of the highest gables of a pitched or hipped roof, or to the top of the smokestack of an industrial building. The measurements may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of any exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above median grade. OR
- **2022 International Residential Code.** According to the International Residential Code (IRC) 2022, "building height" refers to the vertical distance measured from the average elevation of the finished grade at the exterior building walls to the highest point of the roof surface, taking into account the roof type (flat, gable, hip, etc.) to determine the appropriate measurement point; essentially, the overall height of the building from the ground level to the top of the roof structure. Note the Second illustration is from Building Code Basics Commercial (2012) and is only to illustrate that we need to confer with PPRBD.



Building Height Measurement Example



Recommendation 2: Building Height in all residential zones and all zone districts except the downtown shall remain at 30 ft.

Recommendation 3: The building height in the Downtown Mixed Use zone shall be 3 stories and no more than 32 ft. if the upper floor is stepped back. (NOTE: CMI wants to check with the Historical Society to see the average height of historic structures in the downtown area- if any of you wish to undertake this research, let us know.)

ARTICLE 2: DISTRICTS AND USES

Drafting note- Inconsistencies and formatting will be addressed upon the Town Attorney and DRT review

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

17.2.010. ZONES ESTABLISHED.

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

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

Current Zone District	Description or Minimum lot or parcel size
RA	RA - Residential Agricultural (5 acres) <i>this includes Scenic Highway 105 corridor per Master Plan and lands on the edge of town that are called Environmentally Sensitive</i>
RE Estate (2½ acres or more)	R-2.5 - Residential Large Lot (2.5 acres)
R1 (1 acre or more) R-2- (½ acre or more)	R-1/2 Low Density Residential (1/2 acre)
R3 – (5,000 sq. ft. or more)	R-5,000 - Small Lot Residential (5,000 square feet)
R-10,000 Intermediate Medium Density Residential Zone (10,000 sq. ft. or more)	R-10,000 - Medium Density Residential Zone (10,000 square feet)
R4 - High Density Residential	R-MF (R-15,000)
CC Convenience Commercial Zone (6,600 sq. ft. or more)	Downtown Mixed Use (DMU)
C1 –General Business and Commercial (6,600 sq. ft. or more)	(North End) Business Industrial Mixed-use (BI-MU)
C2 – General Business and Commercial Zone (6,600 sq. ft. or more)	Village Mixed Use (VMU)
M1 – General Industrial	(North End) Business Industrial <i>combines M-1 with C1 per Future Land Use Plan</i>
O1 – Open	REC- OS Recreation and Open Space
F1 – Floodplain	<i>Moves to Article 4</i>
HO – Hillside Overlay	<i>This is the stormwater quality ordinance and applies to all land in TOPL-this will move from 17.68 to Article 3 or Article 4</i>

- (b) **Intent.** Each zone district includes a description of location, natural and built characteristics, and attributes applicable to zoned land parcels which carries out the intent of the Community Master Plan. Appropriate uses shall be located and designed to fulfill the desired characteristics and objectives of the zone district.
- (c) **Use Regulations.** No use shall be allowed in any zoning district unless it is specifically enumerated as an allowed principal use or accessory use in the particular zoning district or has been approved as a Conditional Review Use following public hearings by Planning

Commission and the Board of Trustees. Each zone district includes the following categories:

- (1) Permitted principal uses are uses by right, permitted within the particular zone district subject to required permits or other approval processes. Permitted principal uses for single-family or duplex dwelling unit/structures, and require a plot plan and building permit approval. All multi-family and non-residential uses (including but not limited to commercial and Industrial uses) require site plan approval and building permit approval.
 - (2) Permitted accessory uses and structures are a use by right customarily incidental to the permitted principal use, provided that they meet all applicable regulations. Permitted accessory uses require a plot plan where the principal use is a single dwelling unit or duplex and building permit approval. All other accessory uses require site plan approval and building permit approval.
 - (3) Conditional Review Uses are uses that may be allowed in the zone district subject to any applicable regulations. Conditional Review Uses may be permitted if it can be demonstrated that the location and the site proposed for the use is appropriate, supports the purposes and intent of the zone district, and is compatible with the surrounding area. Conditions to mitigate impacts are attached to the Conditional Review Use Permit. Conditional Review Uses require the issuance of a permit approved by resolution after a duly noticed public hearing by both the Planning Commission and Board of Trustees.
- (d) **Dimensional Requirements.** Dimensional requirements are minimum requirements which apply to the siting and massing of buildings and structures on the lot. Dimensional requirements include:
- (1) Minimum lot area.
 - (2) Minimum lot width.
 - (3) Maximum gross density.
 - (4) Setbacks: front, rear, and side yard setbacks.
 - (5) Maximum impervious coverage.
 - (6) Maximum building height.
 - (7) Separation between building structures.
- (e) **Development Standards.** Development standards are minimum standards that apply to development and uses within the zone district. A site plan or plot plan approval is required. Development standards specific to each zone district are listed within the zone district.

