



AGENDA
for the Planning Commission
of the Town of Palisade, Colorado
341 W. 7th Street (Palisade Civic Center)

January 7, 2025
6:00 pm Regular Meeting
<https://us06web.zoom.us/j/3320075780>
Meeting ID: 332 007 5780

- I. REGULAR MEETING CALLED TO ORDER AT 6:00 pm**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. AGENDA ADOPTION**
- V. ANNOUNCEMENTS**
 - A. Upcoming Meetings:**
 1. Board of Trustees - Tuesday January 14, 2025, located at 341 W. 7th Street commencing at 6:00 PM
 2. Tourism Advisory Board - Wednesday January 15, 2025, located at 341 W. 7th Street commencing at 9:00 AM
 - B. Town Hall will be closed on January 20, 2025, in observance of Martin Luther King Jr. Day.**
- VI. APPROVAL OF MINUTES**
 - A. Minutes from November 19, 2024, Regular Planning Commission Meeting**
 - B. Minutes from December 3, 2024, Regular Planning Commission Meeting**
- VII. TOWN MANAGER REPORT**
- VIII. PUBLIC HEARING I**
 - A. Amendment to Conditional Use Permit to Allow a Pole Sign – Happy Camper**
 1. Staff Presentation
 2. Applicant Presentation
 3. Public Comment
 4. Board Discussion
 5. Applicant Closing Remarks
 6. Decision - Motion, Second, and Rollcall Vote to: *Forward a recommendation to the Board of Trustees to approve or deny an amendment to the Conditional Use Permit (CUP) for Happy Camper located at 420 Wine Valley Rd to allow a pole sign.*

IX. PUBLIC HEARING II

A. Variance for Pole Sign Height – Happy Camper

1. Staff Presentation
2. Applicant Presentation
3. Public Comment
4. Board Discussion
5. Applicant Closing Remarks
6. Decision - Motion, Second, and Rollcall Vote to: *Forward a recommendation to the Board of Trustees to approve or deny a variance request by Happy Camper for a 40-foot pole sign at 420 Wine Valley Road, finding that the application meets or does not meet the criteria for variance approval under Section 4.12.F of the Land Development Code.*

X. CONTINUED BUSINESS

A. Review of Ordinance 2025-XX

Further edits have been made to the draft ordinance amending section 7.05 of the Palisade Land Development Code concerning specific accessory use and structure standards.

1. Staff Presentation
2. Public Comments and Questions - *Please state your name and address, keep comments on the current planning topic, and 3 minutes or less.*
3. Board Discussion
4. Direction – *Provide staff with direction to make further edits or schedule a public hearing for amending section 7.05 of the Palisade Land Development Code concerning specific accessory use and structure standards.*

XI. NEW BUSINESS

A. Municipal Trash Receptacles

Staff is requesting input and recommendation for new municipal trash receptacles for Riverbend Park and Downtown

1. Staff Presentation
2. Public Comments and Questions - *Please state your name and address, keep comments on the current planning topic, and 3 minutes or less.*
3. Board Discussion
4. Direction – *Provide a recommendation from the options provided and vetted by staff.*

XII. PUBLIC COMMENT – For items not on the Public Hearing agenda

Please keep comments to 3 minutes or less and state your name and address. Neither the Planning Commissioners nor staff will respond to comments at this time. The Commission may direct staff to look into specific comments to bring back as an Agenda item at a future meeting.

XIII. ADJOURNMENT



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
November 19, 2024**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chair Amy Gekas. Present were Commissioners LisaMarie Pinder, Brandon Burke, Don Bosch, Alex Sparks, and Vice-Chair Ed Seymour. Commissioner Dave Hull was absent. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Community Development Director Devan Aziz, and Town Clerk Keli Frasier.

AGENDA ADOPTION

Motion #1 by Commissioner Bosch, seconded by Vice Chair Seymour, to approve the agenda as presented.

A voice vote was requested.
Motion carried unanimously.

TOWN MANAGER REPORT

Town Manager Hawkinson gave a brief presentation on the history of sales tax in the Town of Palisade.

CONTINUED BUSINESS

Review of Ordinance 2024-XX

Community Development Director Aziz gave a brief presentation and led Commission discussion on the proposed text amendment to the Palisade Land Development Code Section 5.03 Residential Districts and Section 5.04 Non-Residential Districts.

The consensus of the Commission is for staff to create an Ordinance for the amendments to Section 5.03 to be discussed in January, and to have additional discussions regarding Section 5.04 before a separate draft Ordinance is considered.

NEW BUSINESS

Review of Zoning and the Use Table

Community Development Director Aziz gave a brief presentation and led Commission discussion on the current zoning and use table in the Land Development Code, and how they relate to the updated Palisade Comprehensive Plan.

The consensus of the Commission is for staff to break down the list of items to tackle regarding zoning and uses into smaller discussion topics to address, and to begin with a discussion regarding residential uses at the next meeting.

PUBLIC COMMENT

Marc Authier of Palisade stated that observing the budget process was interesting, and advised the Board to plan for inflation.

ADJOURNMENT

Motion #2 by Commissioner Bosch, seconded by Commissioner Burke, to adjourn the meeting at 7:22 pm.

A voice vote was requested.
Motion carried unanimously.

X

Keli Frasier, CMC
Town Clerk

X

Amy Gekas
Planning Commission Chair



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
December 3, 2024**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chair Amy Gekas. Present were Commissioners LisaMarie Pinder, Brandon Burke, Don Bosch, Dave Hull, Alex Sparks, and Vice-Chair Ed Seymour. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Community Development Director Devan Aziz, and Town Clerk Keli Frasier.

AGENDA ADOPTION

Motion #1 by Commissioner Burke, seconded by Commissioner Bosch, to approve the agenda as amended to include a presentation from Gary Hauschulz with Palisade Art Vision (PAV).

A voice vote was requested.
Motion carried unanimously.

TOWN MANAGER REPORT

Town Manager Hawkinson reviewed current and ongoing projects led by the Town of Palisade.

PRESENTATIONS

Gary Hauschulz with Palisade Art Vision (PAV) updated the Commission on the current artwork on the corners of Town, as well as the artwork PAV would like to purchase. He also announced that one of the pieces was being donated to the Town by the artist.

CONTINUED BUSINESS

Review of Residential Zoning and the Uses

Community Development Director Aziz gave a brief presentation and led Commission discussion on the residential zoning map and permitted uses across residential zones, focusing on housing accessibility while preserving neighborhood character.

After the Commission and staff reviewed and discussed the current zoning map, *the consensus of the Commission is for staff to draft an Ordinance for residential zoning districts and to bring a draft zoning map with the proposed changes. The Commission also directed staff to clean up the "home occupation and home business regulations," which fall under Section 7.05 – Accessory Uses and Structures.*

NEW BUSINESS

Review of Short-Term Vacation Rentals (STVRs)

Community Development Director Aziz gave a presentation and led Commission discussion on the current regulations on STVRs and possible modifications moving forward.

