

PALMER LAKE LAND USE REGULATIONS: CODE DIAGNOSIS

COLORADO CASE LAW PROVIDES THAT ADOPTED MASTER PLANS, ALSO REFERRED TO AS COMPREHENSIVE PLANS, ARE ADVISORY ONLY. ZONING PROVIDES THE MEANS FOR GIVING LEGAL EFFECT TO THE PLAN'S GOALS AND POLICIES. COLORADO REVISED STATUTES [C.R.S. § 31-23-303] STATE THAT ZONING REGULATIONS "SHALL BE MADE IN ACCORDANCE WITH A COMPREHENSIVE PLAN."

INTRODUCTION

Palmer Lake's land use regulations are derived from the Town's 1973 Municipal Code. While portions of the land use regulations have been updated over the last 50 years, the land use regulations require a major update and must include new sections to ensure proper review of development applications and implementation of the newly adopted Community Master Plan.

To move forward with a code update and in some cases rewrite outdated sections, two items needed to be addressed.

- 1) The Town adopted a new Community Master Plan in the Fall of 2022. This comprehensive plan replaces the Town's 1995 Master Plan as amended. The new Community Master Plan provides the required basis to update the land use regulations
- 2) The Town hired MuniCode to complete a code update and recodification, which was adopted by the Board of Trustees on November 17, 2022. The code update and recodification did not change any of the adopted land use regulations.
- 3) This code diagnosis represents a review of the Town's land use regulations. This includes Chapters 16- Subdivision and Chapter 17-Zoning of the Town's municipal code by Community Matters Institute. This initial code diagnosis is a precursor to



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a more detailed review once funding becomes available to update and rewrite the Town’s land use regulations. The land use code diagnosis was informed by discussions with staff, primarily the Town Administrator and Town Attorney, and participation from the Town Planning Commission. Additionally, the Institute conducted confidential reconnaissance interviews with both the Town Board and Planning Commission during the development of the Community Master Plan. The following resources also informed the diagnosis.

- 2022 Community Master Plan,
- Development Review Applications and Checklists (various),
- Palmer Lake Zoning Map,
- 2021 El Paso County ‘Your El Paso County Master Plan,
- Attendance at Planning Commission meetings and review of minutes,
- Review of development application submittals.

The following pages recommend revisions to specific sections of Title 16 and 17. Recommended revisions are organized by chapter, and section number.

Information from this report will inform the scope and detail of a grant application to the Colorado Department of Local Affairs. This initial code diagnosis will become the framework for addressing code modifications.

In addition to outlining sections that require substantive revision of existing code provisions, Community Matters Institute has outlined several important steps that will aid staff in their review of upcoming development applications.

Accompanying this initial code diagnosis is a worksheet for Town Staff and the Planning Commission. Answers to this worksheet will further inform a to-be-funded code update. A major goal is to develop a code that is more “user-friendly”, through the use of tables and illustrations. Town staff and the Planning Commission will also need to determine if they wish to move to a unified ‘Land



Development Code' where all land use regulations are found in one Chapter of the Code (Annexation, Subdivision, Zoning, and signs.)

There are significant organizational issues in both Chapters 16 and 17. A reorganization will reduce redundancy¹ and ensure consistency in the review of all types of applications. Charts and tables outlining the review process will also aid in reducing redundancy and provide clear instructions regarding review procedures.

The following code diagnosis includes a section-by-section review and outlines many, but not all of the code issues. Review of this code diagnosis by staff, the Planning Commission, and Board should focus on critical sections that are missing or require a substantial rewrite.

A complete code diagnosis will be undertaken once the Town receives funding to update all land use regulations. The sole purpose of this code diagnosis is to provide staff and the Planning Commission with a better understanding of what needs to be added and updated to the Town's land use regulations. This is not a comprehensive list, and the diagnosis is further hampered by the lack of organization of the existing code.

¹ For example, Publication and noticing requirements are repeated throughout both Chapters 16 and 17. To ensure consistency and save staff time, these requirements should be in one section. It is addressed in five different sections in Chapter 16.



PART 1: SUMMARY OF RECOMMENDATIONS

This part highlights 24 significant issues with the existing chapters 16 and 17 of the Palmer Lake Municipal code that comprise most of the land use regulations for the town. It is by no means comprehensive as it is not a line-by-line review. It is suggestive of the need for the Town of Palmer Lake to undertake a comprehensive update of its land use regulations.

- 1) The Land Use regulations require a more structured organizational format. This will make it easier to find information and it will remove redundancy in both Chapters 16 and 17. CMI has provided an example of how we like to organize a Land Use Code. This follows the summary of recommendations.
- 2) The zoning districts include ‘pyramid zoning.’ Pyramid zoning is where zoning ordinance permits a more restricted zone classification in a less restricted zone. For example. A 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). For example, an R-2 Residential may allow dwellings and duplexes. The R-4 Residential allows everything in R-1 plus multi-family buildings. The C-1 Commercial district allows everything in R-2 plus retail and service establishments, and so on. Palmer Lake is a very special place with small-town charm. Each district should include appropriate uses for that district, and should not ‘stack’ the districts.
- 3) Each zone district should include the following type of uses: Principal uses, accessory uses, and conditional review uses. A use table should be added.
- 4) The lists of permitted uses and conditional review uses need to be updated. This is especially true for non-residential uses. Many of the terms are dated. There are uses missing.
- 5) Temporary uses are not addressed.



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- 6) There is not a section that deals with Variances.
- 7) The Subdivision regulations are lacking a complete section on Public Improvements and Land Dedication. The code needs to clearly outline the requirements for a Subdivision Improvements agreement.
- 8) The Subdivision regulations need to include all types of subdivision and clarify what division of land is not subject to the subdivision regulations.
- 9) Subdivision submission requirements and standards need to be updated and should be consistent with the Town's adopted Public Works Manual. (The adopted County ECM needs to be vetted to ensure all standards work for Palmer Lake.)
- 10) There are a few sections of the what is normally found in the Land Use Regulations contained in Chapter 14 Building and Construction. These are noted below. (Wireless Communications)
- 11) Sign requirements need to be removed from each zone district and placed in the sign ordinance.
- 12) Vested Property rights needs to include additional provisions (e.g. State length of vesting period per 24-68-104, allow vesting by separate agreement.)
- 13) Zoning uses need to be updated.
- 14) Uses allowed by right in each zone district needs to include: principal uses, accessory uses and conditional review uses.
- 15) The code needs an article called Land Use Applications and Procedures. This will ensure there are clear procedures for every type of application and that the procedures, particularly posting, notice and publication are consistent.



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- 16) The PUD section requires updates and there are a few missing sections as noted. There are also several policy decisions that will require discussion with both the Planning Commission and Board of Trustees. There needs to be a better description of what constitutes a minor amendment and a major amendment to an approved PUD. IF a property was previously designated as a PUD, but this PUD was never realized nor was a Final Development Plan submitted, does a new PUD for that property constitute a rezoning? (see 17.72.150 and detailed notes below.)
- 17) There is no section on ZONING CHANGES (SEE 31-23-305). A PUD is a change of zone and there are likely many instances where a change in zone is requested. This needs to be detailed including how changes are then made to the Official Zoning Map.
- 18) In the new Article called Land Use applications and procedures, include site plan submittal requirements and procedures.
- 19) There is no section in the Code that addresses fences. This could be added to a new section called Landscaping, Buffering, Fences, and Walls.)
- 20) Add a section on Access, Approaches, Driveways, and Curb Cuts.
- 21) The code needs a section on “visibility at intersections”. (Aka Site Distance Triangle)
- 22) The section on Parking, Loading needs a total overhaul Some of the parking requirements are excessive. This section of the code should include mechanisms to reduce parking requirements through joint-use reductions. Even the required size of the parking space is missing.
- 23) The section on non-conforming uses needs to be expanded to include non-conforming lots, buildings and structures.
- 24) There is no procedure for the review of conditional *review* uses. The term review should be added to the title.



