

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2019-03**

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO
AMENDING LAND DEVELOPMENT CODE SECTION 6.01 USE TABLE
BY ADDING UTILITY, MAJOR AS A CONDITIONAL USE IN THE
COMMUNITY PUBLIC DISTRICT**

WHEREAS, pursuant to Section 31-23-305, C.R.S., the Board of Trustees may adopt, alter or amend zoning and regulations; and

WHEREAS, The Community Public (CP) District was designated for public uses within the Town and intended to accommodate public service, recreational and open space needs of the community; and

WHEREAS, the Palisade Land Development Code does not currently allow “Utility, major” under Public and Civic Uses as a land use in the Community Public (CP) District; and

WHEREAS, the Palisade Board of Trustees desires to amend the Land Development regulations by adding “Utility, major ” as a conditional land use in the Community Public (CP) District; and

WHEREAS, the Town’s Planning Commission has recommended to the Board of Trustees that the amendments to the Land Development Code contained in this Ordinance be adopted; and

WHEREAS, in accordance with Section 3.02 of the Land Development Code, and Section 31-23-306, C.R.S., on January 7, 2019 a public hearing was held before the Planning Commission to consider a recommendation of an amendment of the Land Development Code to the Board of Trustees as set forth herein, following public notice as required by law; and

WHEREAS, in accordance with Section 3.02 of the Land Development Code, and Section 31-23-304, C.R.S., on January 8, 2019 a public hearing was held before the Board of Trustees to consider the amendment of the Land Development Code as set forth herein, following public notice as required by law; and

WHEREAS, the Board of Trustees finds and determines that the amendments to the Land Development Code, as contained herein, are necessary and designed for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of Palisade, and are consistent with the Town’s Comprehensive Plan and the Town’s other goals, policies and plans;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO:

Section 1. That the Use Table contained in Section 6.01 of the Land Development Code under Public and Civic Uses shall be amended to add "Utility, major" as a "C" (conditional) use in the Community Public (CP) Zone District.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on January 8, 2019.



TOWN OF PALISADE, COLORADO

By: Roger L. Granat
Roger L. Granat, Mayor

ATTEST

Lindsey Chitwood
Lindsey Chitwood, Town Clerk

Publication Date:

Trustee Granat introduced, read and moved the adoption of the ordinance titled,

**AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO
AMENDING LAND DEVELOPMENT CODE SECTION 6.01 USE TABLE
BY ADDING UTILITY, MAJOR AS A CONDITIONAL USE IN THE
COMMUNITY PUBLIC DISTRICT**

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee Sundermeier seconded the motion. On roll call, the following

Trustees voted "Aye":

Granat , Chase ,
L. Hommedieu , Bonds ,
Sundermeier , Somerville .
_____ .

Trustees voted "Nay":



Palisade Board of Trustees

Regular Meeting

Item A under Public Hearing III

Meeting Dates: January 8, 2019

Presented By: Ron Quarles, Community Development Director

Department: Community Development

Submitted By: Ron Quarles, Community Development Director

Information

SUBJECT:

Text Amendment to Palisade Land Development Code Section 6.01 Use Table adding "Utility, major" as a conditional use in the Community Public (CP) District.

RECOMMENDATION:

Consider for adoption Ordinance 2019-03 amending Section 6.01, Use Table of the Land Development Code by adding "Utility, major" as a conditional use in the Community Public (CP) District.

EXECUTIVE SUMMARY:

The amendment modifies Section 6.01 Use Table of the Land Development Code to add "Utility, Major" as a conditional use in the CP Community Public District. Currently the use group of "Utility, major" is permitted as a conditional use in the AFT Agriculture Forestry Transitional District only. Uses under this use group include "water or wastewater treatment plan, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use." The change would add the use group of Utility, Major as a conditional use in the CP Community Public District.

Staff will report on the recommendation of the Planning Commission from a hearing held on the previous night of January 7.

SUGGESTED MOTION:

I move to adopt Ordinance 2019-03 entitled “An Ordinance of the Town of Palisade, Colorado amending Land Development Code Section 6.01 Use Table by adding Utility, Major as a conditional use in the Community Public District.”

PROPOSED AMENDMENT:

The amendment, as requested, modifies language under Section 6.01 Use Table of the Land Development Code as follows:

Current:												
Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Utility, major*	Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use.	C										
Proposed:												
Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Utility, major*	Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use.	C									C	

APPROVAL CRITERIA: (Section 4.01E of the Palisade Land Development Code)

A. In evaluating any proposed amendment of the text of the Land Development Code, the Planning Commission and the Town Board shall consider the following:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;

According to Section 5.04 E “the purpose of the CP zone is to designate areas for public uses within the Town. The zone is intended to accommodate public service, recreational and open space needs of the community, surrounding rural areas and visitors.” Currently, however, all of the uses identified under the Public and Civic Uses Category are permitted in the Community Public District with the

exception of the major utility. Specifically, the CP District permits the following uses either "by right" or as a conditional use"

