

Planned Developments in the Town of Palmer Lake

Planned developments (PDs) are a negotiated zone district that require both a Preliminary Development Plan (PDP) and a Final Development Plan (FDP). The preliminary development plan, which is both a written plan and a graphic plan, is created by ordinance and recorded at the El Paso County Clerk and Records Office. This is what creates the change of zone to Planned Development. If there is no recorded Preliminary Development Plan, then existing PUDs must initiate a new PD (reference 17.72.020).

Any applicant is strongly encouraged to review both Title 16- Subdivision and Title 17- Zoning before submitting any development application. To aid in the submission of a development application, the Town's website contains development checklists that can be used as a guide.

Overview of Creating a Planned Development in Palmer Lake

The steps for creating a PD zone district are as follows.

1. Step 1: Sketch Plan (17.72.110). The applicant provides a sketch plan for the following pre-application conference(s) and meeting(s) (section 17.72.100). In this context, "pre-application" means "prior to submitting a Preliminary PD Plan (PDP) application."
 - Required pre-application conference with Town Staff and Development Review Team (DRT)
 - Optional pre-application conference with Planning Commission and/or BOT
 - Optional pre-application public meeting or neighborhood meeting(s)
2. Step 2: Planned Development Plan (PDP) application, Planning Commission hearing and recommendation, and Board of Trustees hearing and decision (section 17.72.120)
3. Step 3: Final Development Plan (FDP) application, Planning Commission hearing and recommendation, and Board of Trustees hearing and decision (section 17.72.120)

Requirement to Subdivide Property (See Title 16- Subdivision)

Subdivision or Platting. For approvals under Title 17 "Zoning", subdivision or platting is also required, unless exempted by Section 16.10.050 "Specific exemptions from these regulations." (Note: There are 14 different situations listed as exemptions. **The list includes a lease of property.**)

Why do I need to create a new PD if the zoning map shows my land as PUD?

A request for PD zoning represents a change of zoning. It is a multi-step process. Any existing PUD must have a recorded Preliminary Development Plan and/or Final Development Plan for the zone designation to be valid. There are several existing PUDs for which a Planned Development Plan was never submitted nor a Final Development Plan.

The PD ordinance states the following:

- *“Existing PDs (or PUDs) shown on the Official Zoning Map. Planned Developments without a Planned Development Plan (PDP) or Final Development Plan (FDP) recorded at the El Paso County Clerk and Recorders are required to initiate a new planned development zoning application” (Town Attorney finding February 2023). This requirement has always been in the Town Code and was recently clarified with the adoption of a revised PD ordinance at the end of 2024.*
- Code Section 17.72.020. *“The approval of PD zoning requires which occurs upon approval of a Preliminary Development Plan, the PD shall be given an ordinance number and its geographical area outlined on an overlay sheet constituting part of the Official Zoning Map of the town. This PD designation and ordinance number shall continue until the development schedule in the PDP or the FDP expires as provided above or is extended amended, or completed. Upon filing and recording of a PDP, the designation shall stand unless changed, and all documents shall be kept on file for reference. (drafting note: Once a PDP is approved this constitutes the zoning to PD.)”*
- A number of the existing PUDs shown on the Official Zoning map were never given an ordinance number nor were these PUDs officially recorded at the County. Since there are no Preliminary plans, site plans, negotiated uses, dimensional requirements, or development standards associated with these properties improperly noted as PUD on the Official Zoning Map, there is no existing Planned Development plan to amend.
- Therefore, any PD for which there is no recorded plan must submit a new Preliminary Development Plan that includes both a written plan outlining statutorily required quantitative data, uses, dimensional standards, and development standards for such items as landscaping signs, lighting, parking deviations, etc. as well as a graphic plan are required as outlined in the PD ordinance.
- Since the PD district contains no established residential density or non-residential square footage requirements, nor establishes any dimensional standards, an applicant is allowed to propose by way of example but not limited to alternative parking standards, sign standards, and other site planning and architectural designs to achieve innovation in design, the PD shall be subject to the following performance criteria. Further as stated in the Municipal Code, the PD zone designation is a negotiated zone district. The Conditions and Standards for a PD (Section 17.72.50) states as follows:
 - (1) One or more of the following shall be achieved to approve a Planned Development:
 - a. The encouragement of innovations in residential, commercial, and limited industrial development through greater variety in the type, design, and layout of buildings that the Town’s existing zone districts cannot accommodate and

by the conservation and more efficient provision of open space ancillary to the associated development.

- b. A better distribution of **induced** traffic on streets and highways.
 - c. Conservation of the value of the land.
 - d. Preservation of the site's natural features.
- (2) The design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking, and loading spaces. Loading spaces are required for both non-residential development and residential development in compliance with the PPRBD-adopted building codes and the town's adopted parking and loading requirements, as amended.
- (3) The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the PD as well as the impact of the proposed development on town services and facilities and on neighboring properties that reasonably could be impacted by the proposed development. The capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the land proposed for development.
- (4) While there may be no fixed dimensional requirements, the planning commission may recommend to the board of trustees and the board of trustees may require and approve setbacks, lot widths, and space between buildings as necessary to provide adequate access and to aid in fire protection, ensure proper ventilation, light, air, and snow melt between buildings, and to ensure that the PD is compatible with other developments in the area.
- (5) Open space for the PD developments shall be planned to produce maximum usefulness to the users of the development and general public for purposes of recreation, preservation of scenic views, and to maintain the character of the areas as outlined in the adopted Community Master Plan. All areas designated as common or public open space pursuant to the requirements of this Chapter and the Subdivision regulations shall be accessible by proper physical and legal access ways.
- (6) All dimensional standards shall be established and documented on an approved written and graphic PD plan.
- (7) (7) The developer shall provide within the PD central water and sewer facilities as required by the Planning Commission, Board of Trustees, the Palmer Lake codified water requirements, Palmer Lake Sanitation District, Colorado Department of Public Health and Environment, and El Paso County Public Health.
- (8) Clustered development is allowed and encouraged to promote maximum open space, economy of development, and variety in the type, design, and layout of buildings. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs.
- (9) The PD shall provide pedestrian ways adequate in terms of safety, separation, convenience, and access to points of destination.

- (10) The PD shall provide parking areas in conformance with the minimum site development standards of this Title in terms of the number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation, and screening.
- (11) The PD shall strive for preservation of the natural features on the site in accordance with the adopted Community Master Plan, as may be amended.
- (12) The maximum height of buildings may be increased above the maximum permitted for like buildings in other zoning districts in relation to the following characteristics of the proposed building:
- a. Its geographic location.
 - b. The probable effect on surrounding slopes and terrain.
 - c. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity.
 - d. Potential problems for adjacent sites caused by shadows, loss of air circulation, or loss of view often achieved through the addition of overlay view corridors and other legally viable means.
 - e. Influence on the general vicinity, with regard to vistas and open space.
 - f. Uses within the proposed building.
 - g. Fire protection needs.