PART 2: SUGGESTED REORGANIZATION OF PALMER LAKE'S LAND USE REGULATIONS (CHAPTERS 16 AND 17)

This part of the diagnosis contains an example of how the organization of land use regulations can be improved by combining all of the land use regulations into one Chapter. Such a reorganization would help to reduce redundancy and ensure consistency in the review of all types of applications.

TITLE = 16 LAND USE CODE UPDATE ORGANIZATION (BOTH 16 AND 17 IN ONE CHAPTER)

ARTICLE 1: GENERAL PROVISIONS

16-1-10	Title of provisions
16-1-20	Jurisdiction-
16-1-30	Authority
16-1-40	Reserved
16-1-50	Purpose
16-1-60	Interpretation and Rules of Construction
16-1-70	Repeal of Prior Regulations and Effective Date
16-1-80	Relationship to the Comprehensive Plan, Other Plans and Other Regulations
16-1-90	Expiration of Land Use Approvals
16-1-100	Vested Property Rights



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- 16-1-110. Fees. Application Fees and Cost Reimbursement Required²
- 16-1-120 Correction of Obvious Errors
- 16-1-130 Enforcement
- 16-1-140 Violation Penalties
- 16-1-150 Severability

ARTICLE 2: DISTRICTS AND USES

16-2-10 Zoning districts established.

16-2-20 Minimum Size for New Districts

16-2-30. Official Zoning Map.

16-2-40 Special classification of hillside lands and floodplain areas.

16-2- 50 Use Table

16-2-60 Unlisted uses.

16-2-65 Dimensional Requirements Table

16-2-80 – Planned Development or PUD Planned Unit Development District.

16-2-90. - HSP Hillside/Ridgeline Protection Overlay District. (If not mapped move to Special Requirements)

² In order to save staff time and the headache of accounting for deposits, we recommend that each applicant pay a non-refundable fee and then sign a cost reimbursement agreement to cover actual costs.



ARTICLE 3 - GENERAL STANDARDS APPLICABLE TO ALL DISTRICTS

- A. Site Design Standards (such as zoning and site functions, setback encroachments, transition between residential and non-residential uses, street appeal, grading, and site specifications)
- B. Parking, Loading Vehicle and Pedestrian Regulations
- C. Landscaping Standards (includes Fences, Walls, Screens, and Buffers)
- D. Building Design Standards (discussed by PC and Advisors)
- E. Lighting Standards
- F. Noise and Other External Effects (*glare, vibration, odor, smoke, etc.*)
- G. Signs
- H. Historic Landmarks and Historic Districts

ARTICLE 4: SPECIAL REQUIREMENTS

- A. Flood Hazard and Other Critical Areas
- B. Watercourse Alteration
- C. Master Plan (*for multi-parcel developments that are mixed use or involve several phases*)
- D. Industrial and Commercial Performance Standards
- E. Hillside Development Regulations (if not an overlay on specific land)
- F. Flood Hazard and environmentally constrained (should also deal with changes in Floodplain from FEMA or CLOMAR/LOMR)



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- G. Cluster Development- new concept
- H. Wireless Communication Facilities 9 MOVE FROM Chapter 14)
- I. RV Parks and Campgrounds (is this needed in Palmer Lake
- J. Manufactured Homes
- K. Variances
- L. Sexually Oriented Businesses and Service
- M. Temporary and seasonal uses
- N. Home Occupations
- O. Animal Raising and Keeping (move from Chapter 7)
- P. Solar Energy Installments

ARTICLE 5: SUBDIVISION REQUIREMENTS

- A. General Provisions
- B. Purpose
- C. Applicability
- D. Fee and Cost Reimbursement
- E. Administration and Interpretation
- F. Types of Subdivisions



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1. Administrative Plat Amendment
2. Major Subdivision
3. Minor Subdivision
4. Replat/Resubdivision
5. Subdivision Waiver
6. Vacation of a Plat, Right of Way, or Easement

G. Application Process

1. Sketch Plan (*master plan for multiple lot mixed use project or multi-phase development*)
2. Preliminary Plat
3. Final Plat
4. As-built Plat
5. Condominium Plat

H. Public Improvements

1. Scope
2. Agreement Required
3. Security
4. Required Improvements



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5. Conditional Acceptance and Warranty
 6. Guarantees
 7. Maintenance and Repair
 8. Final Acceptance
 9. Construction of Facilities by the Town
 10. Reimbursement
- I. Land Dedication (*Parks, Trails, Open Space, Schools, Public Facilities, and Drainage*)
 - J. Easements
 - K. Standards (*anything not in the Construction and Design Standards*)

ARTICLE 6: TYPES OF APPROVAL REQUIRED – SUBMITTAL REQUIREMENTS AND REVIEW PROCESS

- A. Administration and Boards (need references to Board of Adjustment and Planning Commission found in Chapter 2)
- B. Public Hearings
- C. Notice of Public Hearing
- D. Administrative Approvals
- E. Site Plan Requirements
- F. Conditional Review Uses



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- G. Planned United Development Procedures
- H. Rezoning and Amendments
- I. Appeals
- J. Variances
- K. Administrative Exceptions

ARTICLE 7: ANNEXATION

- A. Purpose and Legislative Declaration
- B. Eligibility
- C. Review Process
- D. Criteria for Approval
- E. Standards
- F. Submittal Requirements
- G. Public Notice Requirements

ARTICLE 8: DEFINITIONS

Definitions (but should not include any rules, simply define the term)



APPENDIX: CERTIFICATIONS AND SIGNATURE BLOCKS

APPENDIX: AGREEMENTS - ANNEXATION, DEVELOPMENT, AND IMPROVEMENTS

APPENDIX: BONDS AND GUARANTEES

APPENDIX: STANDARD DRAWINGS

APPENDIX: SPECIFICATIONS

AMENDMENTS TO TEXT AND MAP (ERRATA SHEET)

PART III: PRELIMINARY COMMENTS ON THE CURRENT LAND USE CODE FOR PALMER LAKE.

This part contains a section-by-section review of Palmer Lake's current land use code as outlined in Chapters 16 and 17 of the Municipal Code. It outlines many, but not all, of the current code issues. The intent of this part is to help staff, the Planning Commission, and the Board to recognize and focus on critical sections that are missing or require a substantial rewrite. The comments do not represent a comprehensive diagnosis of the current code. Such a diagnosis is hampered by the poor organization of the existing code. A thorough code diagnosis is typically undertaken at the time a municipality determines that the code needs to be updated, and the funds are available to undertake such an update.

Title 16 - SUBDIVISIONS There are several critical sections that are missing from this chapter. The Chapter also would benefit greatly from a re-organization and the addition of tables and process charts. Those sections that are in bold are considered critical.	
Chapter 16.04 - GENERAL PROVISIONS AND DEFINITIONS	General comment, applicable throughout Title16: Source notes will be of little value after revision of the entire code.



