

**TOWN OF PALMER LAKE, COLORADO**

**ORDINANCE NO. 2 - 2024**

**AN ORDINANCE RELATING TO LAND USE APPLICATIONS**

**WHEREAS**, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town; and

**WHEREAS**, the Board of Trustees has determined that the Town's zoning code, as set forth in Title 17 of the Palmer Lake Municipal Code is outdated, missing some important provisions, and in need of substantial revision for the protection and measured growth and development of the Town; and

**WHEREAS**, The Board of Trustees has received, reviewed, and considered proposed amendments as set forth in Exhibit A, attached, regarding various aspects of the zoning code, including:

- Section 17.12.050 – Application Submittal and Completeness Review
- Section 17.12.055 – Application fees, costs reimbursement agreement
- Section 17.12.060 – Required Referrals
- Section 17.12.065 – Certificate of zoning compliance
- Section 17.12.070 – Plot Plan Required
- Section 17.12.075 – Site Development Plan

**WHEREAS**, the Board of Trustees has concluded that it is in the best interest of the health, safety, and welfare of the Town to adopt the code provisions as set forth on Exhibit A, attached.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:**

1. Section 17.12.050 (Land Use Procedures), 17.12.055 (Application fees, cost reimbursement agreement), Section 17.12.060 (Certificate of zoning compliance) and Section 17.12.070 (Site Development Plan) of the Palmer Lake Municipal Code are hereby repealed and replaced in their entirety with the Sections and provisions set forth in Exhibit A, attached.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2024.**

**ATTEST:**

**TOWN OF PALMER LAKE, COLORADO**

  
\_\_\_\_\_  
Dawn A. Collins  
Town Administrator/Clerk

BY:   
\_\_\_\_\_  
Grant Havenar  
Mayor

## EXHIBIT A

### **17.12.050. Application Submittal and Completeness Review for all applications.**

(a) The applicant shall complete a general application form and an application form for each specific type of application, and tender the required application fee, sign the cost reimbursement agreement and any required deposit to the town administrator or designee.

(b) The town administrator, or designee, shall review the application for completeness with town department staff and the established Development Review Team (DRT) comprised of the contract Town Attorney, Town Engineer, Town Planner, and Town Drainage consultant. The applicant shall be notified whether the application is complete or needs any additions. If complete, the Town Administrator or designee shall issue a certificate of completeness within a reasonable period of time. No land use application shall be scheduled for further review until the application is deemed complete by the Town Administrator or designee. The Town Administrator or designee's determination of completeness is a final decision of the Town, subject to review only in the district court. If the application is complete, said application will then follow the application procedures for each type of application.

### **17.12.055. Application fees, cost reimbursement agreement, and application forms.**

(a) All applications submitted to the town pursuant to this chapter are subject to a non-refundable fee to cover the cost of review by the town and notice and publication expenses. Such fees are set by the board of trustees and may be amended by resolution.

(b) In addition to the fees provided for in subsection (a), the applicant shall enter into a cost reimbursement agreement to reimburse all the town's consulting costs and expenditures in reviewing an application including but not limited to attorney fees, consultant engineer fees, consultant surveyor fees, consultant planner fees and other hired consultants providing services to the town with respect to the application. The fee and cost reimbursement agreement are necessary to cover costs for review by and consultation with any other expert whom the town may reasonably employ in reviewing an application. The cost reimbursement agreement shall be signed by all applicants unless waived by the Town Administrator for good cause, which shall be stated in writing and included in the application file.

(c) Where the town administrator or town administrator's designee finds it necessary for the security of the town, the town administrator or town administrator's designee may require an applicant to deposit funds with the town, prior to the town considering any application pursuant to this section, to cover the anticipated costs and expenditures in reviewing the application.

(d) All applicants shall refer to the adopted application forms for the complete list of all required submittal items for each type of application. These forms shall be adopted by resolution by the Board of Trustees and may be amended, from time to time by resolution of the Board of Trustees. Submission requirements and application forms shall be included in an appendix to this Code [on file in the office of the town administrator or designee].

