



PLANNING COMMISSIONER WORKSHEET ARTICLE 1 & 2

QUESTIONS FOR THE COMMISSIONERS FOR USE BY THE PLANNING COMMISSIONERS WORK SESSION NOVEMBER 8, 2023

*In preparation for your November 8th work session, please submit your responses to **Article 1 to Dawn and copy CMI no later than November 7th**, so Commissions can gauge areas of concurrence. Dawn will send out the responses BEFORE the work session.*

*Responses to **Article 2 are due by November 15, 2023.***

Note: Italicized text below is language directly from the Town's existing code or Master Plan.

The following worksheet addresses articles 1 and 2 of the new Land Use Code (LUC).

Article 1 provides the statutory foundation for the Land Use Code. It does not change any current requirements EXCEPT for NON-CONFORMING USES, STRUCTURES, LOTS, AND SIGNS. Highlights include:

1. Several 'boilerplate' sections were missing- i.e., Jurisdiction and legal authority.
2. There is a new section on how you transition from previous regulations to the new Code.
3. The current code has a section on only non-conforming uses. This section has been expanded and is much more lenient than the current section on non-conforming uses.
4. There is a short section regarding conformance to the Community Master Plan.
5. Clarification has been added about the expiration of land use approvals.
6. Vested Property Rights has been moved to Article 1, and it includes more information regarding the procedure to vest property rights. This follows the statutory requirements.
7. We have combined all references to cost reimbursement and application fees into one section.

Article 2 addresses Zone Districts.

Question # 1: Article 1 addresses how land use regulations are applied and the legal authority to enact such regulations. Is there anything else that the Planning Commissioners believe should be in this introductory section?



- ☐ Yes **Comments:** _____
- ☐ No _____

Question # 2: For Staff-Minor Legal (Krob and Collins)

- ☐ Do you want the citation to be by way of example: Section 24-67-101, et. Seq., C.R.S. OR Title 24, Article 65.1, C.R.S., Areas and Activities of State Interest?
- ☐ Do we need to include the severability clause if it is also in Title 1 of the Municipal Code?
- ☐ Do you want the steps to amend the Community Master Plan in the Land Use Code- it references the Community Master Plan? (See new Section 16-1-80.)
- ☐ Please check Section 16-1-110- Application Fees and Cost Reimbursement Required- does this reflect all reimbursable costs?
- ☐ Do you want the ability to stop application review if the applicant is not current on paying their invoices?

Question # 3: Section 16-1-70- Pre-existing Development- Non-conforming uses, structures, lots, or signs. (see new code language)

The current code does not allow any changes to a non-conforming use-

“No enlargement or alteration of a nonconforming use or structure shall take place. Once a use or structure is made to conform to the provisions of this title it may not revert to nonconformance either in part or in whole.” [Section 17.88].

There are existing uses, as well as structures, and lots that do not conform to the existing code and may not conform to the updated code. The most recent example is duplexes that were previously allowed in a few R zone districts.



We strongly recommend that non-conformities are allowed to be repaired and enlarged by no more than 20%. We have added a section on non-conforming structures and again added some leniency. We have added a section on non-conforming lots, again allowing some leniency.

- ☐ Do you concur with this change? _____
- ☐ Can the Town enact this change now to alleviate issues with duplexes that are currently not allowed but likely were built legally, as well as to alleviate issues with other non-conformities that exist now?

Question # 4: Relationship to the Community Master Plan.

The current code has strong language about conforming to the adopted Comprehensive Plan. These are the following statements in the current code:

- Zoning Intent: *“It is further intended that this title will help to implement the community's comprehensive plan, or its component parts, and the title shall be administered and enforced with this intent in mind.”*
- PUD: *“To encourage a unified approach to planning, design, and development of land that is consistent with the goals and objectives and comprehensive plan of the town.... The density established on the approved comprehensive plan shall be considered the maximum.”*
- Credits for dedicated open space in Subdivision: *“That the facilities proposed conform to and or complement the town comprehensive plan.”*
- Variance: *“The relationship of the proposed use to the comprehensive plan and floodplain management program for that area...”*
- Subdivision Purpose: *“Streets will be laid out in relation to existing streets or according to the comprehensive plan of the town, and that said streets will be built to adequate construction...”*
- Subdivision Master Plan – *“Any unusual or important manmade or natural features as identified in the town comprehensive plan...”*