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16.04.010 - Short title.	CHANGE if you decide to have all land use regulations in one Chapter called Land Use Code that would include subdivision, zoning, sign, and other land use regulations.
16.04.020 Legal Authority	If you move to a Land Use Add enabling authority for all forms of land use regulation including CRS 24-20-101, et seq, PUD CRS 24-07-101 et seq; HB 1041 24-65.1-101. Reformat as last Article in the LDC for ease of reference, similar to a glossary.
16.04.030 – Purpose (or Intent).	<p>Update purpose statements e.g., provide for roadway connectivity and improved mobility.</p> <p>Integrate relevant community goals and guiding objectives from the Community Master Plan. For example:</p> <ul style="list-style-type: none"> ▪ Provide a safe, efficient, continuous, and connected transportation system. ▪ Discourage development if the roads that access the development cannot accommodate the additional traffic without degrading the current level of service (LOS).
16.04.040 - Jurisdiction.	No change
16.04.050 – Plats and Plans.	Update to clarify what is a Plat and what is a Plan; clarify dedication language and add statement about required improvements agreements.



	Note that this section requires a Major Street Plan
16.04.060 – Conflict with other provisions.	Integrate into new Severability General comment applicable throughout code: standardize references to Board of Trustees.
NEW SECTION- Applicability	The Subdivision Code is missing a section on applicability. This generally defines subdivision and also outlines what types of land division are not subject to subdivision. This includes the division of land created by lien, mortgage or deed of trust etc; the creation of a cemetery lot, easements, contingency contracts etc.
NEW SECTION- types of subdivision	This should include administrative plats, minor subdivisions, major subdivisions, resubdivision (replats), subdivision exemptions, and vacation of subdivisions. This can be placed here or at the beginning of the Procedures Section (16.12)
<p>NEW SECTION PUBLIC IMPROVEMENTS this needs to be at the beginning of the Subdivision section before the processing of any application. The detail regarding Public Improvements should then be outlined in a NEW separate section called Public Improvements.</p> <p>NEW SECTION ON LAND DEDICATION- Outline what is expected upfront and then create one section that includes all land dedication requirements and in-lieu of fees</p>	<p>Any applicant needs to know upfront that there are requirement improvements (16.60.30) and that the applicant will need to enter into a subdivision improvements agreement. THIS IS DIFFERENT FROM A PERFORMANCE GUARANTEE. OR A MAINTENANCE AGREEMENT.</p> <p>At a minimum, the code requires language that states: <i>The applicant shall sign a subdivision improvement agreement agreeing to construct any required public improvement shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the completion of said improvements in accordance with design and time specifications This new section should also outline all of the improvements required of the subdivider.</i></p>



GENERAL ORGANIZATIONAL COMMENT	Before outlining the subdivision procedures, it is critical that an applicant understand the overall requirements. Nothing should move forward if there are major infrastructure and servicing issues that have been clearly explained to the applicant. There are several policy issues that will need to be discussed with both the Planning Commission and Board of Trustees.
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<p>CHAPTER 16.12</p>	<p>GENERAL PROCEDURES and submittal requirements (add submittal requirements to this section) All of the submittal requirements should follow for each type of subdivision application</p>
<p>16.12.10 Procedures for plat approval</p>	<p>Section 1: NEW SECTION- types of subdivision</p> <p>Section 2: Procedure for Submittal of the Sketch Plan, Preliminary Plat, and Final Plat and Accompanying Materials. Add process tables showing who reviews what.</p> <p>Section 3: Publication and Noticing for all types of subdivision with a table</p> <p><i>Note: We recommend that the term Master Plan be replaced with Sketch Plan. Master Plan has so many different connotations and often gets confused with Master Plans required for PUDs in some jurisdictions.</i></p> <p>This section is then followed with Subdivision Procedures for each type of subdivision listed.</p> <p><i>Approval period:</i> Create a new section on the duration of all listed land use approvals. There are statutory limitations on time to review a subdivision and usually the preliminary and final plat expire after an established period of time.</p>
<p>16.12.020 – Applicable Development</p>	<p>This should move to General Provisions. (see above notes) and outline what type of land division is subject to development.</p> <p>It is unclear why all of the definitions are included here that deal with roadways. These will need to be reviewed against the El Paso County regulations that the Town has adopted. These definitions are out of place and confusing. There should be a separate section of the subdivision regulations that outline design and construction standards or make reference to the adopted standards from El Paso County and add a reference to CDOT requirements.</p>



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<p>16.12.XXX- Plat requirements</p>	<p>Use this new Section to reference new Appendix on Application and Checklists.</p>
<p>Chapter 16.16 - SKETCH PLAT (master plan) This should replace Master Plan</p>	<p>The term Master Plan is dated and confusing since “Master Plan” is often used for PUDs and you have chosen to call the Comprehensive Plan a ‘Master Plan’. In addition, Palmer Lake uses the term ‘Sketch Plan’ in the PUD regulations. These terms should be switched.</p>
<p>16.16.010 – When Required (Purpose)</p>	<p>State purpose of the sketch plat.</p> <p>Specify that pre-application is required at each stage of the subdivision process (you could stipulate unless waived by the Town Administrator or designee) and reflect in the Review Procedures Chart.</p> <p>Town staff will need to determine if a sketch plat should be discretionary.</p> <p>The current description is strong.</p>
<p>16.16.020 - Contents (Information to be included).</p>	<p>Reference the new Appendix on Application and Checklists.</p> <p>Add application, fee, and cost reimbursement agreement.</p> <p>The Town Engineer should review and comment the on required contents.</p> <p>Information should also be provided electronically in formats that will be specified during the code update.</p> <p>IF there is not adequate evidence that sufficient water exists (9)or state the proposed sewage treatment systems are acceptable, should there be a determination by staff, the Planning Commission or the Board of Trustees that the project should not proceed.</p>
<p>16.16.030 – Approval—Review and Approval This section should be changed to Review and include 16.16.030, 16.16.040; Publications procedures should be referenced. When the code is updated, there should be</p>	<p>Reduce, as necessary, after the creation of the Review Procedures Chart and the new to-be-drafted section on Publication and Noticing.</p> <p>Clarify that the Sketch Plan first is reviewed by staff, then the Planning Commission, and</p>



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<p>one section on review procedures and publication and noticing. This ensures that the notice and publication procedures are consistent and easy to administer.</p>	<p>finally the Board of Trustees (16.16.030 and 16.16.040)</p> <p>Refer to Section on Publication and Notice for all subdivisions.</p> <p>Town Engineer should review and comment on the required contents during the update process.</p> <p>Referrals should be added if necessary. There is a link to the referral to 16.20.040. The Town needs a standardized list of required referrals. Examples include:</p> <ul style="list-style-type: none"> ▪ PLSD ▪ Water and State requirements (300-year requirement for El Paso County); Division of Water Resources ▪ CDOT <p>IF a development cannot be serviced at this time, the applicant should know this upfront and not waste time and money pushing a project forward.</p> <p>Reflect in Review Procedures Chart.</p> <p>Standardize review criteria and make uniform. Consider a standard list with additional specific lists for sketch, preliminary and final plat review.</p>
<p>16.16.040 - Submission to Planning Commission</p>	<p>This is listed after 16.16.030 which states BOT approval is required. This is confusing; again, a process table will really help staff as well as PC and the BOT.</p>
<p>16.16.050 - Public notice.</p>	<p>Eliminate or cross-reference the new Public Notice Requirements section for all types of development.</p> <p>applications that require public notice.</p>
<p>16.16.060 - Approval and lapse of approval. ADD</p>	<p>ADD statutory reference.</p>