### **17.12.060. Required Referrals.**

(a) Upon a determination that the application is complete, the Town Administrator or designee shall refer the application to all referral entities for their comments, unless the Town Administrator or designee finds that the application is not related to the issues addressed by a particular entity listed. The list of referral agencies is available from the Town administrator or designee and shall include all jurisdictions that have an Intergovernmental Agreement with the Town, all Town Departments, the Development Review Team, all outside utilities, service providers, and agencies. All jurisdictions within the Town's established 3-Mile Planning area including the El Paso County Planning Department and Town of Monument shall receive referrals. The Town Administrator or designee may provide the

application to other entities if the Town Administrator or designee determines in his or her discretion that such other entity may have comments relevant to the specific application.

**(b) Referrals Required by State Law.**

1. Major Activity Notice to the state geologist and the Board of County Commissioners pursuant to Section 31-23-225, C.R.S., if the proposed subdivision or commercial or industrial development is proposed to cover five (5) or more acres of land.
2. The Colorado Water Conservation Board if the proposed development contains at least fifty (50) lots or five (5) acres (whichever is less) and base flood elevation data is required.
3. Mineral Estate Affidavit documenting that the applicant has contacted all mineral rights owners and lessees dated no more than thirty (30) days pursuant to Section 24-65.5-103, as amended. Such affidavit shall include the names and addresses of all mineral estate owners and lessees.
  - a. Such notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing, and the name of the applicant.
  - b. Notice shall contain the name and address of the mineral estate owner.
4. The Colorado Department of Transportation if the application abuts a State Highway (Highway 105).

**17.12.065. Certificate of zoning compliance.**

All construction requiring a building permit shall also require a land use permit to certify zoning compliance, which certificate shall be issued prior to application for building permit with the building inspection agency. In addition, either a plot plan or site development plan shall be required.

**17.12.070. Plot Plan Required.**

- (a) Applicability. The plot plan is required to apply for a building permit for any building or structure including additions, constructed on a single-family home or duplex lot.
- (b) Purpose. The plot plan shows where the proposed building or structure will be located on the lot so that the Town and building inspection agency can make sure that the proposed location will comply with all Town regulations.
- (c) Plot Plan Process.

1. **Step 1: Submit Plot Plan Application Package.**
  - a. Land Use Application Form.
  - b. Plot Plan - Application Form (from the Appendix to this Chapter).
  - c. Application Fee and Fee Agreement.
  - d. Plot Plan Map. The plot plan map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and shall provide the following information:
    - 1) Title of project.
    - 2) North arrow, scale (1" = 20' or as approved by the Town) and date of preparation.
    - 3) Name, address, and phone number of property owner.
    - 4) Lot number, block number and name of subdivision.
    - 5) Lot size (square footage).
    - 6) Bearings and distances of all lot lines.
    - 7) Existing easements on the lot.
    - 8) Footprint of the proposed building or structure, dimensioned.
    - 9) Square footage of the proposed building and the footprint of the proposed building.

- 10) Distance from the proposed building or structure to all lot lines.
- 11) All existing buildings or structures on the lot.
- 12) Driveway.
- 13) Existing and/or proposed water and sewer service lines on the lot.
- 14) Elevations of:
  - a. The finished floor for the house and garage.
  - b. The ground ten (10) feet away from the house and garage.
  - c. The lot corners.
- 15) Height of all proposed buildings.
- 16) Street trees (right-of-way landscaping).
- 17) Location of the garage within the building.
- 18) Drainage Information. Provide the Town with information regarding how the lot will drain.

2. Step 2: Staff Reviews Plot Plan Application and Prepares Comments. Staff will review the plot plan map to make sure it is consistent with the plot plan review criteria. Following the review, Staff will prepare a written report outlining any changes that must be made to the plot plan before it can be approved.

3. Step 3: Applicant Addresses Staff Comments. If necessary, the applicant will make all necessary changes to the plot plan and resubmit a revised copy to the Town.

4. Step 4: Plot Plan Decision. Staff will complete a final review of plot plan to ensure that the Plan is complete and complies with this Chapter. If the Plan is determined to be complete and in compliance, it is approved by Staff.

(d) Plot Plan Review Criteria. The plot plan must meet the following review criteria:

1. All of the information needed on a plot plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with FHA standards (if insured by FHA); otherwise, it shall meet the Town's approval. It shall also be consistent with the approved subdivision master grading and drainage plan.
5. The density and dimensions shown conform with the density and dimensional standards in this Code or the approved PUD requirements.
6. The applicable community design principles and development standards in Article III "Development Standards" of this Chapter have been adequately addressed.

