

PLANNING COMMISSIONER INSIGHTS ON THE CURRENT CODE

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

SUMMARY OF FINDINGS

1. All of the seven members of the Planning Commission felt that the current code, with major portions, adopted back in the 1970s, was inconsistent and many sections were simply missing.
 - **Recommendation 1: Address inconsistencies.**
 - **Recommendation 2: Add missing sections. Examples include:**
 - Clarification that development applications need to be referred to referral agencies (see 16.20.040 Distribution and Review; 16.16.040 and 16.16.060). There should be one section on referrals to outside agencies including those required by Statute. Generally, all development applications should be referred to Town departments and outside utilities, service providers, and agencies for review and recommendations. We recommend one section that addresses application and referral.
 - Another example noted by Planning Commissioners was the addition of rules and procedures for accessory uses and conditional uses and generally clarifying what is a principal use, accessory use, conditional use, and temporary use. Commissioners also desire more guidance on Accessory Dwelling Units.
 - The subdivision regulations should include all types of subdivision including Administrative Plat Amendment, Plat and ROW vacation, and resubdivision/replat.
 - Consider moving certain land use regulations out of other chapters and into the Land Use regulations or provide a cross-reference. (e.g., Chapter 14- Exterior Lighting; CMRS (towers and antennas) and other cell tower regulations, Chapter 13-Water Conservation).
 - Add a new section on Landscape requirements.
 - Add a new section requiring a traffic impact analysis, a noted concern among Town residents.
2. Most found that there were too many sections outlining procedures and that the procedures were either incomplete, confusing, or inconsistently repetitive.
 - **Recommendation 3: Create one article or division called 'Administration and Procedures'. This section should address:**
 - the review process,
 - pre-application conference,



- determination of completeness,
 - application referral,
 - public notice requirements (including a table),
 - record of decision, and,
 - duration of approval.
 - As suggested, this section can include a ‘Review Procedures Chart’ for all types of development applications. This chart would include who reviews and approves a development application with a reference to the appropriate code section.
 - Add a section on Master Plan/Comprehensive Plan amendment as outlined in the recently adopted Master Plan.
 - Add a section on rezoning procedures.
 - Add appendices that provide examples of required documentation:
 - the required certifications and signature blocks for submittals,
 - Examples of annexation, development, and improvements agreements,
 - Examples of bonds and guarantees,
 - Standard drawings and specifications.
 - **Recommendation 4: Consider creating a Land Use Code with subdivision and zoning in one chapter. (Combine Chapters 16 and 17).** The benefits of this approach include one section on combined general purpose statements, general provisions, all definitions in one chapter, all development review procedures in one chapter, and all development standards in one chapter.
 - **Recommendation 5: Create one section that addresses fees and cost reimbursement.**
3. Those answering the questionnaire.
- **Recommendation 6: Create tables that outline the dimensional requirements for all principal and accessory uses.**
 - **Recommendation 7: Address comments about dimensions noted by Commissioners and revise, as necessary.**
 - Increase the required setback along Hwy. 105.
 - **Recommendation 8: Update the list of uses for all zone districts.**
 - **Recommendation 9: For each zone district, at minimum, list the principal uses by right, including accessory uses, conditional uses, dimensional requirements, and any development standards.**
 - **Recommendation 10: Review with Planning Commission existing zone districts and amend, as necessary. As one Commissioner noted: *All ‘use’ language should be updated to general use categories, currently uses are virtually the same.***
4. Most believe that the Code would benefit from better organization. In addition to one section on Administration and Procedures, consolidation was often mentioned to avoid inconsistencies and ensure requirements are easy to find.



- **Recommendation 11: Create one Article or Division called Supplemental Standards or Requirements that includes all general standards for any use that are applicable throughout the entire Town.**
 - Examples include Parking, Lighting, Landscaping, Access, and Site Design standards.
 - Parking regulations should include parking design, methods to reduce required parking, circulation, design, and maintenance. Parking requirements by use should be revisited and listed in table format.
 - The number of loading and stacking spaces needs to be added.
 - Consider adding building design standards as mentioned during the development of the Master Plan.
 - Consider adding a section to address noise and other external impacts (glare, vibration, odor, and smoke.)
 - **Recommendation 12: Create one Article or Division called Special Requirements that outlines any special requirements that apply to certain land or type of use.**
 - Existing sections include Flood Plain, Hillside, and environmentally constrained land, home occupations, and Master Plan (*for multi-parcel developments that are mixed-use or involve several phases*).
 - Expand Chapter 17.88 to include non-conforming uses, lots, and buildings and provide further instruction on non-conforming uses that are abandoned for a period of time, and what cannot be done that would increase the non-conformity of a use, structure, or lot.
 - Combine variance procedures and add criteria for granting a variance.
 - Outline rezoning procedures.
 - Consider adding requirements for manufactured homes (this includes mobile homes), temporary and seasonal uses, industrial and commercial performance standards, and a new cluster development procedure to preserve open space and minimize infrastructure costs.
5. Amend the PUD requirements based on the Commissioner’s comments and ensure compliance with State Statute (Section 24-67-106, C.R.S., as may be amended). Recommended amendments include:
- **Recommendation 13: Further define open space requirements to ensure there is an overall community benefit including a definition of public open space as noted by Commissioners.**
 - **Recommendation 14: Address procedures for approval including the role of the Comprehensive Plan/Master Plan, PUD purpose (greater public benefit for more flexibility- it’s not just another zone district) in the decision-making process, and allowable densities as noted by Commissioners.**
 - **Recommendation 15: Clarify the criteria for review and approval of a PUD, especially the section on density and criteria for review including how it ‘fits’ with the neighborhood as noted by Commissioners and the need for a variety in building design.**
 - See comment: 17.72.060 Open Space; 17.72.070 Setbacks and 17.72.080- Regulations.



- **Recommendation 16: Clarify minor and major amendments to an approved PUD; address PUDs that no longer have vested rights. (See 17.72.150)**
 - **Recommendation 17: Further clarify when subdivision regulations need to be adhered to (See 17.72.120)**
 - Ensure that all subdivision plats and site plans are specifically vested for three years through the inclusion of the required certification.
 - For those developments for which the landowner wishes the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., the landowner shall request the approval in writing at least sixty (60) days prior to the date said approval is to be considered. (See CHAPTER 17.96. - VESTED PROPERTY RIGHTS- *Note: CMI has not found any subdivision plat or plan that has specifically requested the vesting of property rights*).
6. Planning Commissioners believe that site plans should be required for any non-residential development and any residential development with more than two dwelling units.
- **Recommendation 18: Create a section on Site Plan requirements.**
 - Site Plan Review Process
 - Site Plan Submittal Requirements
 - Amendments to approved Site Plans
7. Update Land Use Code definitions.
- **Recommendation 19: Ensure consistency between subdivision and zoning definitions and add definitions to the master list from code sections that have been added over time (e.g., Hillside definitions; flood plain; marijuana (17.104); exterior lighting (14.20.020).**
 - **Recommendation 20: Define Multi-family and multi-use developments and add additional review criteria based on Commissioner comments. What is multi-family? What is considered multi-use?**
 - **Recommendation 21: Add missing definitions. For example: Open Space; ADU; Short term rental; and remove definitions that are not currently found in the Code.**

Their full comments are noted below.

CODE ORGANIZATION AND OVERALL CONTENT

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

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

- Yes



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

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

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

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



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

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

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

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

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

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

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



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

SUBSTANTIVE QUESTIONS

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

Subdivision:



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