	A signed waiver stating that the 30-day requirement pursuant to C.R.S. 31-23-215 as amended, shall not apply.
Chapter 16.20 - PRELIMINARY PLAT	Edit into new Preliminary Plat section. <i>Subdivider or his agent:</i> Change terminology to be uniform throughout- “Applicant.”
16.20.005 - Purpose.(NEW)	ADD Purpose statement
16.20.010 - Preliminary plat application	Application, Fee, and cost reimbursement agreement Refer to pre-app conference in Review Procedures Chart; consider deleting this section as unnecessary and combine an introduction for all subdivision applications.
16.20.020 – Submittal (Contents). INCLUDE current Section 16.20.030- Material to accompany)	<i>Submittal checklists:</i> Reference these checklists as Appendix x, and authorize Director to revise administratively. The required scale should be updated 1-200 feet is unusual; offer some flexibility. Update all required submittal items include the following by way of example: <ul style="list-style-type: none"> ▪ Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal. ▪ Mineral Rights Affidavit ▪ Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities within and through the subdivision.) ▪ Existing and proposed curb cuts on and adjacent to subject property ▪ Land use table ▪ ADD draft Subdivision Improvements agreement. This is critical and missing from



	this chapter.
16.20.030 - RENAME Referral. (Material to accompany)	Standardize review agency referral; refer to specific Section when relocated.
16.20.040 – Distribution and Review.	<p>Relocate procedures to Review Procedures Chart.</p> <p>This section can also provide a step by step outline of the review process. Some small communities appreciate the step by step process for staff and decision makers.</p> <ul style="list-style-type: none"> ▪ Application Certificate of Completeness ▪ Referral ▪ Staff Review ▪ Applicant to Address staff comments. ▪ Hearing and public notification ▪ Planning Commission Hearing and recommendations ▪ Applicant to address Planning Commission conditions. ▪ Final staff review ▪ Board of Trustees Public Hearing (note approval period)
16.20.050 - Review and approval criteria. (This replaces publication procedures that should be in one place.)	Outline criteria that needs to be met to approve a preliminary plat
16.20.060 – Planning Commission Action (incorporate above including 16.20.070 Presence of Subdivider at	Eliminate or cross-reference new Public Notice Requirements section for all types of development applications that require public notice.



Meeting.	
ADD Inactive plats, extensions, and approval.	Relocate to one section at the end of the types of subdivision and include in process chart as a footnote
<p>16.24 Performance Guarantee THE SUBDIVISION CHAPTER NEEDS A SEPARATE SECTION ENTITLED PUBLIC IMPROVEMENTS- it should follow the sections on the various types of subdivisions and an updated section on Land Dedication</p> <p><i>This could be a separate division within Chapter 16 and will be addressed during the Code update process.</i></p> <p><i>This should also incorporate Section 16.60 Required Improvements. The subdivision improvement requirements are currently found throughout Chapter 16 and are difficult to locate.</i></p> <p><i>SEE RECOMMENDATION ON A NEW SECTION THAT DEALS SOLEY WITH SUBDIVISION STANDARDS</i></p>	<p>This is NOT in a location that is easily found. This should follow the section outlining submittal and review of all types of subdivision applications.</p> <p>This entire section needs to be rewritten to include the following:</p> <ol style="list-style-type: none"> 1) Subdivision Improvements and Development Agreements; INCLUDING time for completion. 2) Guarantee of Completion/Warranty Period. 3) Inspection of Improvements 4) Type of improvements required. 5) Probationary Acceptance 6) Maintenance and Repair 7) Final Acceptance
<p>To include in the PUBLIC IMPROVEMENTS section</p> <p>:</p>	<ul style="list-style-type: none"> ▪ Consider a single form of a subdivision (aka public) improvements agreement. ▪ All required public infrastructure improvements serving a residential lot or land parcel must be installed to Town standards before the Town will authorize Pikes Peak Regional Building Department to issue a certificate of occupancy or, complete a final building inspection.



	<ul style="list-style-type: none"> ▪ Ensure the list is comprehensive; ex: public pedestrian facilities; public and private revegetation and landscaping; recreation. ▪ New stormwater requirements (MS4) have been added to the Code but this could be better incorporated to the required public improvements. ▪ Public improvements security- Prohibit security drawn on an institution owned in whole or in part by the applicant ▪ Determine the amount of retention allowed by a statutory town. ▪ Provide for preliminary and final acceptance of public improvements. ▪ Assurances-Distinguish between public versus private improvements within this new section.
<p>MOVE TO PUBLIC IMPROVEMENTS SECTION</p>	<p>16.60.020. - Reimbursement for costs. (existing)</p> <p>Whenever the capacity of required roads, pipes, or system shall exceed that which is required for the service of the subdivision, the town shall reimburse the developer for the extra cost incurred in meeting the increased requirements.</p>
<p>Chapter 16.28 - FINAL PLAT (code will need to be renumbered during update)</p>	<p>Edit into new Final Plat section that mirrors the Preliminary Plat organization.</p>
<p>16.28.010 – CHANGE to Purpose. And renumber</p>	<p>Explain the purpose of the final plat</p>
<p>16.28.010 – Final Plat Application Process (This replaces Final Plat application fee which will be in one place)</p>	<p>NEW Consider whether partial final plat approval should automatically prevent lapse of preliminary plat approval.</p> <p>Clarify whether submittal requirements are: (1) detailed in an exhibit (2) adopted administratively and/or (3) created during pre-app.</p>



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16.28.020 Submittal (Contents).	The submittal information needs to be updated-
16.28.030 – Material to Accompany	Follow same recommendation as for Preliminary Plat; note the Title Commitment should be required at preliminary unless this is a Minor Subdivision.
16.28.040 – Planning Commission action.	Standardize review- see above.
16.28.050 – Publication Procedures	Eliminate or cross-reference new Public Notice Requirements section for all types of development applications that require public notice. See above
16.28.060 – Board of Trustees Action	Relocate procedures to Review Procedures Chart. Add step by step procedures if desired. (See Preliminary Plat)
16.28.080 - Signatures and recording. NEW	Create a standardize a single signature and recording section. This can also be placed in an appendix.
Chapter 16.32 Vacation Plats (this should also include Vacation of ROW and Easements)	<p>This entire section should be updated to mirror previous subdivision sub-chapters,</p> <p>Public right-of-way and easement vacation proceedings shall be in compliance with Sections 43-2-302 and 43-2-303, C.R.S.</p> <p>Move section 16.40.130 Vacation Street rights-of-way to this section.</p> <p>Typically, a petition is required.</p> <p>Add title commitment.</p>
Chapter 16.36 Minor Subdivision	<p>Change and format; re-number as needed to mirror organization of final plat.</p> <p>Determine trigger for a minor subdivision (e.g. 5 or less, address the creation of outlots to</p>