The consensus of the Commission was as follows:

- *Only allow owner-occupied rentals of primary residences or Accessory Dwelling Units (ADUs): YES*
- *Simple online application process: STAFF APPROVAL*
- *Owner must live on the property full time: YES*
- *STVR only allowed while the owner is on premises: YES*
- *Maximum 120 rental nights per year: A CAP IS NECESSARY – AMOUNT TBD*
- *Require local permit numbers or business licenses on all STVR listings: YES*
- *No LLCs or Trusts can apply: YES*
- *Remove current non-owner occupied STVR licenses: YES*
- *Create a 2-Year Lottery-Type Renewal Process: YES*
- *Recommend to the Board of Trustees that a portion of funds collected from the lodging tax should be allocated to Enforcement: YES*

The Commissioners also asked staff to bring back more information on proposed enforcement mechanisms.

PUBLIC COMMENT

Carisa Authier of Palisade expressed her appreciation for the transparency of the Town, and the efforts staff go through to publish all meetings and events. She went on to declare her support for owner-occupied STVR's.

ADJOURNMENT

Motion #2 by Commissioner Burke, seconded by Commissioner Bosch, to adjourn the meeting at 8:02 pm.

A voice vote was requested.
Motion carried unanimously.

X

Keli Frasier, CMC
Town Clerk

X

Amy Gekas
Planning Commission Chair

Current Capital Construction Project List

Waste-Water Consolidation to Clifton \$24 million

- Project has officially started with kick-off meeting August 30
- Working with local bank on construction loan documents for \$24million
- Meetings with businesses affected by rate increase – October 2024
- Board of Trustees Resolution for rate change October 2024
- Engineering Design estimate 1.5 years – 9.2023 – 3.2025
- Easement acquisitions estimate 1.5 years - 9-2023 – 3.2025
- Winter Construction (canal drained) – Fall 2025 – Fall 2026
- Abandonment of existing lagoons – 1 year – Summer 2026 – 2027

DOLA Grant – Engineering Waste-Water Consolidation \$1 million

- Received grant to match Town \$1 million for the required contribution to the Engineering Design of the Waste-water project

Roundabout Highway 6 – CDOT CDOT

- The engineer design work is completed and CDOT finalizing
- CDOT estimated construction start is late fall of 2025
- This is a CDOT project – the Town is participating with bike delineators, landscaping, and street lighting.

TAP Grant Sidewalks – 80% Grant – 20% Town \$1 million

- Project changed with roundabout and multi-use paths with this project
- TAP grant sidewalks now from Cresthaven to High School
- 100% designed & CDOT approved
- Land acquisition complete – 3 property purchases –
- Land acquisition estimated cost: \$81,550 CDOT grant covers, any cost over this amount Town covers, possible 20%
- Request for bids was advertised and town accepted bid from United. Construction to be completed this winter.

Multi-Modal Sidewalk Grant Award for Elberta – 1st Street to Wine Cty Rd. \$2 million

- Town awarded \$1.8 million in grant funds from CDOT for multi-modal path
- Town match 20% at \$200,000
- Includes 2 bridges over canal
- RFQ for Design Engineering submitted to CDOT for approval
- JUB Design/Engineering Complete and in review with CDOT.

Troyer Sewer Lift Station

- DOLA grant 80% - Town 20% - total \$346,645.00
- Engineering Complete – Pump Purchased
- Hired Contractor August 8, 2024
- Construction November 2023 – February 2024
- Waiting on Xcel to install power 12/2024.

Land Use Code Update

- DOLA grant \$20,000 - Town \$20,000 total \$40,000
- This project is updating various land use codes to meet Town needs
- Project began Summer 2024 and continue to completion schedule Spring 2025

Connecting Community Sidewalk Project \$150,000

- Construction has started throughout old town.
- Schedule to be complete by April 30, 2025 if not sooner.



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: **January 7, 2025**

Presented By: **Devan Aziz, Community Development Director**

Department: **Community Development & Planning**

Re: **Amendment to Conditional Use Permit**

SUBJECT:
Happy Camper Pole Sign Request

SUMMARY:
The applicant is requesting an amendment to their existing Conditional Use Permit to allow for the installation of a pole sign at their retail location. This request follows the Town's recent adoption of Ordinance 2024-06 on September 24, 2024, which modified cannabis business signage restrictions.

STAFF RECOMMENDATION:
Staff recommends APPROVAL with the following conditions:

Compliance with Town of Palisade adopted sign code requirements

Obtain required permits:
Town of Palisade sign permit
Mesa County building permit for electrical work

Sign removal requirement if business ceases operation or moves locations

DECISION:
Motion, Second, and Rollcall Vote to: Forward a recommendation to the Board of Trustees to approve or deny an amendment to the Conditional Use Permit (CUP) for Happy Camper located at 420 Wine Valley Rd to allow a pole sign.



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COMMUNITY DEVELOPMENT AMENDMENT TO CONDITIONAL USE PERMIT (CUP) – STAFF REPORT

HAPPY CAMPER POLE SIGN REQUEST

LOCATED AT 420 WINE VALLEY ROAD, PARCEL # 2937-043-44-001

AKA LOT 1 OF THC TWO SUBDIVISION

LDC - SECTION 4.07 CONDITIONAL USE PERMIT:

A conditional use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts on surrounding properties. Conditional uses may be approved for the uses indicated in the use regulations of the zoning district of the property for which the conditional use is requested. Approval of a conditional use permit allows for flexibility and to help diversify uses within a zoning district.

SECTION 4.07.E. FINDINGS OF FACT:

In order to approve a conditional use permit, the Planning Commission must make certain findings about the request (in the form of a recommendation to the Board of Trustees):

1. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

A key consideration in evaluating public safety is how signage affects traffic patterns and customer behavior. The current business location may experience challenges with customer wayfinding, potentially leading to unsafe traffic maneuvers like sudden stops or improper turns when customers struggle to locate the business. A pole sign, being more visible from a greater distance, allows customers to identify the business location earlier and make safer, more deliberate driving decisions.

Businesses with clear, visible signage tend to integrate more successfully into the commercial fabric of an area. This integration often leads to better property maintenance and security measures, as successful businesses have both the resources and motivation to maintain their facilities to a high standard. The existing retail operation has demonstrated compliance with security protocols and safety regulations, indicating responsible management practices that would extend to maintaining the new sign structure.

It's worth noting that the business's current conditional use permit already acknowledges their ability to operate safely in this location. The proposed modification simply addresses the method of identifying the business rather than changing any operational aspects that might affect public health or safety. The pole sign would be subject to the same rigorous permit process as any commercial structure, ensuring its construction meets all applicable safety, operational, and dimensional standards.

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.

Sound land use planning emphasizes compatibility between neighboring uses while promoting economic vitality. In commercial areas, signage regulations focus on creating visual cohesion while allowing businesses sufficient visibility to operate successfully. The pole sign request not only aligns with these principles but also helps ensure fair market competition, as neighboring non-residential uses already enjoy pole signs as a use by right. The proposed pole sign would be consistent with existing pole signs along the corridor, maintaining visual cohesion while allowing equal business visibility.

Pole signs are evaluated against several technical criteria. These include height restrictions, setback requirements, sign face area limitations, and illumination standards. The proposal would need to demonstrate compliance with all dimensional requirements in the adopted sign code. This ensures the sign maintains appropriate scale relative to surrounding development and doesn't create visibility issues for neighboring properties or traffic.

Land use planning best practices also consider the hierarchical nature of commercial signage needs. Businesses located on major corridors like I-70 often require different visibility solutions than those in neighborhood commercial areas, as highway traffic moves at higher speeds and requires greater advance notice for safe exit and entrance decisions.

Economic development considerations also play into sound land use planning. Successful businesses contribute to area stability and generate tax revenue that supports community services. Appropriate signage helps businesses succeed by allowing them to effectively communicate their location to potential customers. The pole sign modification request recognizes this economic development aspect while working within established regulatory frameworks.

The conditional use permit process itself represents sound planning practice by allowing community input and detailed review of proposals that may need special consideration. This ensures that modifications like the requested pole sign receive appropriate scrutiny while still allowing for reasonable accommodation of business needs.

3. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The property value data from the Mesa County Assessor reveals several important patterns that help evaluate potential impacts. The subject property at 420 Wine Valley Road has a total actual value of \$966,540, indicating a substantial commercial investment in the area. More tellingly, the surrounding properties show stable or increasing value over the past two years, despite the existing marijuana retail operation, suggesting the business has not negatively impacted nearby property values.

Looking at the neighboring properties specifically, we see a diverse mix of land uses and values. The two vacant lots at 490 and 400 Wine Valley Road, valued at \$319,790 and \$593,420 respectively, have maintained their values. This stability is particularly significant because vacant land values are often more sensitive to negative impacts from nearby uses. The fact that these parcels have not experienced a value decline indicates the existing business has not deterred future development potential.

The neighboring commercial properties present even stronger evidence of value stability. The property at 327 N Elberta Avenue, valued at nearly \$3 million, and 451 Wine Valley Road, valued at \$1.2 million, have both maintained their values. These higher-value commercial properties would typically be among the first to show impacts if a nearby use was truly detrimental to property values.

The Willow Tree Subdivision to the south is buffered by a canal with roads on both sides, creating a natural transition zone that helps minimize any potential impacts from commercial activities, including signage.

From a land use perspective, the addition of a pole sign represents a standard commercial improvement that is unlikely to create new impacts beyond the existing use. Pole signs are common features in commercial areas and, when properly regulated through height and size restrictions, do not typically influence neighboring property values. In fact, well-designed commercial signage often indicates a stable and maintained business district, which can positively influence property values.

The Mesa County Assessor data suggests that the existing business has successfully integrated into the commercial fabric of the area without negative impacts. The proposed pole sign modification represents a minor change to an already-accepted use, and there is no evidence in the property value trends to suggest it would create new adverse impacts on neighboring properties.

4. That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

The Planning Commission's consensus on September 3, 2024, to loosen cannabis signage restrictions represents a significant shift in the Town's approach to cannabis business identification. This decision acknowledges the evolving nature of cannabis businesses as legitimate commercial enterprises deserving of equivalent signage rights. The subsequent Board of Trustees' adoption of Ordinance 2024-06 on September 24, 2024, with a clear majority vote of 4-2, formally codified this policy direction. Notably, the lack of public comment during this process suggests community acceptance of this policy evolution.

The 2022 Comprehensive Plan provides particularly relevant guidance through its emphasis on balanced, intentional development. The plan explicitly recognizes that while development brings changes, it serves as a crucial driver of community prosperity. The pole sign request perfectly exemplifies this balance: it represents a business seeking to establish itself more firmly in the commercial landscape while working within established regulatory frameworks.

When the Comprehensive Plan speaks of "intentional, respectful development," we can see how this application meets that standard. The business is not seeking special treatment but rather requesting signage options that are standard for other commercial enterprises.

The Plan's emphasis on economic stability and development funding public services is particularly relevant. Successful businesses contribute to the tax base, and appropriate signage plays a crucial role in business success. By allowing this business the same signage opportunities as other commercial enterprises, the Town supports its own economic development goals as outlined in the Comprehensive Plan.

The character of existing standards for adjacent properties is maintained because pole signs are already an established feature of the commercial landscape along the I-70 corridor.

STAFF RECOMMENDATION: APPROVAL

Based on findings that the pole sign amendment:

1. Enhances public safety through improved wayfinding
2. Meets all regulatory specifications and sound planning principles
3. Shows no negative impact on property values, evidenced by stable neighboring property assessments
4. Aligns with updated Town policies, including Ordinance 2024-06 and the 2022 Comprehensive Plan

CONDITIONS:

1. Compliance with Town of Palisade adopted sign code requirements
2. Sign permit required from Town of Palisade & Mesa County building permit required for any electrical work
3. Removal of proposed pole sign if business ceases operation or moves locations

ATTACHMENTS:
Letter of Intent

**Happy Camper CUP Amendment
General Project Report
November 5, 2024
Ty Johnson, Mesa Planning**

Project Description

Happy Camper was issued a Conditional Use Permit (CUP) in 2021 to operate a retail marijuana dispensary. At the time, the Town's Land Development Code had significant restrictions on signage for marijuana dispensaries. As a result, the CUP was arranged to prevent a pole sign for the Happy Camper dispensary. The Town Board of Trustees recently amended the Land Development Code to lift restrictions on signage for marijuana dispensaries.

Due to this change, Happy Camper would like to amend their CUP to allow for a pole sign on their property. Happy Camper wishes to pursue a pole sign to advertise their business, in light of the new code changes to signage for marijuana dispensaries. If approved, Happy Camper will pursue a sign permit application for a pole sign. All Town regulations regarding signs will be adhered to.



Happy Camper knows where they would like to locate their pole sign, and the sign location area is shown on the figure above. There is a seventy foot (70') irrigation easement that encumbers the northern portion of the subject property. If approved, a pole sign will be located outside this easement and on the eastern side of the property, as displayed above.

Approval Criteria

Section 4.07(E) of the Land Development Code states that no conditional use permit shall be approved unless the following findings are made concerning the application:

(1) That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

Response:

The use of the subject property was approved through a conditional use permit in 2021. The proposed amendment only allows the subject property to have a pole sign and has no other effect on the land use of the property. Pole signs are permitted and regulated by the Land Development Code. If approved, the Land Development Code will regulate the size, location, etc. of a proposed sign for the subject property. The proposed amendment does not endanger the public health or safety given that pole signs are an allowable and regulated use within the Town of Palisade.

(2) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.

Response:

Any proposed pole sign for this property will be required to go through the Town's sign permit application. The sign will be reviewed based on the Land Development Code and will only be issued if it complies with all applicable regulations.

(3) That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Response:

The proposed amendment would allow Happy Camper to pursue application for a pole sign which is permitted and regulated by the Land Development Code. All commercial properties, including adjoining properties, enjoy this same right. A pole sign on the subject property would not be detrimental to the use or development properties and would rather be in character of neighboring properties with similar signs that advertise business.

(4) That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

Response:

Any pole sign on the subject property would be required to comply with adopted policies in the Land Development Code. Existing standards for development permit properties to

pursue application for pole signs. This amendment would make the subject property in character with existing standard for development of the adjacent properties.



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: **January 7, 2025**

Presented By: **Devan Aziz, Community Development Director**

Department: **Community Development & Planning**

Re: **Variance Request**

SUBJECT:

Allow for a 40ft pole sign at Happy Camper

SUMMARY:

The applicant seeks a variance from Section 4.12 of the Land Development Code (LDC) regarding sign height restrictions. The request is to construct a pole sign with a total height of 40 feet, measured from grade to the top of the sign structure. The property's location adjacent to Interstate 70 presents unique circumstances that necessitate this variance request.