**17.12.075. Site development plan required.**

Site development plan approval shall be required for any construction of a new structure or remodel or expansion of an existing structure that contains more than 2 dwelling units or is a commercial or industrial use, or is a park, open space or trail requiring a building permit pursuant to this Code. The construction, remodel, or expansion of a single-family or two-family dwelling unit/structure only requires a plot plan.

Contents of the site development plan shall contain all provisions as required by this Code, including but not limited to requirements set forth in the adopted application forms.

(a) As part of the process for obtaining a construction permit from the Town through the Pike Peak Regional Building Department (PPRBD) an applicant must submit a site development plan for any new construction or building addition. For projects zoned PUD (Planned Unit Development), the approved final PUD site development plan shall serve as the site development plan required for the construction permit.

(b) **Submittal Requirements.** The applicant shall submit all required materials specified in the site development plan checklist.

(c) **Procedure.** An application for site development plan approval shall be processed as follows.

1. **Step 1: Submit Site Development Plan Application.**
2. **Step 2: Application Certification of Completion.** Within fifteen (15) days, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in ink.
3. **Step 3: Staff Refers Application to Adjacent Municipalities and Other Agencies.** Staff may refer the site development plan materials to adjacent municipalities and other agencies and service providers for comments. The referral period shall be twenty-eight (28) days. Staff shall notify the applicant of any adjustment to the referral period.
4. **Step 4: Staff Reviews Application and Prepares Comments.** Staff will review the site development plan map to ensure it is consistent with the site development plan review criteria. Staff may consider comments received during the referral period in its review of the site development plan. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site development plan can be forwarded in the review process. This report will be forwarded to the applicant.
5. **Step 5: Applicant Addresses Staff Comments.** The applicant shall address all of the Staff comments, and then submit the following to the Town:
  - a. Letter explaining how all the comments have been addressed; and
  - b. Revised maps and other documents.
6. **Step 6: Site Development Plan Agreement.** Staff may require that the applicant execute a site development plan agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site development plan. Guarantees in the site development plan agreement may be secured by an irrevocable letter of credit, or by cash deposited in an escrow account in an amount determined appropriate by Staff or in such other form as may be acceptable to the Town Administrator in unusual circumstances.
7. **Step 7: Schedule Site Development Plan for a Public Meeting and Complete the Public Notification Process.** The Planning Commission shall schedule a public meeting for the purpose of making a recommendation on the site development plan. The Town Administrator or designee shall publish notice in a newspaper of general circulation and send notice to neighboring property owners within three hundred (300) feet. The meeting may be held no less than twelve (12) days from the date of advertising.
8. **Step 8: Planning Commission Public Meeting and Decision.** The Planning Commission shall hold a public meeting to review the application based on the site development plan review criteria. The Planning Commission shall then approve, deny, or approve with conditions. If approved, the Town shall request two (2) original Mylars of the final plat prepared for the Mayor and Clerk to sign and then record. Please note the Planning Commission may forward an application to the Town Board of Trustees for approval if they deem it necessary. Staff shall submit a notice of approval of the site development plan to the Town Board of Trustees.