	<p>avoid the preliminary plat process.</p> <p>Some communities also only allow a Minor Subdivision if:</p> <ul style="list-style-type: none"> ▪ There is no public right-of-way dedication. ▪ The property has previously been platted within the Town ▪ There will be no exceptions to the Subdivision Design Standards. <p>The Town Engineer should be consulted to determine if the above criteria are also necessary.</p>
<p>Chapter 16.37- Resubdivision (NEW) <i>Sometimes called a "REPLAT"</i></p>	<p>DEFINITION: <i>The resubdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for a final subdivision plat as set forth in this Article. In the event that any dedicated streets are relocated as a result of a resubdivision, it is necessary for the Town to first vacate those existing streets, with said vacation to be effective prior to, or as part of the approval of the final plat.</i></p>
<p>Chapter 16.38- Administrative Plat Amendment (NEW)</p>	<p>Of all the amendments CMI has done over the years, this is often the most overlooked and administratively simple subdivision procedures allowed by Statute.</p> <p><i>Plat amendments do not create additional lots or interests in property but are subdivision actions to the extent that: lot lines may be relocated as part of a boundary line adjustment; lots may be merged as part of a lot consolidation; or plat amendments may be used to correct errors on an existing approved subdivision plat.</i></p>
<p>Chapter 16.76 – LAND DEDICATIONS <i>(existing but we suggest that this precedes the new section on Public Improvements)</i></p>	<p>We strongly recommend a separate subchapter on land dedication separate and apart from what is often negotiated in a PUD (PUDs are greater public benefit for flexibility in land use regulations -a base dedication is set but with a PUD you want more).</p> <p>This entire section needs to be updated. The current language is VERY dated and is based on the 1990 census! ALSO, Reference Nollan/Dolon standard of nexus and rough</p>



	<p>proportionality.</p> <p>Land Dedication should include:</p> <ul style="list-style-type: none"> ▪ Parks, Open Space and Trails dedication for subdivisions (expand to more than just Parks) ▪ Requirements (e.g. what is considered a dedication and what is not (e.g. private yards, parking lot landscaping) ▪ Fee in lieu of dedication language ▪ School dedication land or fee in lieu of – check with School District as they often have up to date figures and formulas (Also look at Town of Monument dedication requirements) <p>Confirm and reference any current study supporting land dedication figures and formulas.</p>
<p>CREATE A NEW SECTION OR DIVISION THAT INCLUDES ALL SUBDIVISION STANDARDS IN ONE PLACE</p> <p>Current sections only include:</p> <ol style="list-style-type: none"> 1) Streets 2) Lots 3) Water and Sewer Utilities 4) Street Names 5) Easements <p>Drainage is currently in its own section – 16.72. <i>It is unclear if a master drainage study is required during the subdivision process but section needs to be more</i></p>	<p>These standards usually include the following list. Where possible, it is best to reference a technical manual and at all costs avoid duplication between any design manual and the Subdivision regulations.</p> <ol style="list-style-type: none"> 1) General Standards 2) Design Standards- It is recommended that the design standards be adopted by reference, as amended, and one (1) copy of each is on file in the Town Clerk's office. These standards are most often referred to as the Design Criteria and Construction Specifications, as amended. The Town has adopted The El Paso County Engineering Criteria Manual (ECM). There may be other design standards that should also be referred to. The Town Engineer should advise. IF the item is listed in the ECM then that section should simply provide the reference. (note: During the development of the Community Master Plan, there were several standards that the Planning Commission thought needed to be reviewed. These standards were stated as 'not fitting' Palmer Lake or impossible to comply with.



<p><i>fully addressed at the time of subdivision</i></p>	<ul style="list-style-type: none"> 3) Blocks and Lots 4) Access and Dedication (Since the Subdivision regulations do call for a Major Street Plan, the Town may wish to include a section on Extraterritorial Major Street Standards that then requires that streets outside of the municipal limits comply with the Town of Palmer Lake’s adopted Street standards. 5) Intersections 6) Street names 7) Minimum design standards (streets) 8) Stormwater /Drainage (this should be combined) 9) Water 10) Sewer/Septic
<p>Chapter 16.XX - DESIGN PRINCIPLES</p>	<p>Add additional design principles, or reference other criteria manuals as applicable, for the following (refer to items noted in the Community Master Plan):</p> <p>Blocks; Monuments and markers.</p> <p>Easements; Streets; Alleys; Sidewalks and trails.</p> <p>Natural features (preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings, significant wildlife habitats and migration areas, riparian areas, wetlands, historic features and archaeologically sensitive sites);</p> <p>Water; Fire protection; Sanitary sewer; Landscaping and screening.</p> <p>Lighting; Street Trees; and environmental design principles such as low impact development</p>



	should also be considered.
ADMINISTRATION AND ENFORCEMENT	<p>Chapters 16 and 17 are missing a chapter on administration and enforcement. IF it is one combined code, add once, if you decide to keep the Chapters separate, add to both chapters.</p> <p>There is a new section on enforcement in Chapter 17.68, but this concerns the Hillside Overlay District.</p>
Chapter 17.96 - VESTED PROPERTY RIGHTS	Vested rights applies to both subdivision and zoning and requires the finding that a final approval of a land use application constitutes a “Site Specific Development Plan.” If the Town decides to move to a Land Use Code with both subdivision and zoning in one chapter, then the placement of this section is of little concern. However, if you keep two different chapters then this section should be referenced in the Subdivision Chapter if it remains in Chapter 17- Zoning.
17.96.010 - Purpose.	<p>Explain Statute</p> <p>Format and re-number as needed.</p>
17.96.020 – Definitions.	Site specific development plan and Vested Right
17.96.025 Application, fees, Notice and Hearing	Add Application and During reorganization re-number and reference requirements reorganize as necessary
17.96.030 - Vesting of property rights(new). Include	Determine scope of vested rights beyond final plat. State length of vesting period (24-68-104.)



Palmer Lake Land Use Regulations: Code Diagnosis

Vesting pursuant to agreement	Add to this section- you vest for 3 years or by agreement; format and re-number as needed. “Notwithstanding the provisions of subsection (1) of this section, local governments are hereby authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.”
17.96.040 - Approval. Effective date, Amendments	No substantive change: format and re-number as needed.
17.96.050 -.Notice of Appeal	No substantive change: format and re-number as needed.
17.96.060 — Payment of Costs	Address as part of all land use applications; format and re-number as needed. Incorporate in 17.096.025
17.96.070 -.Other provisions combine with 17.96.080-Limitations	Strengthen and renumber
17.96.070 - Written designation.	We have found to many instances where a final approval has vested but the required certification is missing from the plat or plan- add this section to ensure proper documentation
17.96.XX- Violation a misdemeanor.	All references to violations should be in one place whenever possible. (16.64.020 deals with lot sales and there are numerous citations in Chapter 17- as sections have been added over the decades, new violation and penalty clauses have been added. (17.68. 17.64. 17.92)

Title 17 - ZONING	
Chapter 17.04 - GENERAL PROVISIONS	General comment, applicable throughout Title17: Source notes will be of little value after



	<p>revision of entire code.</p> <p><i>Several items need to be moved to this section and should not be buried in odd places.</i></p>
17.04.010 - Title.	<p>Integrate into new Title section for a unified development code that includes subdivision, zoning, sign, and other land use regulations.</p> <p>General comment, applicable throughout Title16: Source notes will be of little value after revision of entire code.</p>
17.04.020 – Legal authority.	List all of the applicable sections of CRS and add role of Planning Commission and Trustees
<p>17.04.030 - Purpose.</p> <p>Move Intent text to purpose and integrate Master Plan purposes.</p>	<p>Integrate into new Purpose section that includes the Intent statement (17.04.040)</p> <p>Add purpose from Community Master Plan</p> <p>Also, from the CRS:</p> <ul style="list-style-type: none"> • In statutory municipalities, zoning regulations "shall be made in accordance with a comprehensive plan" C.R.S. § 31-23-303. <p>The Community Master Plan contains land use classifications that in most cases mirror current residential land uses. In those cases where the land use classifications differ the existing zone classifications these will need to be amended to better reflect the type and intensity of use as well as site planning criteria.</p>
<p>17.04.040 – Severability. (Intent)</p> <p>Add 17.04.060 Conflict to this section</p>	<p>Integrate into new Severability section for a Land Use code that includes subdivision, zoning, sign, and other land use regulations. (See Administration and Enforcement.)</p> <p>If the Town decides to keep separate chapters, Severability is still missing</p>