FINDINGS OF FACT SUMMARY

Staff analysis indicates the request meets the six required findings for variance approval:

Exceptional conditions exist due to property's unique relationship to I-70.
No special privileges would be conferred beyond those necessary for interstate visibility.
Literal interpretation would deprive applicant of rights commonly enjoyed by other businesses.
Request maintains harmony with LDC intent and neighborhood welfare.
Special circumstances arise from pre-existing conditions, not applicant actions.
Requested 40-foot height represents minimum necessary variance.

STAFF RECOMMENDATION:

Staff recommend careful consideration of:

- The exceptional nature of the property's circumstances
- Whether the requested height represents minimum necessary relief
- Consistency with broader sign regulation intent

DECISION:

Motion, Second, and Rollcall Vote to: Forward a recommendation to the Board of Trustees to approve or deny a variance request by Happy Camper for a 40-foot pole sign at 420 Wine Valley Road, finding that the application meets or does not meet the criteria for variance approval under Section 4.12.F of the Land Development Code.



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COMMUNITY DEVELOPMENT

VARIANCE: SIGN HEIGHT – STAFF REPORT

HAPPY CAMPER VARIANCE REQUEST

LOCATED AT 420 WINE VALLEY ROAD, PARCEL # 2937-043-44-001

AKA LOT 1 OF THC TWO SUBDIVISION

LDC - SECTION 4.12 VARIANCE

SECTION 4.12.A. PURPOSE

The variance procedure provides a process to grant limited relief from the requirements of this LDC for property where strict application of the LDC would result in an exceptional practical difficulty or undue hardship.

APPLICATION SUMMARY

Happy Camper has submitted a variance request seeking relief from the Land Development Code's sign height restrictions. The applicant proposes to construct a pole sign with a total height of 40 feet, measured from grade to the top of the sign structure. The property's location adjacent to Interstate 70 presents unique circumstances that necessitate this variance request.

The purpose of the increased sign height is to provide adequate visibility to motorists traveling along I-70, allowing sufficient reaction time for safe exit maneuvers and business identification. While the requested height exceeds Palisade's sign regulations, the applicant will maintain compliance with all other sign requirements in the Land Development Code, including maximum square footage limitations.

This request represents a targeted approach to address specific site conditions, seeking only the minimum relief necessary to achieve reasonable business visibility from the interstate corridor. The variance, if granted, would allow Happy Camper to overcome challenges presented by the grade differential between their property and I-70, while maintaining consistency with typical interstate-oriented signage patterns.

The approval of this variance would not establish a broad precedent, as the justification is specifically tied to the property's unique relationship to I-70. Similar properties along the interstate corridor could seek comparable relief based on their specific circumstances, while properties not facing these unique conditions would continue to operate under standard sign height requirements.

SECTION 4.12.F. FINDINGS OF FACT

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic.

The subject property's location adjacent to Interstate 70 presents a unique condition not applicable to other properties in the same zoning district. The significant grade differential between the interstate elevation and the property, combined with the high-speed nature of interstate traffic, creates an exceptional circumstance where standard sign height regulations may not adequately serve their intended purpose. Properties not adjacent to I-70 do not face similar visibility challenges or the need to safely attract and direct high-speed traffic from an elevated highway corridor.

This exceptional condition is directly related to the property's location and topographical relationship to I-70, rather than a generally applicable circumstance that would affect all properties in the district. The standard sign height requirements in the Land Development Code were likely developed with local street frontage in mind, not the unique characteristics of interstate-adjacent properties.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

The requested variance for a 40-foot pole sign would not confer special privileges upon Happy Camper, as it represents a reasonable accommodation based on the property's unique circumstances rather than a special benefit. Other similarly situated properties along the I-70 corridor would be eligible to request comparable sign height variances if they face similar visibility challenges. The variance, if granted, would simply allow the business to achieve the same practical ability to advertise that other businesses in the district enjoy, rather than creating an unfair advantage.

The request maintains compliance with all other sign regulations within the Land Development Code, including square footage requirements, and only seeks relief from the height restriction due to the specific site conditions. This demonstrates that the applicant is not seeking broad exemption from sign regulations, but rather targeted relief to address a legitimate visibility challenge.

3. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

A literal interpretation of the Land Development Code's sign height restrictions would deprive Happy Camper of the basic right to effective business visibility and identification - a right commonly enjoyed by other businesses in the district. Standard sign height limitations, while appropriate for properties along local streets, would significantly impair Happy Camper's ability to safely attract and direct potential customers from I-70, placing them at a distinct disadvantage compared to other businesses in the district that are visible from their primary traffic corridors.

The intent of commercial signage regulations is to allow businesses reasonable identification and advertising visibility while maintaining community aesthetics. Properties not adjacent to I-70 can achieve this balance within standard height restrictions due to their proximity to slower-speed local streets. Without variance relief, Happy Camper would be unable to achieve this same basic function of business identification to their primary customer base traveling along I-70.

4. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.

The requested variance for a 40-foot pole sign aligns with the Land Development Code's fundamental purpose of promoting economic vitality while maintaining community character. While the sign will be taller than standard requirements, it serves the LDC's intent of allowing reasonable business identification and remains consistent with typical interstate-oriented signage. The variance would not be injurious to the neighborhood or general welfare for several reasons:

- *The sign's overall square footage will remain compliant with LDC standards, ensuring the variance is limited to height only.*
- *The location along I-70 means the increased height will primarily be visible from the interstate rather than impacting local streetscapes or residential areas.*
- *The sign will improve traffic safety by providing adequate advance notice to interstate travelers, reducing sudden lane changes and confusion.*
- *Interstate corridors typically feature taller signage elements, making this request consistent with driver expectations and the general character of highway-oriented development.*

5. The special circumstances are not the result of the actions of the applicant.

The special circumstances necessitating this variance request are inherent to the property's location and relationship to Interstate 70, not the result of actions taken by Happy Camper. The elevation differential between the highway and the property, combined with the high-speed nature of interstate traffic, are pre-existing conditions that were established long before the current variance request. These circumstances are physical and locational in nature, created by the natural topography and the presence of I-70, rather than being the result of any action or decision made by the applicant.

The applicant is merely responding to existing site conditions in seeking this variance, rather than attempting to create circumstances that would justify exceptional treatment. The need for increased sign height is driven by objective factors outside of the applicant's control.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

The requested 40-foot sign height represents the minimum variance necessary to achieve effective visibility from Interstate 70. This height was determined based on several factors:

- *The grade differential between the interstate and the property*
- *The distance from which motorists need to safely identify and react to signage while traveling at interstate speeds (75+ mph)*
- *The presence of any visual obstacles or sight line impediments between I-70 and the property*

The applicant is not requesting additional height beyond what is necessary for reasonable interstate visibility. The proposed 40-foot height is consistent with typical interstate-oriented signage requirements and represents the minimum needed to achieve the legitimate purpose of business identification for interstate traffic. Any lesser height would fail to provide adequate visibility for safe traffic movements and business identification from I-70.

STAFF RECOMMENDATION

After careful review of the application materials and analysis of the required findings of fact, staff presents the following considerations for the Planning Commission's deliberation:

The subject property's location along Interstate 70 presents distinct circumstances that warrant thorough evaluation. The grade differential between the interstate and the property, combined with high-speed traffic conditions, creates unique challenges for business identification that may not be fully addressed by standard sign height regulations.

The variance request maintains compliance with all other sign requirements in the Land Development Code, focusing solely on the height component.