General standards pertaining to all zone districts are found in Article 3 of this Chapter and apply to residential, nonresidential development, and special purpose districts.

17.2.020 UNLISTED USES.

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

Sec. 17.2.030. Official Zoning Map.

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

- (5) In the event of any other uncertainty not mentioned in this Section, the Town Administrator shall recommend the location of such boundaries to the Board of Adjustment, and the Board of Adjustment shall make the final determination.
- (c) Amendments to Official Zoning Map. Changes in the boundaries of any zone district shall be made only upon a zone amendment pursuant to the procedures of this Chapter. An amendment shall be promptly entered on the Official Zoning Map with an entry on the map giving the number of the amending ordinance and the date with the signature of the Mayor, attested by the signature of the Town Clerk.

Sec 17.2.040 Minimum Size for New Zone Districts

Unless contiguous to the same zone district, all newly created zone districts or zone changes shall be greater than five (5) acres in size. Planned Development (PD) zone districts shall be a minimum of 5 acres. When contiguous to an existing district of the same designation, the minimum dimensional requirements from the zoning district to the proposed zone change shall apply.¹

¹ The minimum size requirement will prevent spot zoning.

Sec. 17.2.050 Use Table

Table of Uses in Each Zone District										
Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional Review P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
Agricultural Uses										
Accessory structures and/or shelter for agricultural implements and tools used to maintain premises and uses that assist in the production of value-added agricultural products	A	A								
Agricultural field operations*	P									
Animal boarding including kennels, veterinary facilities, and clinics	P	P								
Animal hospitals*	C	C							C	
Animal hospitals and kennels, provided that a minimum area of five acres is available for said kennel								C		
Equestrian riding stables and arenas, public or private	P	C								
Equestrian stabling and grazing	P	P								
Husbandry of domesticated farm or ranch animals	P	P								
Nursery/tree farm*	P									
Optional premises cultivation operations as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30.								C		
Residential Uses										
Accessory dwelling unit limited to 750 square feet (<i>per State Law this may need to be an administrative review but we could add pre-determined criteria</i>)	C	C	C	C	C	C	C	C	C	C
Any residential development that is not mixed use or any residential development greater than 6 units per building and/or 12 units per net residential acre					C					

Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional Review P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-1-MU	V-MU	Rec-OS
Residential Uses (continued)										
Caretaker unit	A							P		
Dwelling units subordinate in size to the principal use and located on the second floor of a permitted principal use or in the rear of a permitted accessory use							A		A	
One single detached dwelling per lot	P	P	P	P		P				
Duplexes (defined as two-family)				C	C					
Home based businesses as specified in Chapter 17.X.XX	A	A	A	A	A	A	A	A	A	
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 4 units per structure with or without zero property lines					P					
Owner-occupied or nonprofit group home*	P	P	P		P					
Residential dwelling not to exceed 4 total dwelling units per lot							C			
Type I manufactured homes									C	
Commercial Uses										
Bed and breakfast establishments	C	C			C					
Childcare centers – 5 to 16 children) per CRS XXX			C		C	C		P	P	
Childcare in home (less than 5 children per CRS XXX	P	P	P	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		

Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
Commercial Uses (continued)										
Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries							P	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	C	
Medical and dental clinics							P	P	P	
Micro-brewery, Micro-distillery, or Micro-winery							P	P	P	
Offices					C		P	P	P	
Personal or Business Services							P	P	P	
Recreation and cultural facilities, public or non-public							P			
Recreation and entertainment, indoor								P		
Recreation and entertainment, outdoor								C		
Retail sales							P	P	P	
Small 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 (no trucks)								P	P	
Vehicle sales, leasing, rental, and service (no trucks)								C		
Vehicle car wash								C		
Industrial Uses										
Building materials and supply sales, provided any outdoor storage is screened from view								P		
Composting facility								P		
Contractor shop and yard								P		
Industrial, artisan								P		