17.04.050 Interpretation	<p>Add more complete interpretation section e.g., <i>Shall or must</i> means...</p> <p>Add computation of Time</p> <p>Add conflict with other laws</p>
New Section Relationship to the Community Master Plan and other Plans	<p>See Community Plan for other plans.</p> <p><i>Note the existing requirement for a major street plan</i></p>
New Section- Application to Developments in Progress	Necessary for Updated Code
17.04.060 – Application Fees and Cost Reimbursement Required (NEW)	This should be in one place rather than repeated for every type of application- Move 17.68.130 Fees under the Hillside overlay District to this new section and update.
17.04.XX Correction of Obvious Errors (new)	<i>Nothing in this Chapter shall be construed as a limitation upon the power of the Board of Trustees or Town Administrator, to correct obvious typographical or compositional errors, provided that</i>
<p>NEW SECTION MOVE 17.92 Administration and Enforcement to the front of the code</p> <p>SEE LAST SECTION OF THIS DIAGNOSIS</p>	<p>Enforcement responsibilities</p> <p>Include expiration of approvals</p> <p>Outline when a plan, plat or agreement is deemed ‘withdrawn.’</p> <p>Note that there is an enforcement section in 17.68.120- which applies to the Hillside Overlay District this should be moved to the beginning of the Chapter and updated</p>
NEW SECTION Violations and Penalties	This section is missing from Chapter 17; there is one citation in 16.64
17.12.020 – Official Zoning map. (change from Map,	Add additional language regarding map boundary determination.



Palmer Lake Land Use Regulations: Code Diagnosis

Boundaries)	<p>Add language about where the official zoning map is kept (Town Clerk)</p> <p>Add language about amendments to the Official Zoning Map</p> <p>Add language outlining the criteria to amend the Official Zoning Map</p>
17.12.030 Requirements.	This section should be moved to General Provisions and combined with Administration and Enforcement
17.12.040 Design.	Move to General Provisions and strengthen per Community Master Plan; add section on Design under NEW General Standards applicable to all zone districts.
17.12.050 – Land Use Procedures (this is a currently two sentences and needs to be a major code section)	This should become a separate Article in the Code- All Procedures should be listed (See recommendation on Code Organization
17.12.060 Certificate of Zoning Compliance	Move to new section on Procedures
17.12.070 – Site Development Plan	Move to new section on Procedures
17.12.080 – Certificate of Occupancy	Move to new section on Procedures
17.12.090 Temporary Certificate of occupancy	Move to new section on Procedures
ADD Temporary Uses missing	<p>The code is missing a section on temporary uses.</p> <p>List temporary uses and procedure for permitting.</p> <p>Add provision for renewal or extension</p>



<p>17.16 RA Residential Agricultural Zone</p>	<p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Off street parking signs and sewerage should be placed in the new sub category Development standards if these standards apply only to this district</p>
<p>17.20 RE Estate Zone</p>	<p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Off street parking signs and sewerage should be placed in the new sub category Development standards if these standards apply only to this district</p>
<p>17.24 R1 LOW DENSITY RESIDENTIAL ZONE</p>	<p>Consider renaming to more accurately reflect density allowed, or simplify.</p> <p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Off street parking signs and sewerage should be placed in the new sub category Development standards if these standards apply only to this district</p>
<p>17.28 - R2 INTERMEDIATE DENSITY RESIDENTIAL ZONE</p>	<p>Consider renaming to more accurately reflect density allowed, or simplify</p> <p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Off street parking signs and sewerage should be placed in the new sub category Development standards if these standards apply only to this district</p> <p>Consider adding additional development standards</p>



<p>17.32. - R-10,000 INTERMEDIATE DENSITY RESIDENTIAL ZONE</p> <p>Palmer Lake Land Use Regulations: Code Diagnosis</p>	<p>Consider renaming.</p> <p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Off street parking signs and sewerage should be placed in the new sub category Development standards if these standards apply only to this district</p> <p>Consider adding additional development standards.</p> <p>Address access issues by adding a development standard</p>
<p>17.36. - R3 MEDIUM DENSITY RESIDENTIAL ZONE</p>	<p>Consider renaming- this district sounds like it is more than single family and accessory uses.</p> <p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Off street parking signs and sewerage should be placed in the new sub category Development standards if these standards apply only to this district</p> <p>Consider adding additional development standards.</p> <p>Address access issues by adding a development standard</p>
<p>17.40. - R4 HIGH DENSITY RESIDENTIAL ZONE</p>	<p>This is the one district in town that allows multifamily units but it should be renamed because it really is not 'high density'</p> <p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Off street parking signs and sewerage should be placed in the new sub category Development standards if these standards apply only to this district</p> <p>Consider adding additional development standards.</p> <p>Address access issues by adding a development standard</p>



<p>17.52. - CONVENIENCE COMMERCIAL (CC) ZONE</p>	<p>This is an example of a zone district name that tells you what it is for.</p> <p>Review and update uses by right and conditional uses</p> <p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Not sure why a funeral home is in this district? Remove dated uses such as video rental store and describe size and performance of convenience retail.</p> <p>Update conditional uses, not sure why a not-for-profit is listed as a conditional use</p> <p>Revisit lot size and dimensions</p> <p>Remove pyramid zoning.</p>
<p>17.56. - M1 GENERAL INDUSTRIAL ZONE</p>	<p>Rename to more accurately reflect the intent of this district</p> <p>Update as necessary to follow Community Master Plan</p> <p>Format each zone district as described above.</p> <p>Create specific Development standards for this district that deal with possible impacts</p> <p>List of uses needs a lot of work; many terms need to be defined.</p> <p>Address access issues by adding a development standard</p>
<p>17.60. - O1 RECREATION ZONE</p>	<p>This district makes no distinction between public and private facilities.</p> <p>Format as noted above.</p>



	<p>Is a golf course public or private? What about snow and water skiing facilities?</p> <p>What if a local park is private? Is this then zoned “O1”?</p> <p>Should this be expanded or reworked into a “Public” Zone?</p>
<p>17.64. - FLOOD DAMAGE PREVENTION</p>	<p>This is in the wrong place – there should be a new Division or Article in the Code called Special Requirements. This applies to all lands within the town. Generally, these regulations are ‘boiler plate’ from FEMA or the State. Typically, this is the one part of the code where the definitions are often left within this chapter and not included in the general definitions for the Land Use Code.</p>
<p>17.68. - HILLSIDE OVERLAY DISTRICT</p>	<p>This is one of the newer parts of the Town’s land use regulations. The definitions should probably be moved to the general definitions. If you create a new Article called Special Requirements, these regulations would move to this Article.</p> <p>While this is an overlay district, it is not a mapped district that is shown on the Official Zoning Map.</p> <p>Should these requirements be moved to the new section called Special Requirements?</p> <p>OR should the Town attempt to map the areas impacted by the Hillside Overlay District?</p>
<p>17.72. - PLANNED UNIT DEVELOPMENT</p>	<ul style="list-style-type: none"> • Many of the standards and references are outdated. The PUD generally is: • <u>Negotiated</u> custom zoning rather than one size fits all. • More flexible site design – such as setbacks, density. • More flexible on allowed uses and arrangement of uses. • Provides for phasing over a longer time according to an approved Master