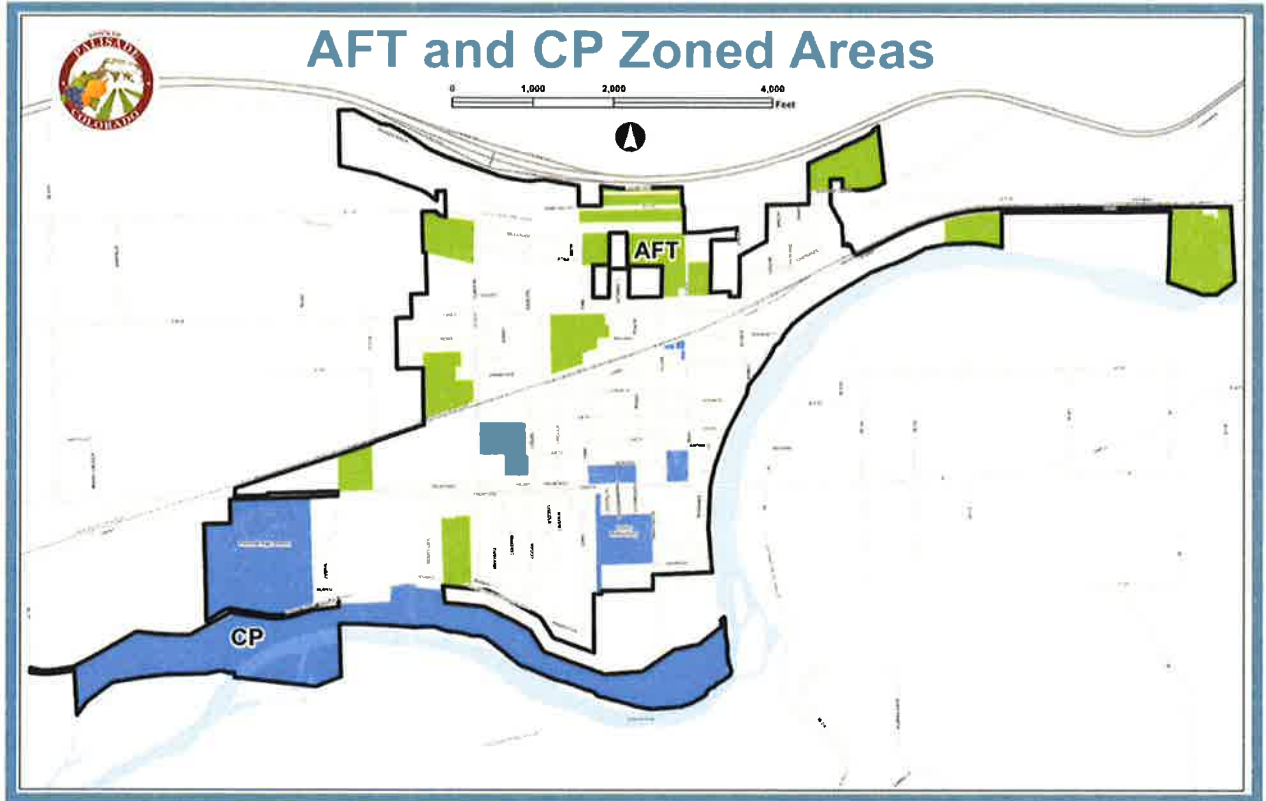
- *airports, heliports;*
- *child care centers;*
- *civic clubs;*
- *hospitals;*
- *museums, libraries;*
- *parks, open areas;*
- *places of worship;*
- *public facilities (owned or used by Town, State or Federal government);*
- *public or private schools;*
- *technical, trade, business schools; and*
- *minor utilities. (pump stations, telephone exchanges, lift stations, electric substation or any similar use.)*

Major utilities, on the contrary, are only permitted in the AFT Agriculture Forestry Transitional District. Staff is suggesting that all of the public and civic uses, including the major utilities be permitted under the CP zoning. The amendment would also remove any confusion regarding the Town's existing treatment plant east of the River Bend Park. Although that facility is interpreted as a public facility in the CP District, "water or wastewater treatment plant" is limited in the current code to the AFT District only. The change would remove this perceived conflict.

Additionally, interest has been expressed to the Town for the future construction of a wireless internet service facility that would potentially benefit the residents of Palisade. It too, however, is identified as a major utility and permitted only in the AFT District. As a result, the facility could not be constructed within the CP zoned areas, all of which are owned by the Town, or the School District 51. The amendment would permit the facility to locate on public land by means of conditional use permit approval.

2. *The amendment must not adversely affect the public health, safety or general welfare;*

The changes, as proposed, are not anticipated to severely impact the general welfare of the public. The following map identifies the CP zoned areas that would be affected by this change. If the amendment is approved as proposed, any major utility that would locate in either the AFT or CP District would require hearings and notification through the Conditional Use Permit (CUP). The CUP process is designed to mitigate potential impacts to surrounding properties and to minimize any negative impacts to the community.



3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;
As stated, the amendment would expand zoning for major utility services to areas that are publicly owned. This change would specifically affect utilities that are not necessarily owned or operated by any government entity as a public facility, but that would nevertheless benefit the public at large. Additionally, the amendment would require public hearings and notification prior to the placement of the utilities.

4. Whether or not the proposed text amendment revises the LDC to comply with state or federal statutes or case law; and
It is not anticipated that the amendment would affect any state or federal statutes. All existing standards and codes affecting the uses would continue to apply regardless of the proposed change. As stated previously, the change to add major utility as a use in the CP District is consistent with the existing location of the Town's treatment facility in the CP zoning.

5. Whether or not the proposed text is found to be consistent with the Town's adopted comprehensive plan.

The Future Land Use Plan does not establish future areas inside the Town Limits specifically for public land other than for parks and recreation. However, the adopted Land Development Code establishes Community Public zoning for areas that are intended to provide for public services and civic uses. The amendment would add major utilities in the Community Public District, consistent with all of other land uses designated as "Public and Civic Uses."

STAFF RECOMMENDATION:

Staff recommends approval of the adoption of Ordinance 2019-03 Adding "Utility, major" as a conditional use in the CP Community Public District.