Note: Asterisk (*) – See Definitions for more specific description of this use. Use Key: A – Accessory C – Conditional P - Permitted	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-I-MU	V-MU	Rec-OS
Industrial Uses (continued)										
Industrial, light								P		
Light assembly of prefabricated parts; arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries							C	P	P	
Light manufacturing								P	C	
Mini-warehouses and storage rental spaces									C	
Outdoor storage								C	C	
Vehicle repair, major								C		
Warehouses and wholesale businesses								P		
Wholesale operations provided that traffic impacts can be mitigated									C	
Public and Institutional Uses										
Cemetery	P	P	P							
Emergency services including ambulance services								C	C	
Institutional and quasi-public uses*					C					
Non-public schools*		C		C		C	C	C	C	
Nursing homes, hospitals								C	C	
Public buildings, including police and fire stations or facilities, and civic facilities	P	P	P	P	P					
Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices							P	P	P	
Public schools for primary education (K-12)	P	P	P	P	P	P	P	P	P	
Religious institutions*	P	C	C	C	C	C	C	C	C	
Parks, Recreation, and Open Space Uses										
low-impact recreational uses								C	C	P
Picnic grounds with facilities										P
Public parks, recreation, trails and open space	P	P	P	P	P	P	P	P	P	P

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

Sec. 17.2.060 Dimensional Requirements Table

Table of Dimensional Standards										
Key: ac - acre ' - feet	RA	R-2.5	R-1	R-5,000	R-MF	R-10,000	DMU	B-1-MU	V-MU	Rec-OS ³
du – dwelling units										
sf – square feet										
Minimum lot area (ac.)	5 ac.	2.5 ac.	0.5 ac.	5,000 sf	15,000 sf	10,000 sf	6,600 sf	6,600 sf	6,600 sf	
Minimum lot width (feet)	250'	150'								
Minimum lot frontage (feet)			75'	50'	100'	50'	35'	35'	35'	
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'	25'	25'	25'		20'	20'	
From side property line (feet)	25'	10'	10'	7.5'	10'	7.5'	see note ¹	see note ¹	see note ¹	
From rear property line (feet)							10'			

SEC 17.2.70 RESIDENTIAL AGRICULTURAL ZONE (RA)

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

(b) Use Regulations

(1) Principal Permitted Uses.

- a. One (1) single detached dwelling unit per lot.
- b. Husbandry of domesticated farm or ranch animals.
- c. Field operations including field preparation, planting, fertilizing, cultivating, harvesting, tilling, herbicide/pesticide spraying, haymaking, mowing, crop storage, hauling, and agricultural uses, including family farms and ranching businesses on slopes of less than 15%.
- d. Nursery/tree farm that involves the planting, growing, cultivating, cutting, and harvesting of nursery stock or sod growing on a site, and the loading, unloading, and sorting of nursery stock or sod on slopes of less than 15%.
- e. Animal boarding, including kennels, and veterinary facilities, and clinics.
- f. Equestrian riding stables and arenas, public or private.
- g. Equestrian stabling and grazing.
- h. Bed and breakfast establishments.
- i. Small Solar energy systems.²
- j. Parks and Open Space.
- k. Public buildings, including police and fire stations or facilities, and civic facilities.
- l. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter 17.XX Off-Street Parking.
- m. Cemetery.
- n. Public schools for primary education (K-12).
- o. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
- p. An owner-occupied or nonprofit group home, as these terms are defined by Section 31-23-303, C.R.S., as a principal use if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.

(2) Permitted Accessory Uses and Structures.

- a. Accessory structures and uses that assist in the production of value-added agricultural products.

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

- b. Accessory dwelling unit limited to seven hundred and fifty (750) square feet.³
 - c. Private garages.
 - d. Shelter for agricultural implements and tools used to maintain premises
 - e. Home based businesses as specified in Chapter 17.X.XX
 - f. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
 - g. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities
 - h. Solar energy systems – accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Childcare facilities
 - b. Group homes exceeding eight (8) persons)

(c) Dimensional Requirements

- (1) Minimum lot size: five (5) acres.
- (2) Minimum lot width: two hundred and fifty (250) feet.
- (3) Minimum front yard setback from property line, fifty (50) feet.
- (4) Minimum setback from State Highway 105: one hundred (100) feet or the average setback on all parcels within 750 ft. whichever is greater.
- (5) Maximum impervious coverage: 15%
- (6) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (7) Maximum building height, 30 feet.
- (8) Maximum area to be covered by buildings, twenty-five (25) percent.
- (9) Minimum Side Yard Setback: twenty-five (25) feet only if applicable nuisance standards are met.
- (10) Minimum Rear Yard Setback: twenty-five (25) feet.
- (11) Minimum Distance between structures: fifteen (15) feet

(d) Development Standards.