	<p>Development Plan.</p> <ul style="list-style-type: none"> • May result in costs savings and increased open space
17.72.010 Description	No substantive change; format and re-number as needed. Minor edits and additions
17.72.020 - Purpose	<p>No substantive change; format and re-number as needed. Perhaps add verbiage from Community Master Plan. Consider a statement as follows:</p> <p>The intent and purpose of the Planned Unit Development (PUD) District is to permit and encourage the development of a unique and truly innovative project which is represented by the applicant to be constructed within a reasonable period of time in relation to the project’s size and scope and which will be of economic benefit to the town thereby qualifying the project under this and other criteria for review.</p> <p>The concept behind a PUD is great flexibility for increased public benefit.</p>
17.72.030 – Where established	<p>Update, minor edits, do you want to specify minimum size of PUD?</p> <p>Review consistent use of term landowner or his agent throughout code- consider applicant and define.</p>
<p>17.72.040 – Principal Permitted uses.</p> <p>This section should be preceded by a section that outlines: Coordination with other codes, regulations, and plans.</p> <p>PUDs constitute a new zone district and it should be made clear how the PUD is processed along with the subdivision plat.</p>	<p>The mix of uses listed should be amended to ensure a truly mixed use project. This should not simply be a mechanism to build more housing units without some additional benefit. This section should be reworked to better reflect the type of development envisioned in the Community Master Plan.</p> <p>Do you want to require a mix of uses?</p> <p>Additionally, this section should reflect the following:</p> <p>The creation of a PUD District involves a particular land area, and is a master planned development therefore development standards, dimensional requirements and</p>



<p>Also add a section that addressed when the PUD becomes a rezoning:</p> <p><i>Upon approval of the MDP, the PUD 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.</i></p>	<p>permitted uses may be negotiated that are different from those set forth in this Chapter, and such different standards, dimensional requirements and uses, as negotiated, shall be allowed as set forth in the Overall Development Plan (ODP; also called a Master Development Plan (MDP) and Final Development Plan (FDP).</p> <p>Usually, the PUD is a two-step process:</p> <ol style="list-style-type: none"> 1. An Overall Development Plan or Master Development Plan 2. The Final Development Plan
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<p>PUD PROCEDURES</p>	<p>There needs to be a separate section on PUD Procedures- this should be drafted and inserted with all other approval procedures in a separate article- Land Use Applications and Procedures.</p>
<p>17.72.050 - Densities.</p>	<p>Do you want to revisit the maximum density for residential units?</p> <p>Add criteria for density negotiations such as (reference Community Master Plan):</p> <ul style="list-style-type: none"> • Reasonable compatibility with the densities of the surrounding development. • Concern for the interrelationship between density, height, open space and vehicle accommodation which promotes quality development for the benefit of residents and visitors alike.
<p>17.72.060 Open Space.</p>	<p>No substantive change; format and re-number as needed Should open space also be accessible to the public? As defined, it is private open space.</p> <p>Add criteria for open space dedication(reference Community Master Plan); examples:</p> <ul style="list-style-type: none"> • Avoidance of concentrating open space into large areas with the subsequent “packing” of remaining development areas.



	<ul style="list-style-type: none"> • Open space and/or landscaping must accompany all types of development. • Larger open space areas are logically connected to each other and to external open spaces via linear path systems. • Enhancement of the natural features of a development <p>Open space dedications: Reference/Consolidate with dedication requirements in Subdivision chapter</p>
<p>17.72.070 – Buffering and Screening.</p>	<p>This requires a 25 ft. setback from 105- do you want to amend per Community Master Plan?</p> <p>Do you want to add additional performance criteria?</p>
<p>17.72.080 - Modification of subdivision regulations (RENAME AND EXPAND).</p>	<p>This should be incorporated into re recommended new section: Coordination with other codes, regulations, and plans.</p>
<p>17.40.XX- General procedure for establishment of a Planned Development Zoning District. (NEW)</p>	<p>ALSO Add to the recommended Review Procedures Chart.</p> <p>Review procedures are missing- what gets noticed and published.</p> <p>Add to the new Article or Division called Land Use Applications or Review Procedures</p>
<p>17.72.090 – Procedures and sketch plan</p> <ul style="list-style-type: none"> • Preapplication conference. • Sketch Plan 	<p>Landowner or agent needs to be consistent throughout the code and defined. Remove and define applicant in the definitions. General application form needs signature for land owner.</p> <p>Should the pre-application conference be a must or may?</p> <p>Why is the pre-app with the Planning Commission? Should be with staff to avoid prejudice!</p>



<p>17.72.XX- General requirements for PUD sketch, PUD Plan and Final Development Plan.</p>	<p>Potentially ADD: what needs to be covered and why. how subdivision is processed with a PUD</p>
<p>17.72.100 – PUD Plan. (Consider renaming to Overall Development Plan or Master Development Plan)</p>	<p>The submittal requirements need to be updated. Update written requirements.</p> <p>We always recommend that along with the Plan graphics a written PUD document be prepared that outlines allowable uses, dimensional requirements, quantity and type of open space, open space maintenance, changes to other requirements (signs, parking etc.) and other negotiated items.</p> <p>ITEM 3- Amendments should be a separate section of the code. There are typically two types of amendments- Minor and Major and each is processed separately. In addition to the current text, minor vs. major should be quantified- i.e., a 10% change in any of the following constitutes a major amendment....</p> <p>ADD new Section on recording and approval lapse period.</p> <p>ADD Effective period: 3 years see vesting section; Alternatively, vesting can be negotiated for large, complex projects that occur over many years or sometimes for large master planned developments many decades.</p> <p>In all cases a PUD should include a negotiated development agreement to memorialize all negotiated items. All documents need to be recorded.</p> <p>THE PUD regulations need to specify how long the Overall Development Plan is approved and when it no longer is deemed approved (reversion clause.)</p> <p>The same language needs to be added for a Final Development Plan.</p>



<p>17.72.110 - Final PUD Development Plan —This covers Submittal and review.</p> <p>ZONING CODE IS MISSING A SECTION ON ZONING CHANGES (SEE 31-23-305)</p>	<p>Review Process: Section should specify the consequence of denial.</p> <p>Submittal- Update</p> <p>Review and Approval Criteria: Consider revising criteria to be more specific/clearly articulated</p> <p>Review criteria is the same for both the overall plan and the final plan -update</p> <p>Recording/365 days: suggest no vesting until recording is complete.</p> <p>Determine whether the Town has a record of recorded PUD approvals/issuance of CO's subject to this expiration provision (see 17.72.150).</p> <p>Update amendment procedures and make it a separate section (see below)</p> <p>Review procedure is missing as noted above. Since this is a change of zone, public hearings are required.</p> <p>Once recorded, amend the Official Zoning Map</p> <p>ALSO per STATUTE A ZONING CHANGE WHICH IS WHAT A PUD IS REQUIRES A 2/3'S VOTE OF THE GOVERNING BODY. THIS ALSO APPLIES EQUALLY TO CHANGES AND AMENDMENTS.</p>
<p>NEW SECTION ON AMENDMENTS</p> <p>Minor</p> <p>Major</p>	<p>Major amendments/rezoning requests</p> <p>Outline what is major and what is minor; quantify.</p> <p>Consider providing for amendment after approval and before recording for minor corrections.</p> <p>Public notice: Require notice to owners if project is partially built and lots have been sold</p>