The Commission should consider whether the presented evidence sufficiently demonstrates that:

- The property's circumstances are truly exceptional compared to other commercially-zoned properties
- The requested height is the minimum necessary to achieve the stated purpose
- The increased height would maintain harmony with the broader intent of the sign regulations

ATTACHMENTS:

Site Plan

Letter of Intent



4810

4806

4800

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4800

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Sign Location Area

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Happy Camper Sign Variance

General Project Report

December 20, 2024

Ty Johnson, Mesa Planning

Project Description

Happy Camper is requested a variance to the sign code for height to allow a pole sign that will be a total of 40' tall from grade to the top of the sign. If approved, this would allow Happy Camper to have a pole sign that adequately advertises to and draws traffic into the Town from the I-70 corridor.

The overall size of the sign (square footage) will still be regulated by the LDC. This request is specifically to allow a pole sign of 40' tall, from grade to top of sign, on the subject property.

Approval Criteria

Section 4.12(F) of the Land Development Code states that no variance shall be approved by the Board of Adjustment unless all of the following findings are made.:

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic.

Response: Exceptional conditions exist for the subject parcel as the property is adjacent to other businesses that rely on approved sign variances to attract nearby traffic on the I-70 corridor into the Town of Palisade. This corridor of businesses, and their taller signs, pull travelers off of I-70 into the Town which results in increased tourism and economic stimulus to the Town as a whole, as those visitors are more likely to explore more of the Town and its businesses once off the Interstate.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

Response: Approval of this variance would not create any special privileges for the applicant. On the contrary, approval of this variance would allow the subject property to be on an equal playing field with the closest neighboring business which was approved for a height variance for a sign for the same height being requested in this application.

3. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

Response: The standard height allowed for a pole sign by this LDC is not adequate for businesses in this corridor along I-70. Additional sign height is needed for these businesses to advertise and draw traffic off of the I-70 corridor.

4. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.

Response: The requested variance, if approved, will be in harmony with the surrounding commercial area. The height request is for the same height as the already approved and installed Golden Gate sign.

5. The special circumstances are not the result of the actions of the applicant.

Response: Special circumstances exist for the site due to its proximity to I-70 and to neighboring businesses with taller signs that have been previously approved by the Town. Neither of these conditions are the result of actions by the applicant.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

Response: The height request is the minimum variance needed to adequately advertise and draw traffic off I-70. The height request is the same as the height for the existing Golden Gate sign.



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: January 7, 2025
Presented By: Devan Aziz, Community Development Director
Department: Community Development & Planning
Re: LDC Update

SUBJECT:
Section 7.05 LDC

SUMMARY:

To consider adoption of an ordinance amending the Land Development Code regulations for accessory structures and accessory dwelling units (ADUs) to implement the Comprehensive Plan's housing goals while protecting Town right-of-ways.

The Palisade Comprehensive Plan establishes Goal 2.1 to "Balance growth with preserving the agricultural heritage to maintain a sense of community." Action 2.1D4 specifically directs the Town to "Encourage accessory dwelling units (ADUs) in all zone districts and allow ADUs as a use-by-right in all single-family homes." This amendment aims to implement these directives while also addressing concerns about encroachment on Town right-of-ways.

KEY CHANGES:

Increases maximum height of accessory structures from 15 feet to 18 feet
Increases minimum distance between buildings from 5 feet to 10 feet
Removes mutual placement agreements for structures along property lines
Establishes consistent 5-foot setback requirements
Expands ADU size limit from 650 square feet to 900 square feet or 50% of principal structure
Removes bedroom limit for ADUs
Modifies owner-occupancy requirements for ADUs in non-residential zones
Adds requirement for review of water/sewer capacity for ADUs
Establishes 2-foot setback requirement from sidewalks and alleys for fences

DIRECTION:

Provide staff with direction to make further edits or schedule a public hearing for amending section 7.05 of the Palisade Land Development Code concerning specific accessory use and structure standards.

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2024-__**

**AN ORDINANCE AMENDING SECTION 7.05 OF THE PALISADE LAND DEVELOPMENT
CODE CONCERNING SPECIFIC ACCESSORY USE AND STRUCTURE STANDARDS**

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 Palisade Comprehensive Plan establishes Goal 2.1 to "Balance growth with preserving the agricultural heritage to maintain a sense of community"; and

WHEREAS, Action 2.1D4 of the Comprehensive Plan specifically directs the Town to "Encourage accessory dwelling units (ADUs) in all zone districts and allow ADUs as a use-by-right in all single-family homes"; and

WHEREAS, the Board of Trustees finds that updating the accessory dwelling unit regulations will help implement the Comprehensive Plan while providing additional housing options for the community; and

WHEREAS, the Board of Trustees finds that preventing future encroachment on Town right-of-ways is necessary to provide adequate emergency and utility services and maintain the small town feel; and

WHEREAS, the Board of Trustees desires to amend Section 7.05. to modify regulations concerning specific accessory use and structure standards; 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 Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-306, C.R.S., on December 3, 2024, 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 Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-304, C.R.S., on December 10, 2024, 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, AS FOLLOWS:

The foregoing recitals are incorporated herein as if set forth in full.

Section 1. Land Development Code Section 7.05 Accessory Uses and Structures, is hereby amended with new additions underlined and deletions in ~~strikethrough~~ as follows:

A. General Standards

1. Accessory uses and structures shall be clearly incidental and subordinate to an existing permitted principal use or structure.
2. Accessory uses and structures shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
3. Tractor trailers and pods are prohibited as storage buildings or structures except as permitted on an active construction site or as otherwise specifically allowed.
4. Accessory structures which constitute a building (shed, dwelling unit, guardhouse, etc.) shall not be located closer than ~~five (5) feet~~ **ten (10) feet** to any other building.
5. Maximum height of accessory structures shall be ~~fifteen (15) feet~~ **eighteen (18) feet**; provided, however, accessory garages with approved accessory dwellings over a garage may be twenty-four (24) feet or the height of the principal structure, whichever is less. In no case shall the height of the accessory structure be greater than that of the principal structure.