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

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

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

SEC 17.2.80 RESIDENTIAL LARGE LOT (R-LL)

(a) Intent. The Residential Large Lot district is designed to accommodate very low-density single-family residential uses on large lots that may allow the keeping of animals at specified density limits as set forth in 17.XX Animal Raising and Keeping. The R-LL zoning district promotes the continuance of single family neighborhoods by:

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

(b) Use Regulations.

- (1) Principal Permitted Uses.
 - a. One (1) single detached dwelling unit per lot.
 - b. Husbandry of domesticated farm or ranch animals.
 - c. Animal boarding, including kennels, and veterinary facilities, and clinics.
 - d. Equestrian stabling and grazing, private.
 - e. Bed and breakfast establishments.

- f. Small accessory solar energy systems.⁴
 - g. Parks and Open Space.
 - h. Public buildings, including police and fire stations or facilities, and civic facilities.
 - i. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter 17.XX Off-Street Parking.
 - j. Cemetery.
 - k. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
 - l. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.
- (2) Permitted Accessory Uses and Structures.
- a. Accessory dwelling unit limited to seven hundred and fifty (750) square feet.⁵
 - b. Private garages.
 - c. Shelter for agricultural implements and tools used to maintain premises.
 - d. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities.
 - e. Home based businesses as specified in Chapter 17.X.XX.
 - f. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
 - g. Solar energy systems – accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Equestrian riding stables and arenas, public or private.
 - b. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.

⁴ Defined term per Statute

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

- c. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX-Off-street Parking
- d. Any permanent accessory structure that exceeds 720 square feet per acre of land.
- e. Animal hospitals provided the principal structures or uses are not less than 100 feet from any residential district and provided that adequate buffer or screen protection is provided.
- f. Group homes exceeding eight (8 persons).

(c) Dimensional Requirements.

- (1) Minimum lot size: two and one-half (2.5) acres.
- (2) Minimum lot width: one hundred and fifty (150) feet.
- (3) Minimum front yard setback from property line: twenty-five (25) feet.
- (4) Minimum setback from State Highway 105: two hundred (200) feet
- (5) Maximum impervious coverage: 35%.
- (6) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (7) Maximum building height, 30 feet.
- (8) Minimum Side Yard Setback: ten (10) feet.
- (9) Minimum Rear Yard Setback: twenty-five (25) feet.
- (10) Minimum Distance between structures: fifteen (15) feet.

(e) Development Standards.

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

where a public sanitary sewer is accessible by gravity flow within 500 feet of a lot, the property shall connect to the sewer system. (See 16.40.100.)

- (7) Any required central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and the state health department.
- (8) Design standards for building form and siting are set forth in Section 17-3-X.

SEC 17.2.90 LOW DENSITY SINGLE FAMILY DETACHED RESIDENTIAL (R-1)

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

Commented [SM1]: Of how many cars?

(b) Use Regulations.

- (1) Principal Permitted Uses.
 - a. One (1) single detached dwelling unit per lot.
 - b. Parks and Open Space.
 - c. Public buildings, including police and fire stations or facilities, and civic facilities.
 - d. Cemetery.
 - e. Public schools for primary education (K-12).
 - f. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use.
 - g. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.
- (2) Permitted Accessory Uses and Structures.
 - a. Accessory structures that are customarily incidental to any of the permitted principal uses, are subordinate in size to the principal structure and are located on the same lot. Examples of residential accessory uses and structures include, but are not limited to sheds, play areas and equipment, landscape areas and gardens and well houses, pools.
 - b. Home-based businesses as specified in Chapter 17.X.XX.
 - a. Private garages, subordinate in size to the principal dwelling.
 - b. Solar energy systems – accessory and small.

- c. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities provided they are located in the rear yard of the lot.
- d. Keeping of animals as specified in Chapter XX.X.XX.

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

- a. Accessory dwelling units subordinate in size to the principal structure.
- b. Duplexes and multifamily attached units not to exceed a four-plex.
- c. Childcare facilities.
- d. Group homes exceeding eight (8 persons).
- e. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
- f. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking
- g. Any permanent accessory structure that exceeds 720 square feet per acre of land.

(c) Dimensional Requirements.

- (1) Minimum lot size: one-half acre.
- (2) Lot width: 75-foot street frontage.
- (3) Minimum front yard setback from property line: 25 feet.
- (4) Minimum side yard setback from property line: 10 feet.
- (5) Rear yard setback from property line: 25 feet.
- (6) Maximum impervious coverage: 15%.
- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (8) Maximum building height: 30 feet.
- (9) Minimum Distance between structures: fifteen (15) feet.
- (10) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.

