



Community Matters Institute

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M E M O

To: Planning Commissioners, and
Through: Erica Romero, Town Clerk
From: Barb Cole, Executive Director, CMI
CC: Board of Trustees, Chief Glen Smith, Interim Town Administrator Scott Krob, Krob Law, Mike Davenport, CMI, and Mark Morton, GMS
Date: July 28th, 2025
RE: July 30th Public Hearing on a new Title 17- Land Use

Articles 1-6 of the significantly revised Title 17-Land Use are in front of the Planning Commission for their July 30th Public Hearing. The purpose of this public hearing is to recommend approval, approval with conditions, continue to a date certain, or deny the proposed zoning (AKA Land Use) ordinance. This is done by resolution.

It is CMI's understanding that the following changes have been requested and then revisited as a result of the joint work session held on July 23rd. CMI requests that items # 1 and # 2 be confirmed as part of any motion regarding the new land use ordinance.

Item # 1: Conditional Review Use in the Downtown Mixed Use Zone District: Any structure over 30ft but less than 35 ft.

Item # 2: Caretaker Unit as a conditional review use vs. 'Farm houses for resident owners and laborers'

CMI inserted item '(1) b.' below, at the request of an interested citizen. Item '(1) b.' is in the current code. The Planning Commission and Board of Trustees, at their joint work session, requested that this item be removed and that CMI add 'caretaker unit' to the list of conditional review uses. This is in addition to an accessory dwelling unit. CMI's interpretation of the code with this requested change means that a homeowner could have a principal dwelling, one ADU, and a caretaker unit on one lot if dimensional requirements can be satisfied. The definition for caretaker unit is as follows:

Caretaker Unit means an accessory dwelling unit used as a residence by an individual who provides care or security for a property.

As previously calculated, the smallest lot in the RA zone district is 5 acres. A 5-acre lot can have up to 32,60 sq. ft. of impervious surface, and the amount of impervious surface increases as the lot gets bigger.

(b) Use Regulations

(1) Principal Permitted Uses.

a. One (1) single detached dwelling unit per lot.

~~b. Farm houses for resident owners and laborers actually engaged in the principal permitted use or accessory uses.~~

c. Husbandry of domesticated farm or ranch animals.

d. 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%.

- e. 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%.
- f. Animal boarding, including kennels, and veterinary facilities, and clinics.
- g. Equestrian riding stables and arenas, public or private.
- h. Equestrian stabling and grazing.
- i. Small Solar energy systems.¹
- j. Public parks, recreation, trails, 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. Private garages subordinate in size to the principal structure.
- b. Home-based businesses as specified in Chapter 17.3.XX
- c. Shelter for agricultural implements and tools used to maintain premises.
- d. Uses that are customarily incidental to any of the permitted principal uses and are located on the same lot.
- e. Sporting courts, tennis courts, swimming pools, and other similar recreational facilities
- f. Solar energy systems – accessory and small

(3) 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

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

- a. Accessory dwelling unit ~~of at least 500~~ limited to 750 square feet.
- b. Bed and breakfast establishments
- c. Animal hospitals*
- d. Daycare center, adult or child
- e. Caretaker unit

CMI has hopefully addressed all comments from the last Planning Commission meeting on July 16th and the joint work session on July 23rd.

In addition, the Zoning Ordinance was reviewed, and minor clarifying edits were made by the Town Engineer, Mark Morton, GMS, and the Town Attorney, Scott Krob. The current code Section 17.68 Hillside Overlay

District, now called Slope and Stormwater Control, will be updated to reflect changes in the law since 2020 by the Town's Stormwater consultant, John Chavez.

This effort was started in the Fall of 2023. The land use regulations in Palmer Lake are over 50 years old, with few amendments made. There have been at least six (6) publicly noticed work sessions leading up to the current meetings and work sessions held through the month of July.

CMI has again included the Planning Commission's direction to CMI in November of 2023. These responses are from a worksheet filled out by Planning Commissioners.

- *"Zone Districts should be updated to reflect the land use categories found in the adopted Community Master Plan."*
- *"Update the list of uses for all zone districts"*
- *"For each zone district, at a minimum, list the principal uses by right, including accessory uses, conditional uses, dimensional requirements, and any development standards."*
- *"Redundant zoning/Remove pyramid zoning!/I agree with the removal of pyramid zoning."*
- *"Each zone should clearly stand on its own."*
- *"Add an area specifically for multi-use."*
- *"Delete R-4 no one wants per the 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 the recommendation to replace the specific lists of permitted uses and provide a general use description instead."*
- *"Density ranges should align with the Community Master Plan".*
- *"All items related to zoning and zone districts will be addressed in one section, including standards that apply to specific districts. As recommended by CMI, standards that apply to all uses will be contained within Article 3."*

Once the Zoning Ordinance is adopted, it will be sent to MuniCode for final formatting and publishing. The Town will also need to update the Official Zoning Map. A review of the schedule is as follows.

- **JULY 1ST-** CMI workshop with the Planning Commission
- **JULY 16TH-** Planning Commission regular meeting with direction to CMI on the Code.
- **JULY 21ST:** CMI to provide final draft of all 6 articles (note: annexation will remain in Article 5 and does not need a separate article since it relies on State Statute.
- **JULY 23RD** FINAL PC workshop with the BOT on the Zoning Code
- **JULY 30TH** Planning Commission Public Hearing to recommend approval to the BOT
- **AUGUST 14TH:** BOT Hearing to adopt Zoning Ordinance (the public hearing was scheduled for August 28th, but this is the date for the Buc-ees annexation and zoning hearing-- if this changes, the Zoning could be heard on August 28th.)