Illustration: 7-X Maximum Height of Accessory Structure

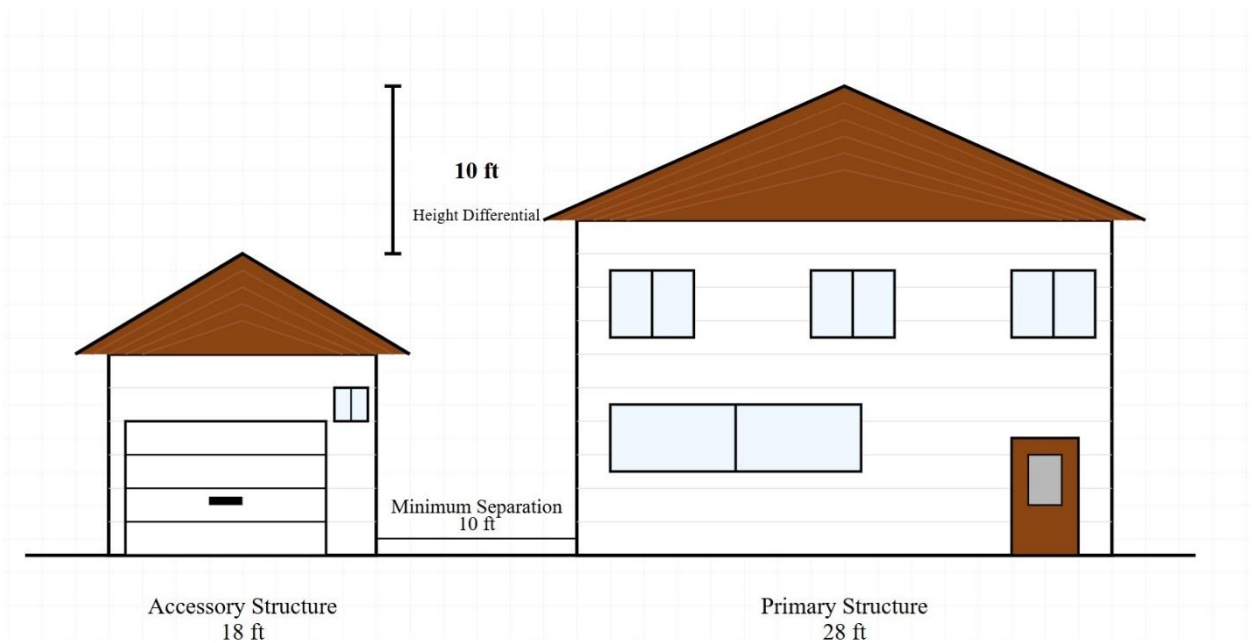
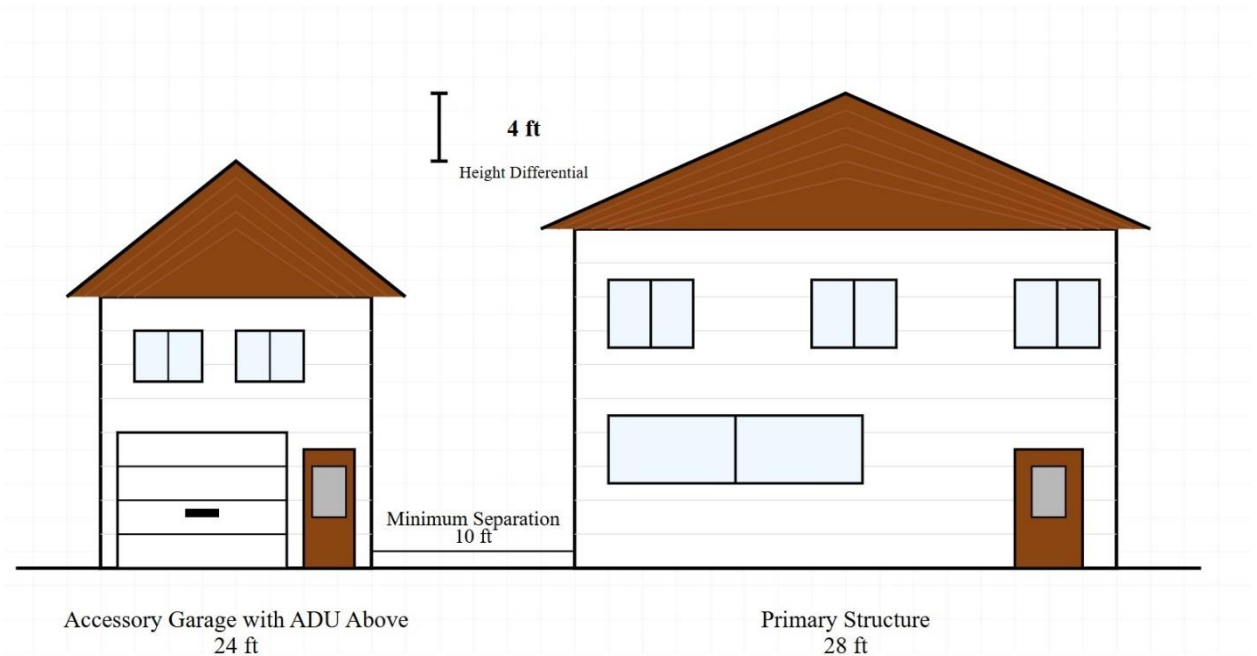


Illustration: 7-X Maximum Height of Accessory Dwelling over a Garage



6. Maximum floor area of any accessory structure shall be no greater than fifty percent (50%) of the floor area of the principal structure.

~~7. In the event that two (2) or more adjacent landowners choose to mutually accept the placement of a structure of two hundred (200) square feet or less with no electric or water improvements, they may reduce side and rear setbacks of said structure(s) to zero (0) after submission of a notarized Mutual Placement Agreement.~~

B. Setback Requirements

1. Front yard

Accessory structures shall not be located in the front yard, **with the exception of driveways and off-street parking areas.**

2. Side (street) yard

Accessory structures shall not be located in the side (street) yard of a corner lot, ~~with the following exception:~~

~~a. If the adjacent property is oriented to face opposite the applicant's front or the adjacent property is separated from the applicant's by an alley or right-of-way or the property is located in a higher or more intense land use zone, the following side (street) yard setbacks may apply:~~

~~i. Setbacks for accessory structures up to eight (8) feet in height may be reduced to five (5) feet.~~

~~ii. Setbacks for accessory structures up to twelve (12) feet in height may be reduced to ten (10) feet.~~

3. Side (interior) yard

Side (interior) yard setbacks for accessory structures shall be five (5) feet.

4. Rear yard

~~a. Rear yard setbacks for accessory structures, other than garages, carports and similar structures, may be reduced to zero (0) feet adjacent to an alley right-of-way.~~

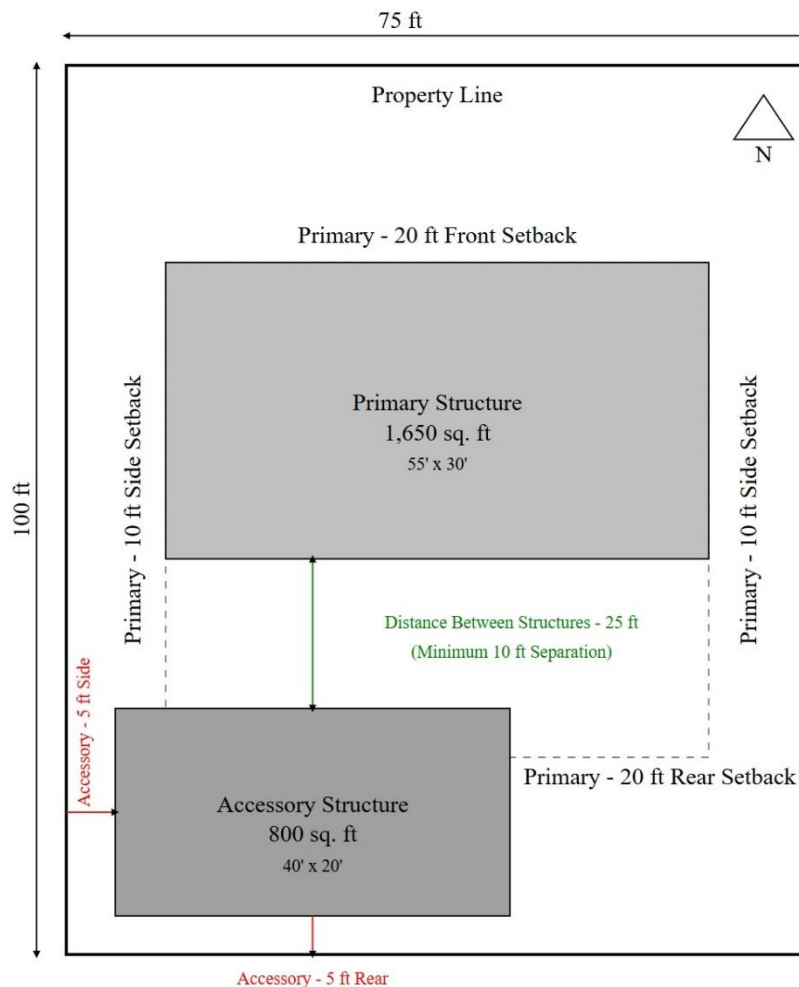
~~b. Rear yard setbacks for garages, carports and similar structures may be reduced to zero (0) feet adjacent to an alley right-of-way with a width of at least twenty (20) feet.~~