(d) Development Standards.

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) Structures and areas where animals are kept shall comply with the requirements of Chapter 17.XX Animal Raising and Keeping.

- (3) Development shall be located, sited and designed to blend in with the existing natural environment and minimize disruption to existing terrain, vegetation, drainage patterns, natural slopes and any other distinctive natural features.
- (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (6) Individual sewer facilities may be installed according to regulations herein and the appropriate County and state laws, however, where a public sanitary sewer is accessible by gravity flow within 500 feet of a lot, the property shall connect to the sewer system. (See 16.40.100).
- (7) Any required central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and the State health department.
- (8) Design standards for building form and siting are set forth in Section 17-3-X.

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

- (a) **Intent.** The intent of this district is to allow limited residential development on smaller lots that meet the Stormwater Quality Control measures and can be served with centralized services.
- (b) **Use Regulations.**
 - (1) Principal Permitted Uses.
 - 1. One (1) single detached dwelling unit per lot.
 - 2. Parks and Open Space.
 - 3. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use if there is no non-residential location within 1,000 linear feet.
 - 4. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.
 - (2) Permitted Accessory Uses and Structures.
 - 1. Accessory structures that are customarily incidental to any of the permitted principal uses, are subordinate in size to the principal structure and are located on the same lot. Examples of residential accessory uses and structures include, but are not limited to sheds, play areas and equipment, landscape areas and gardens and pools.
 - 2. Home-based businesses as specified in Chapter 17.X.XX.
 - 3. Private garages subordinate in size to the principal dwelling unit.
 - 4. Solar energy systems – accessory and small.

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

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

(c) Dimensional Requirements

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

(d) Development Standards.

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) Development shall be located, sited and designed to blend in with the existing natural environment and minimize disruption to existing terrain, vegetation, drainage patterns, natural slopes and any other distinctive natural features.
- (3) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (4) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.

- (5) A central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District and state health department.
- (6) Design standards for building form and siting are set forth in Section 17-3-X.

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

- (a) **Intent.** The intent of this district is to continue to allow infill development on platted smaller lots that meet the Stormwater Quality Control measures and can be served with centralized services. The lots should be of sufficient size to allow off-street parking, and should strive to preserve the character of well-established neighborhoods.
- (b) **Use Regulations.**
 - (1) Principal Permitted Uses.
 - a. One (1) single detached dwelling unit per lot.
 - b. Parks and Open Space.
 - c. Public buildings, including police and fire stations or facilities, and civic facilities.
 - d. Public schools for primary education (K-12).
 - e. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use or any similar use if there is no non-residential location or larger residential lots within 1,000 linear feet.
 - f. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.
 - (2) Permitted Accessory Uses and Structures.
 - a. Accessory structures that are customarily incidental to the permitted principal single family residents, are subordinate in size to the principal structure and are located on the same lot.
 - b. Home-based businesses as specified in Chapter 17.X.XX
 - c. Private garages subordinate in size to the principal dwelling unit.
 - d. Solar energy systems – accessory and small.
 - (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
 - a. Duplexes
 - b. Any permanent accessory structure that exceeds 500 square feet per acre of land including accessory dwelling units subordinate in size to the principal structure.
 - c. Accessory dwelling units subordinate in size to the principal structure.

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

(c) Dimensional Requirements.

- (1) Minimum lot size: 6,500 square feet.
- (2) Minimum lot width: 50 feet street frontage.
- (3) Front yard setback from property line: 18 feet.
- (4) Minimum side yard setback from property line: 7.5 feet per floor.
- (5) Rear yard setback from property line: 10 feet.
- (6) Maximum impervious coverage: 45%.
- (7) The percentage of the site that shall remain in a natural state shall comply with Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas, all measurements shall be made on the horizontal.
- (8) Maximum building height: 30 feet.
- (9) Minimum Distance between structures: 10 feet.

(d) Development Standards.

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

17.2.120 MULTI FAMILY RESIDENTIAL (R-MF).

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

(b) Use Regulations.**(1) Principal Permitted Uses.**

- a. Single Family Residential
- b. Bed and breakfast establishments.
- c. Parks and Open Space.
- d. Public buildings, including police and fire stations or facilities.
- e. Public schools for primary education (K-12).
- f. Minor Utility Facilities including pump stations, lift stations, water tanks, electric substations, or any similar use or any similar use if there is no non-residential location or larger residential lots within 1,000 linear feet.
- g. An owner-occupied or nonprofit group home as these terms are defined by Section 31-23-303, C.R.S., as a principal use, if it serves no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another group home, and the owner or operator resides and maintains primary residency within the group home.