9. Step 9: Applicant Addresses Planning Commission Conditions. The applicant shall revise the site development plan based on the Planning Commission's conditions of approval and submit it to the Town.
  10. Step 10: Schedule Site Development Plan Public Meeting and Complete Public Notification Process. If the Planning Commission forwards the application for action, the Board of Trustees shall schedule a public meeting for the purpose of taking action on the site development plan. The Town administrator or designee shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.
  11. Step 11: Submit and Record Site Development Plan. Upon approval by the Planning Commission the applicant shall have thirty (30) days to submit two (2) original Mylars. The Town shall submit the approved site development plan to the County Clerk and Recorder's Office for recording. The recording fees shall be paid by the applicant.
  12. Step 12: Post - Approval Actions.
    - a. Building Permit. A building permit shall be issued only when a site development plan has been approved. However, with the approval of the Town, an applicant may submit a building permit application concurrent with the site development plan application. Building permits shall not be issued for any development that is not in conformance with the approved site development plan.
    - b. Certificate of Occupancy. When building construction and site development are completed in accordance with the approved site development plan and building permit, a Certificate of Occupancy may be issued.
    - c. Phasing and Expiration of Approval. The site development plan shall be effective for a period of three (3) years from the date of approval unless stated otherwise in the written site development plan approval. Building permits shall not be issued based on site development plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.
- (d) Site Development Plan Review Criteria. The site development plan must meet the following review criteria:
1. All of the information required on a site development plan is shown.
  2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
  3. No buildings or structures infringe on any easements.
  4. The proposed site grading is consistent with the requirements of the current Town Master Drainage Plan, on file at the Town office.
  5. The density and dimensions shown conform to the density and dimensional standards in Section 17-12 of this Chapter or to the approved PUD requirements.
- (e) Amendments to Approved Site Development Plans.
1. Minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character or density of an approved site development plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.

2. Changes to approved site development plans that exceed the ten-percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site development plan application. Such amendments shall require Planning Commission review and approval to become effective. The Planning Commission may forward the application to the Board of Trustees for approval. A complete site development plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

(f) **Criteria for Review.** The Town staff shall consider the following criteria in reviewing a site development plan application:

1. The site development plan is generally consistent with the Community Master Plan (aka Comprehensive Plan) and other relevant Town goals and policies;
2. The site development plan is generally consistent with any previously approved subdivision plat;
3. The site development plan complies with all applicable development and design standards set forth in this title;
4. The development proposed on the site development plan and its general location is or will be compatible with the character of surrounding land uses; and
5. Any significant adverse impacts reasonably anticipated to result from the proposed development will be mitigated or offset to the maximum extent reasonably practicable.

(g) **Conditions of Approval.** The Town staff or Planning Commission may place conditions upon issuance of a site development plan approval which it deems necessary and proper to ensure that the development proposal will be implemented in the manner indicated in the application. Said conditions shall be listed on the approved permit. Conditions may include, but not be limited to, the following:

1. **Use.** The condition may restrict the future use of the proposed development to that indicated in the application.
2. **Homeowners' Association.** The conditions may require that, if a homeowners' association or merchants' association is necessary or desirable to hold and maintain common property, it be created prior to the issuance of a permit.
3. **Dedications.** The conditions may require conveyances of title or easements to the Town, or public utilities for purposes related to the community's public health, safety and welfare, which may include land and/or easements for utilities, roads, snow storage or other similar public uses. Conditions may require construction to public standards and dedication of those public facilities necessary to serve the development and the public.
4. **Construction Guarantees.** The conditions may require the depositing of certified funds with the Town, the establishment of an escrow fund, the depositing of an irrevocable letter of credit, the posting of a bond or other surety or collateral (which may provide for partial releases), to ensure that all construction features included in the application or required by the terms of the site development plan approval are provided as represented and approved. The Town may also require a monetary guarantee ensuring that the site will be revegetated to its original condition if the project is abandoned after construction has commenced.
5. **Public Improvements.** The conditions may require the installation of public improvements or participation in a special assessment district for the installation of public improvements within, adjacent to or contributing to the project. Such public improvements shall be secured in the same form required for public improvements at [Section 18.02.420](#).
6. **Additional and/or Revised Plans.** The conditions may require that additional plans or engineered revisions to utility, drainage or site development plans be submitted to the Town and approved prior to issuance of a building permit.



7. Following approval of a site development plan and the satisfaction of any conditions of approval, the site development plan shall be signed by the Town Administrator and the Mayor and attested by the Town Administrator or designee. A public improvement agreement (PIA) shall be approved by Town staff and executed by the owner/applicant and the Town prior to recordation of the site development plan, or final plat, whichever is submitted and approved last. The Town Administrator may waive the PIA if there are minimal site development plan improvements.

(h) Modification of Plan During Construction. All site improvements shall conform to the approved site development plan, including engineering drawings approved by the Town staff. If the applicant makes any changes during construction in the development in relation to the approved site development plan, such changes shall be made at the applicant's risk without any assurances that the Town staff will approve the changes. The applicant will be required to correct the unapproved changes so as to conform to the approved site development plan.