~~c. Rear yard setbacks for accessory structures, other than garages, carports and similar structures, may be reduced to five (5) feet in all cases.~~

~~d. Rear yard setbacks for accessory structures of two hundred (200) square feet or less may be reduced to zero (0); provided, however, that the drip line of said structure shall not cross the rear property lines.~~

a. Rear yard setbacks for all accessory structures shall be five (5) feet.

Illustration: 7-X Accessory Structure Setback Requirements



C. Accessory Use and Structure Types

1. Residential accessory uses and structures shall include but not be limited to the following:

- a. Accessory dwelling units, subject to the standards of Section 7.05.~~D.1~~; **E.1**;
- b. Driveways and off-street parking areas;
- c. Cultivation of Medical Marijuana subject to the standards of Section 7.05.D.~~2~~ **1**;
- d. Cultivation of Marijuana for Personal Use subject to the standards of Section 7.05.D.~~3~~ **2**;
- e. Fences and walls, **are exempt from 7.05 B. and are** subject to compliance with the requirements of Section 7.05.D.~~6~~ **5**;
- f. Fruit and vegetable stands, subject to the standards of Section 7.05.D.~~7~~ **6**;
- g. Garages, carports and other similar vehicle storage facilities, subject to compliance with the requirements of Section 7.05.D.~~8~~ **7**;
- h. Family child care home, no more than twelve (12) children subject to Section 7.05.D.~~12~~ **11**;
- i. Home occupations, subject to the standards of Section 7.05.D.~~9~~ **8**;
- j. Home businesses, subject to the standards of Section 7.05.D.~~10~~ **9**;
- k. Keeping of domestic animals for noncommercial purposes;
- l. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- m. Radio and television receiving antennas and support structures;
- n. Recreational facilities for the use of residents;
- o. Outdoor storage, subject to the standards of Section 7.05.D.~~11~~ **10**;
- p. Solar energy systems; and
- q. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use on the lot.

2. Nonresidential accessory uses and structures shall include but not be limited to the following:

- a. ~~Dwelling units for security or maintenance personnel;~~ **Staff quarters or security building**;
- b. Fences and walls, subject to compliance with the requirements of Section 7.05.D.~~6~~ **5**;
- c. Cultivation of Medical Marijuana subject to the standards of Section 7.05 D.~~4~~ **3**;
- d. Cultivation of Marijuana for Personal Use subject to the standards of Section 7.05 D.~~5~~ **4**;

- e. Gates and guardhouses;
- f. Outdoor storage, subject to the standards of Section 7.05.D.~~4~~ **10**;
- g. Off-street parking and loading facilities, subject to compliance with the requirements of Section 10.01;
- h. Radio and television receiving antennas and support structures;
- i. Signs, subject to compliance with the requirements of Section 10.10;
- j. Solar energy systems; and
- k. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use on the lot.

D. Specific Accessory Use and Structure Standards

1. Cultivation of Medical Marijuana in residential structures

The cultivation, production or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:

- a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
- b. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a usable form of marijuana, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, and no more than twelve (12) marijuana plants shall be cultivated or permitted within or on a residential property.
- c. Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a residential unit:
 - i. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in Section 18-21 of the Palisade Municipal Code); a secure, defined, contiguous area not exceeding one hundred fifty (150) square feet within the primary residence of the licensed patient or registered caregiver.
 - ii. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code, as adopted in Section 18-21 of the Palisade Municipal Code); a secure, defined, contiguous area not exceeding one hundred (100) square feet within the primary residence of the licensed patient or registered caregiver.
- d. Marijuana plants shall not be grown in the common area of a multifamily residential structure.
- e. If a licensed patient or primary caregiver elects to cultivate quantities of marijuana in excess of the amounts permitted under Section 7.05.D.2.b above, as permitted in Article XVIII, Section 14(4)(b) of the Colorado Constitution, each patient must be in full

compliance with the Colorado Medical Marijuana Program as provided in Section 25-1.5-106(10), C.R.S., and may grow medical marijuana for personal use as a patient or as a primary caregiver for licensed patients within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts only.

f. The cultivation of medical marijuana plants on a residential property shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana in a primary residential unit shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to an annual building and safety code inspection thereafter. The names and locations of patients and caregivers shall not be made available to the general public in accordance with Section 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.

g. The cultivation of medical marijuana plants may occur in enclosed accessory structures such as a shed or greenhouse located on residential property if such structure contains rigid walls and is a locked space to prevent access by children, visitors or intruders. For the purpose of this Section, "enclosed" means a permanent or semi-permanent area covered and surrounded on all sides. Temporary opening of windows, doors or the temporary removal of wall or ceiling panels does not convert the area into an unenclosed space. The term "locked space" means secured at all points of ingress and egress with a locking mechanism designed to limit access such as with a key or combination lock. The cultivation, production or possession of marijuana plants on a residential property must not be perceptible from the exterior of the residence and shall comply with the following:

i. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent residents shall be prohibited; and excessive noise from ventilation fans shall be prohibited.

ii. Marijuana plants shall be used or consumed exclusively by a licensed patient for the patient's personal use and solely to address a debilitating medical condition.

h. Pursuant to Section 9-7-113, C.R.S. the use of compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.

i. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration, such as a monetary sum, shall obtain a business license from the Town pursuant to Chapter 6, Article I of the Palisade Municipal Code. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 4, Article IV of the Palisade Municipal Code concerning collection and payment of municipal sales tax.

j. Cultivation of medical marijuana on or in a residential property that is not used for a primary residence is not permitted.

k. For the purposes of this Section, primary residence means the place that a person, by custom and practice, makes his or her principal domicile and address to which the person

intends to return following any temporary absence such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking in meals, vehicle and voter registration, or credit, water and utility billing. A person may only have one (1) primary residence. A primary residence shall not include accessory buildings.

l. For the purposes of this Section, a secure area means an area within the primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors or anyone not licensed and authorized to possess medical marijuana.