(2) Permitted Accessory Uses and Structures.

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

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

- a. Any permanent accessory structure that exceeds 500 square feet per acre of land and is subordinate in size to the principal structure.
- b. Any residential development that is not mixed use or any residential development greater than 12 units per net residential acre.
- c. Institutional and quasi-public uses: community center, family care home, group home as defined by Section 31-23-303, C.R.S., as a principal use, serving more than eight (8) persons, and health care support facilities.

- d. Religious institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.
- e. Childcare facilities.
- f. Professional offices.

(c) Dimensional Requirements.

- (1) Minimum lot size: 15,000 sq. ft.
- (2) Maximum density: not to exceed 12 units per net residential acre.
- (3) Lot width: 100-foot street frontage.
- (4) Minimum front yard setback from property line: 25 feet.
- (5) Minimum side yard setback from property line: 10 feet
- (6) Rear yard setback from property line: 15 feet.
- (7) A 25 ft buffer setback is required between zone districts.
- (8) Maximum impervious coverage: 65%.
- (9) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (10) Maximum building height: 35 feet.
- (11) Minimum Distance between structures: fifteen (15) feet
- (12) Minimum corner lot setback: Twenty-five (25) feet from each adjacent street.

(d) Development Standards.

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) All development shall be designed so that for the given location, egress points, grading and other elements of the development, in order to:
 - a. Reduce disruption to the existing terrain, vegetation, or other natural site features;
 - b. Minimize adverse impacts on any existing or planned residential uses;
 - c. Improve pedestrian or vehicle safety within the site and exiting from it;
 - d. Reduce the visual intrusion of parking areas, screened outdoor storage areas, and similar accessory areas and structures;
 - e. Site all development including buildings, walls, and fences to complement existing development in scale and location of elements; and
 - f. Minimize traffic impacts on the existing road system by directing trips generated to collector and arterial streets.

- (3) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (4) Public sanitary sewer and centralized water shall be required.
- (5) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
- (6) The central system for sewage treatment shall be provided, designed, and built in a manner approved by the Palmer Lake Sanitation District.
- (7) Design standards for building form and siting are set forth in Section 17-3-X.

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

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

(b) Use Regulations.

- (1) Principal Permitted Uses.
 - a. Eating and Drinking Establishments.
 - b. Warehouses and wholesale business.
 - c. Light equipment sales and repair.
 - d. Micro-brewery, Micro-distillery or Micro-winery.
 - e. Financial Institutions.
 - f. Office.
 - g. Personal or Business Service.
 - h. Bed and breakfast, ten units or smaller.
 - i. Funeral homes and mortuaries.
 - j. Building materials and supply sales, provided any outdoor storage is screened from view.
 - k. Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices.
 - l. Bed and breakfast, ten units or smaller.
 - m. Retail sales.
 - n. Medical and dental clinics.
 - o. Light assembly of prefabricated parties.
 - p. Light manufacturing.
 - q. Contractor shop and yard.
 - r. Vehicle Fuel Sales.
 - s. Vehicle Sales, leasing, rental, and service.
 - t. Vehicle Wash.

- u. Industrial, Artisan.
 - v. Industrial, Light.
 - w. Wholesale, Warehouse or Fulfillment center.
 - x. Utility Facility, Minor.
 - y. Utility Facility Major.
 - z. Composting facility.
 - aa. Recycling or Donation Drop-off.
 - bb. Wireless Communication Facilities (WCF).
 - cc. Caretaker Unit.
 - dd. Live/Work.
 - ee. Mixed, residential dwelling and commercial uses occurring in the same building.
 - ff. Daycare center, Adult or child.
 - gg. Storage containers and pods.
 - hh. Recreation and Entertainment, Indoor.
 - ii. Recreation and Entertainment, Outdoor.
 - jj. Solar energy systems- community scale.
- (2) Permitted Accessory Uses and Structures.
- a. Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot.
 - b. Multi-family housing not to exceed 12 units per acre on the same lot as the principal use.
 - c. Home-based businesses in any dwelling unit as specified in Chapter 17.X.XX.
 - d. Solar energy systems– accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Any permanent accessory structure that exceeds 750 square feet per acre of land.
 - b. Outdoor storage.
 - c. Kennels, provided that a minimum of five acres is available for said kennel.
 - d. Vehicle repair, Major. (No commercial vehicles)
 - e. Vehicle Sales, leasing and rental, Major. (No commercial vehicles)
 - f. Drive-in commercial use.
 - g. Nursing homes, hospitals.
 - h. Emergency services including Ambulance services.
 - i. Multi-family residential, Density greater than 6 units per building and/or 12 units per acre.