Conformance with Comprehensive Plan- C.R.S. § 31-23-303(1). The Town's adopted Community Master Plan states the following:

Colorado case law further 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." Recent legislation provides communities with a mechanism to make the Community Master Plan more than advisory. However, the Town of Palmer Lake has determined that the Plan shall be advisory only; and as provided for in State Statute, shall be further implemented by amending the Town's zoning ordinance. [C.R.S- 31-23-206]

This critical code update will incorporate the policies contained in the 2022 Community Master Plan. Throughout the Land Use Code, we will state general conformity or consistency with the Community Master Plan.

The draft language (Section 16-1-80) reads as follows:

Plan implementation. It is the intention of the Town that this Code generally implements the Community Master Plan and other plans adopted by the Town and its extraterritorial planning area, as they may be from time to time be amended. "

This is followed by language to amend the Plan to allow a development to move forward. Is the language underlined above sufficient?

☐ Yes_____

☐ No- Keep the existing code language as noted_____



ARTICLE 2: DIRECTION NEEDED TO BEGIN TO DRAFT

Note: We will be working on Article 2- Zone Districts over the holiday period. Please submit your worksheet comments no later than November 15th, 2023. The validity of the land use regulations and role of the adopted Master Plan rests on the code being updated based on the Master Plan.

Question # 1: Should the zone districts be updated to reflect the categories and attributes of the adopted Future Land Use Map and description?

☐ Yes Comments: _____

☐ No Comments _____

Question # 2A: Should duplexes and townhomes and other attached dwelling units be allowed in the R- 2-Intermediate Density Residential Zone and R-3 Medium Density Residential Zone?

Only the R-4 High-density zone allows multi-family. The current residential zone districts all state the following:

“Permitted uses in an X zone are as follows: Single-family dwelling and accessory uses.” (Note: X indicates RE, R-1, R-2, r-10,000, and R-3 zones.)

Previously, Planning Commission members stated the following:

- *Update the list of uses for all zone districts.*
- *For each zone district, at minimum, list the principal uses by right, including accessory uses, conditional uses, dimensional requirements, and any development standards.*
- *Redundant zoning.*
- *Remove pyramid zoning!*
- *I agree with the removal of pyramid zoning.*
- *Yes, each zone should clearly stand on its own.*
- *Add an area specifically for multi-use.*



- *Combine some of the residential districts.*
- *Add to zone district- the more clear details given, the better we serve the Town and the requestor.*
- *I agree with recommendation to replace the specific lists of permitted uses and provide a general use description instead.*

Please refer to the land use categories in the adopted Community Master Plan that allow the following residential units in some categories- attached units such as townhomes, carriage houses, and attached dwelling units that are two, three, four, or five units per building.

☐ **Yes – Add attached dwelling units up to a density of _____ units to the following existing zone districts _____**

☐ **No _____**

☐ **Only as a conditional use _____ in which zone districts _____**

Comments:

Question # 2B: Does the Planning Commission wish to keep a zone district for multi-family housing? *Master Plan says yes.* Should this mirror the Master Plan?

☐ **Yes _____**

☐ **No _____**

Comments:

Question #2C: Can we use the density ranges established in the adopted Community Master Plan as we revise the zone districts?

☐ **Yes _____**



☐ No _____

Comments:

Question # 3: In what zone districts should Accessory Dwelling Units be allowed? If you have an attached unit (e.g., duplex or townhome) can you have an ADU or should these only be allowed as an accessory use to a single-family dwelling?

☐ Zone districts that should allow ADU'S: _____

☐ ADU'S only in Single Family districts: _____

☐ ADU'S only as a conditional use in zone district(s): _____

Comments:

Question #4: Non-residential Zone Districts- Can we utilize the land use categories outlined in the adopted Community Master Plan?

☐ Yes: _____

☐ No- _____

Comments:



Question # 5: Any other thoughts about revisions to the existing zone districts so as to implement the adopted Master Plan?

☐ Yes:

☐ No

Comments: