



# Community Matters Institute

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## 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 18<sup>th</sup>2024  
RE: Next Steps- Code Update

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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 2<sup>nd</sup> draft.

**Step 4:** The Planning Commission reviews the 2<sup>nd</sup> draft and recommends any additions or changes.

**Step 5:** The 2<sup>nd</sup> 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 4<sup>th</sup> 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