- j. Animal hospitals and Kennels, provided that a minimum area of five acres is available for said kennel.
- k. Nursing homes, hospitals.
- l. Optional premises cultivation operations as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30.
- m. Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks.
- n. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
- o. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.

(c) Dimensional Requirements.

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

(d) Development Standards.

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) All development including buildings, walls and fences shall be so sited to:
 - a. Complement the scale and location of existing development;
 - b. Provide sidewalks as specified in the subdivision standards or an off-road system of pedestrian and bicycle trails of greater than six (6) feet in width;

- c. Reduce the number of access points onto an arterial or collector street;
 - d. Minimize adverse impacts on any existing or planned residential uses;
 - e. Improve pedestrian or vehicle safety within the site and exiting from it;
 - f. Create pocket parks or green spaces that are accessible to the public and at a minimum provide seating and landscaping; and
 - g. Minimize unused or unusable public or private areas in the side and rear yards in new development.
- (3) Parking and loading areas for all uses must be paved and screened from view, by the use of either fences or landscaping.
 - (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
 - (5) A central system for sewage treatment shall be provided, designed, and built in a manner approved by the state health department and Palmer Lake Sanitation District.
 - (6) Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level.
 - (7) All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas.
 - (8) Design standards for building form and siting are set forth in Section 17-3-X.

17.2.140 Village Mixed Use (V-MU)

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

- f. Public or community uses including public facilities, libraries, parks, museums, art galleries, and post offices.
 - g. Retail sales
 - h. Light/small equipment sales and repair.
 - i. Light assembly including arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.
 - j. Medical and dental clinics.
 - k. Utility Facility, Minor.
 - l. Wireless Communication Facilities (WCF).
 - m. Live/Work.
 - n. Mixed, residential dwelling and commercial uses occurring in the same building.
 - o. Daycare center, Adult or child.
- (2) Permitted Accessory Uses and Structures.
- a. Dwelling units subordinate in size to the principal use and located on the second floor of a permitted principal use or in the rear of a permitted accessory uses.
 - b. Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot.
 - c. Home-based businesses in any dwelling unit as specified in Chapter 17.X.XX.
 - d. Solar energy systems– accessory and small.
- (3) Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:
- a. Any permanent detached accessory structure that exceeds 500 square feet per acre of land.
 - b. Outdoor storage.
 - c. Mini-warehouses and storage rental spaces.
 - d. Light manufacturing.
 - e. Nursing homes, hospitals.
 - f. Emergency services including Ambulance services.
 - g. Multi-family residential, Density greater than 12 units per acre.
 - h. Animal hospitals.
 - i. Nursing homes, hospitals.
 - j. Type I manufactured homes.
 - k. Lodging and meeting facilities, including hotels, motels and extended stay lodging, reception and banquet halls, event and conference centers, and excluding RV parks.
 - l. Wholesale operations provided that traffic impacts can be mitigated.

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

(c) Dimensional Requirements

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

(d) Development Standards.

- (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
- (2) All development including buildings, walls, and fences shall be so sited to:
 - a. Complement the scale and location of existing development;
 - b. Provide sidewalks as specified in the adopted road standards or an off-road system of pedestrian and bicycle trails greater than six (6) feet in width;
 - c. Reduce the number of access points onto an arterial or collector street;
 - d. Reduce the number of removed trees measuring four (4) inches in diameter and taller than five (5) feet above ground level;
 - e. Minimize adverse impacts on any existing or planned residential uses;
 - f. Improve pedestrian or vehicle safety within the site and exiting from it;

- g. Create pocket parks or green spaces that are accessible to the public and at a minimum provide seating and landscaping; and
- h. Minimize unused or unusable public or private areas in the side or rear yards.
- (3) Parking and loading areas for all uses must be paved and screened from view through the use of either fences or landscaping.
- (4) Solar panels and other alternative energy devices must minimize the visual impact on adjacent properties to the extent possible.
- (5) A central system for sewage treatment shall be provided, designed, and built in a manner approved by the state health department and Palmer Lake Sanitation District.
- (6) All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas.
- (7) Design standards for building form and siting are set forth in Section 17-3-X