<p>17.72.140. - Maintenance plan.</p>	<p>Required by Statute- update</p>
<p>NEW Section: FAILURE TO BEGIN DEVELOPMENT OR TO SHOW SUBSTANTIAL PROGRESS.</p>	<p>This section needs to be expanded to address a stalled PUD or a PUD where no progress has been made after an established period of time.</p> <p><i>This should include the provisions in 17.72.150 Results of failure to meet schedule.</i></p>
<p>17.72.160. - Development time frame and appeals.</p>	<p>This section needs to be expanded.</p> <p>Specify that each PUD needs a detailed development schedule of public and private improvements. The town staff shall monitor this schedule.</p> <p>Outline consequences and review of a PUD that is not moving forward and in particular PUDs that have not completed required improvements in a timely manner.</p> <p>If construction has not started, the current code states that the applicant has one year- if one year has elapsed, what happens?</p>
<p>17.72.120- Building Permits</p>	<p>MOVE- this applies to all land use applications not just PUDs- NEW ARTCLE GENERAL STANDARDS</p>
<p>17.72.130. - Floodplains.</p>	<p>MOVE- this applies to all land use applications not just PUDs- NEW ARTCLE GENERAL STANDARDS</p>
<p>NEW SECTION Administration and enforcement— Permit issuance.</p>	<p>CO's should not be issued prior to approval and recording-</p> <p>Add new article in Land use applications. PERMIT ISSUANCE</p>
<p>CHAPTER 17.76. - SIGNS AND BILLBOARDS</p>	<p>Planning Commission is working on a major update. Be mindful of the following:</p>



	<ul style="list-style-type: none"> • Clarify when a sign permit is required and not required. Outline permit procedures. • Provide for minor modification of sign standards. • Maintenance • Abandoned signs. • Nonconforming signs in existence at the time of enactment. • Exempt signs • Design standards • Application and administration (sign permit procedure • Sign standards in residential zones- • Sign standards in the commercial zones • Temporary signs • Computation of sign area • Pre-existent outdoor advertising
<p>CHAPTER 17.80. - HOME OCCUPATIONS</p>	<p>This entire chapter needs to be updated but is basically sound; Move to more performance based requirement; e.g. 'no exterior indication of activity.'</p> <p>Also, measurement of floor area is hard to monitor as is # of employees. IS this complaint driven?</p>
<p>Chapter 17.XX SITE PLANS NEW (see 17.12.070. - Site development plan.</p>	<p>There is one paragraph on when site plans are required and what is included. This needs to be greatly expanded and be placed in the new Section on Land Use</p>



	Applications.
<p>CHAPTER 17.xx - Fences. ADD</p>	<p>Typically, any fence over 6 ft. requires review. This section should be added to the new Article or Division called General Standards</p> <p>Fences could also be grouped with the buffering and screening section</p>
<p>17. XX. XX Visibility at intersections. ADD</p>	<p>This requirement is missing but important. Provide graphic illustrating these standards</p>
<p>17.XX Landscaping OR new Division on Landscaping, Buffering, Fences, and Walls)</p> <p>Buffering and Screening (see existing one sentence in 17.48.080. - Outdoor storage and buffering.)</p>	<p>Typically, most municipalities specify the amount of landscaping required and now because of water storages, the type of landscaping required.</p> <p>If you do the later then the purpose is similar to this:</p> <p><i>To protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's public and private landscape, reducing water waste and establishing procedures for the design, installation and maintenance of water-efficient landscapes throughout the jurisdiction.</i></p> <p><i>Some communities include Landscape Site Design, tree preservation standards and detailed parking lot landscape requirements</i></p> <p>The existing section of the code could be strengthened with the following intent:</p> <p>The intent of this Section is to integrate adjacent land uses and provide seamless transitions through the use of appropriate buffers and screening.</p> <p>What kind of landscape plan should be submitted?</p>
<p>CHAPTER 17.84. - OFF-STREET PARKING AND LOADING</p> <p>Consider renaming this section <u>Parking Loadings</u>,</p>	<p>This section of the Code should move to the new Article/Division called General Standards</p> <ul style="list-style-type: none"> • This entire section is very dated. # of spaces required needs to be updated,



<p><u>Vehicle and Pedestrian Standards</u></p>	<p>provisions for joint use of parking spaces should be added.</p> <ul style="list-style-type: none"> • Some of the requirements are too low (multi-family 1.5 space and no accounting for # of bedrooms), some requirements are way to high (clubs, restaurants and retail.) • A parking table should be developed by use category. • There are no instructions for measurement of floor area: what counts, what does not count? What do you do for mixed use buildings? • Handicapped requirements are not included or referenced. • Size of space is not indicated. • Add better method of accounting for required spaces if the use is not listed. • There are no loading requirements! • Parking Design Requirements: Parking layout should also be included and include dimension of drive isles. • Need something on Off-Street Stacking requirements. • Pedestrian standards could include sidewalks, multiuse pathways and trails- this was a major theme in the Community Master Plan. • Screening requirements ensure consistent w/ other fencing/screening standards. • On -street parking
<p>Chapter 17.XXX– WIRELESS TELECOMMUNICATIONS SERVICES</p>	<p>This is currently found in Chapter 14- Building and Construction. Typically, these regulations are found in the Land Use Code</p>



	<p>These rules are standard among many municipalities.</p> <p>Updates are required because of the new changes in State Law regarding small cell wireless facilities and new locational parameters. The law basically allows for small cells as use by right in all zone districts.</p> <p>Design criteria can be developed for these small cells.</p>
<p>Chapter 17.88 - NONCONFORMING USES</p> <p>ADD: BUILDINGS, STRUCTURES, AND LOTS</p>	<p>This section needs to be expanded to include buildings and structures. Add the following (by way of example):</p> <ul style="list-style-type: none"> • Changes in use • Continuance/Discontinuance • Unsafe buildings • Repairs and maintenance • Restoration. • Abandonment
<p>Chapter 17.XX – Conditional REVIEW Uses NEW</p> <p>Add ‘review’ to the use.</p>	<p>There needs to be procedures and criteria for the review of all conditional uses listed in each zone district- This should be placed in the new Section on Procedures.</p> <p>Conditional uses can be granted for a specific period of time.</p> <p>Criteria is currently found on the application form- update as necessary.</p> <p>Add provision for renewal or extension</p>



<p>Chapter 2.16 - BOARD OF ADJUSTMENT</p>	<p>The Board of Adjustments and procedures are currently in Chapter 2.</p> <p>Consider moving the entire section or at least the procedures and stay of proceedings to the Land Use Code.</p>
<p>Variances- NEEDS IS OWN SECTION WITH CRITERIA</p>	<p>Variances are only mentioned in Chapters 16 and 17 related to MS4 (16.62) and in 17.64.160. The regulations are sound but this is within the Flood Damage Prevention Chapter of the code and relates solely to Flood prevention regulations,</p> <p>CREATE A NEW SECTION ON VARIANCES</p>
<p>17.92 Administration and Enforcement (outdated)</p> <p>UPDATE and consider moving to new Article 1- General Provisions.</p> <p>This section should cover:</p> <ul style="list-style-type: none"> • Enforcement responsibilities • Violation Penalties (17.92.090) • Severability 	<p>This section only includes the following:</p> <p>Zoning officer designated- has a zoning officer been designated?</p> <p>Building Permit Required- Add reference to Pikes Peak Regional Building Department</p> <p>Building Permit Application- update and ensure requirements are consistent with PPRB</p> <p>Building Permit fee- combine with other fees in procedures section.</p> <p>Building Permit forms- update and move to procedures.</p> <p>Building Permit issuance- move to procedures.</p> <p>Enforcement-</p> <p>Penalties- strengthen and combine in one section.</p>