17.2.150 Downtown Mixed Use (DMU)

- (a) **Intent.** The Downtown Mixed Use zone district is intended to promote Palmer Lake's historic downtown area district for retail, service commercial, recreational, institutional, and secondary residential uses and to enhance the visual character, scale, and vitality of the downtown by allowing for specialized business and other services for area residents and visitors. The district is designed to encourage a broad mix of uses within a compact pedestrian-oriented environment and facilitate small business development and vitality. This district limits direct approaches onto Highway 105 unless a permit is granted by CDOT and pedestrian movement is not curtailed.
- (b) **Use Regulations.**
 - (1) Principal Permitted Uses.
 - a. Eating and drinking establishments.
 - b. Small businesses that provide services and limited and specialty retail establishments on the ground floor level.
 - c. Office.
 - d. Personal or Business Service
 - e. Micro-brewery, Micro-distillery or Micro-winery.
 - f. Financial Institutions.
 - g. Light assembly including arts/crafts shops such as woodworking, pottery, jewelry, or other craft-based industries in the rear or upper floors of any small retail business.
 - h. Bed and breakfast establishments, having ten or fewer rooms.
 - i. Recreation and cultural facilities, public or non-public.
 - j. Small inns and lodges ranging from five (5) to twenty (20) rooms only if located above ground floor of nonresidential uses.
 - k. Live/work residences.

- l. Public or private open spaces, parks, and common areas.
- m. Medical and dental clinics/offices.

(2) Permitted Accessory Uses and Structures.

- a. Dwelling units subordinate in size to the principal use and located on the second floor or in the rear of a permitted principal use.
- b. Accessory structures that are customarily incidental to the permitted principal use and are subordinate in size to the principal structure and are located on the same lot.
- c. Home-based businesses in any dwelling unit as specified in Chapter 17.X.XX.
- d. Solar energy systems– accessory and small.

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

- a. Any permanent detached accessory structure that exceeds 500 square feet per acre of land.
- b. Non-public schools provided that a frontage of 100 feet will be necessary and that there will be 50 feet between the principal structure and the neighboring lot line and that appropriate screening will be provided and that the design of the use and grounds will be in keeping with the residential character of the neighborhood may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on site in accordance with Chapter XX- Off-street Parking.
- c. Religious Institutions may be permitted if the traffic impacts can be mitigated and if adequate parking arrangements are made on-site in accordance with Chapter XX- Off-street Parking.
- d. Residential dwelling units including accessory dwelling units not fronting on Highway 105 and not to exceed four (4) total dwellings per lot.
- e. Commercial accommodations only if parking can be provided onsite.
- f. Any establishment with a drive-thru facility.

(c) **Dimensional Requirements.**

- (1) Minimum lot size: 6,600 square feet.
- (2) Lot width: 35-foot street frontage.
- (3) Minimum front yard setback from property line: All buildings shall be placed within the build-to zone. This zone is defined as the area that is a minimum of 0 feet from the back of the sidewalk to a maximum of 10 feet from the back of the sidewalk. The area between the buildings and the sidewalk shall be either landscaped or shall be a continuation of the sidewalk surface. If no sidewalk exists, a concrete sidewalk shall be installed that conforms to the requirements of the town's adopted public works standards manual. Parking is not permitted in the build-to zone.
- (4) Minimum side yard setback from property line: No side yard setback shall be required provided the building's side wall is constructed of at least four-hour fire resistance. If building material has less than four-hour fire resistance, a minimum side yard of five feet shall be required.

- (5) Rear yard setback from property line: 10 feet from any public ROW.
- (6) Maximum impervious coverage: No maximum.
- (7) The percentage of the site that shall remain in a natural state is contained within Section 17.68.040 Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas all measurements shall be made on the horizontal.
- (8) Maximum building height: 40 feet or 3 stories whichever is less.
- (9) Minimum Distance between structures: five (5) feet.
- (d) Development Standards.
 - (1) Off-street parking for the principal use shall be provided as specified in Chapter 17.XX.
 - (2) All development including buildings, walls, and fences shall be so sited to:
 - a. Complement the scale and location of existing development.
 - b. Provide sidewalks as specified in the adopted road standards or an off-road system of pedestrian and bicycle trails greater than six (6) feet in width.
 - c. Reduce the number of access points onto an arterial or collector street.
 - d. Minimize adverse impacts on any existing or planned residential uses.
 - e. Improve pedestrian or vehicle safety within the site and exiting from it.
 - (3) Street Appeal. All developments shall provide at least three or more of the following design features as a condition of development approval.
 - a. Public or private outdoor seating.
 - b. Usable public space or sidewalk extended.
 - c. Pathways to civic uses and amenities.
 - d. Primary structure built to the sidewalk.
 - e. Public art and/or public plaza.
 - f. Parking placed totally behind the primary structure.
 - g. Landscape planters.