2. Cultivation of Marijuana for Personal Use in residential structures

a. Purpose. This Section is intended to apply to the growing of marijuana on a residential property for personal use to the extent authorized by Article XVIII, Section 16(3)(b) of the Colorado Constitution.

b. Any person, for purposes of this Section and consistent with Article XVIII, Section 16(3)(b) of the Colorado Constitution, who is twenty-one (21) years of age or older that is cultivating marijuana plants for his or her own use may possess, grow, process or transport no more than twelve (12) marijuana plants subject to the following requirements:

i. Such processing, growing, possessing or transporting of marijuana plants for personal use must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.

ii. With the exception outlined in Section 7.05.D3.b.iv below, such marijuana plants are possessed, grown or processed within the primary residence of the person possessing, growing or processing the marijuana plants for personal use, as defined by Section 7.05.D3.b.viii below.

iii. No more than twelve (12) marijuana plants may be cultivated on a single-family primary residential property in any zone district, including but not limited to the Low Density (LDR), Medium Density (MDR), High Density (HDR), Mixed Use (MU), Town Center (TC), Commercial Business (CB), Agricultural Forestry Transitional (AFT) and the Light Industrial (LI) Zone Districts.

iv. In accordance with Section 18-18-406, C.R.S., regardless of whether the marijuana plants are for medical or recreational use, a person or persons cannot cultivate, grow or produce more than twelve (12) marijuana plants on or in a residential property, no matter how many persons reside on such property. If more than one (1) person over the age of twenty-one (21) resides in the single-family dwelling as a primary residence and more than one (1) person within that residence desires to cultivate marijuana for personal use, then the cultivation of plants over the twelve (12)-plant limit shall be grown in commercial structures located in the Town Center (TC), Commercial Business (CB) and the Light Industrial (LI) Zone Districts only.

v. The possession, growing and processing of such marijuana plants must not be observable from the exterior of the single-family primary residence, including but not limited to:

- (a) Common visual observation;
- (b) Unusual odors, smells, fragrances or other olfactory stimulus; and
- (c) Light pollution, glare or brightness that disturbs others.

vi. Marijuana plants shall not be grown or processed in the common areas of a planned community or in the private or common area of a multifamily or attached residential development.

vii. Such cultivation, production, growing and processing of marijuana plants shall be limited to the following space limitations within the residential property:

- (a) Within a single-family dwelling, a secured, defined, contiguous area not exceeding one hundred fifty (150) square feet within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.
- (b) Within any primary residence occupied by people under the age of twenty-one (21), a “secure area” means an area within the primary residence accessible only to the person possessing, growing or processing the marijuana plants for personal use. Secure areas shall be locked or partitioned off to prevent access by children, visitors or anyone not authorized to possess marijuana.
- (c) The cultivation, growing or processing of marijuana plants may occur in enclosed accessory structures such as a shed or greenhouse if such structure contains rigid walls and is a locked space to prevent access by children, visitors or intruders. “Enclosed” means a permanent or semi-permanent area covered and surrounded on all sides. Temporary opening of windows or doors or the temporary removal of wall or ceiling panels does not convert the area into an unenclosed space. “Locked area” means secured at all points of ingress or egress with a locking mechanism designed to limit access such as with a key or combination lock.

viii. Such possession, growing and processing of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, including requirements concerning electrical systems and ventilation systems, as the same may be amended from time to time. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to periodic building and safety code inspections thereafter.

ix. Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.

x. The possession, growing and processing of marijuana plants shall meet the requirements of all adopted water and wastewater regulations promulgated by the Town.

xi. Cultivation of marijuana on or in a residential property that is not used for a primary residence is not permitted.

For the purposes of this Section, primary residence means the place that a person, by custom and practice, makes his or her principal domicile and address to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, sleep, preparation of meals, regular mail delivery, vehicle and voter registration or credit and utility billings. A person shall have only one (1) primary residence. A primary residence may include accessory dwelling units.

3. Cultivation of Medical Marijuana in nonresidential structures

The cultivation, production or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in nonresidential units or structures in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts as a permitted use subject to the following conditions:

- a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
- b. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a useable form of marijuana per patient and no more than twelve (12) marijuana plants per patient, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, shall be cultivated. A caregiver may cultivate medical marijuana for no more than five (5) licensed patients. Two (2) or more primary caregivers shall not join together for the purpose of cultivating medical marijuana within any nonresidential unit located in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts provided, however, each plant shall be tagged in a manner approved by the Town indicating who is cultivating the plant.
- c. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
- d. The cultivation of medical marijuana plants in any building or unit within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to an annual building and safety code inspection thereafter. The names of patients and caregivers and the location of their cultivation operations shall not be made available to the general public in accordance with Section 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.

e. The cultivation of medical marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.

f. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.

g. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration, such as a monetary sum, shall obtain a business license from the Town pursuant to Chapter 6, Article I of the Palisade Municipal Code. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 4, Article IV of the Palisade Municipal Code concerning the collection and payment of municipal sales taxes.

h. Pursuant to Section 9-7-113, C.R.S. the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.

4. Cultivation of Marijuana for Personal Use in nonresidential structures

The cultivation, production or possession of marijuana plants for personal use by a person twenty-one (21) years of age or older, as permitted by Section 16 of Article XVIII of the Colorado Constitution, shall be allowed in nonresidential units or structures in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts as a permitted use, subject to the following conditions:

a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.

b. No more than twelve (12) marijuana plants per person may be cultivated.

c. Marijuana plants shall not be grown in the common area of any multi-tenant commercial or industrial building.

d. The cultivation of marijuana plants in any nonresidential building or unit within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts shall meet the requirements of all adopted Town building and safety codes. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to a periodic building and safety code inspection thereafter.

e. Two (2) or more persons may join together for the purpose of cultivating marijuana for personal use within nonresidential units located in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts if each plant is tagged in a manner approved by the Town indicating who is cultivating the plant.

f. The cultivation of marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.

g. Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.

h. Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extrication of THC or other cannabinoids is prohibited.

5. Fences and walls

a. General

i. Fences and walls not more than six (6) feet in height may be installed along any side (interior) and rear lot line.

ii. Fences and walls in any required street yard shall not exceed four (4) feet in height.

iii. Fences and walls placed on corner lots shall comply with the requirements of Section 9.04.B.2.c.

iv. Fences and walls higher than six (6) feet in height shall comply with all applicable yard requirements; provided, however, that the provisions of this Section shall not apply in the LI district.

v. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, vinyl, treated wood, wrought iron and chain link. Fences shall be constructed so that the supporting side of any fence (beams or cross arms, supports) are facing away from the right-of-way. Chain link shall not extend above the top fence rail. Barbed wire or other wire fence materials shall not be permitted outside the LI district.

vi. Electrical fences are prohibited.

vii. Breaks in any required fence or wall may be required for pedestrian connections to adjacent developments.

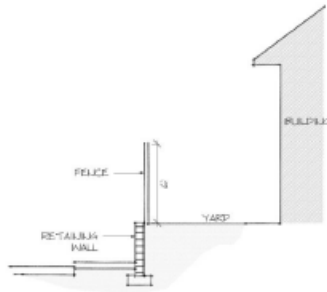
viii. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be one hundred (100) feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.

ix. All fences shall be kept in good repair at all times. Failure by the property owner to keep a fence in good repair may result in the Board of Trustees ordering that the fence be repaired or removed.

b. Height

The height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

Illustration 7-3: Fence Height



c. Location

The quality of the estimated location of the property line on which the fence is to be placed or replaced shall determine the conditions for approval of the planning clearance.

i. If the corners which define the property line on which the fence is to be placed are monumented, the fence shall be placed up to or inside that property line. No other approval is required except that of the Town in approving the planning clearance.

ii. If the property line on which the fence is to be placed is not marked by survey monuments and is adjacent to another private property, the notarized signature of the owner of that adjacent property approving the proposed location of the fence must be provided in the planning clearance application. The language to which the adjacent owner is attesting must be clear as to having knowledge of the proposed location of the fence and of having no objection to the proposed location. If the applicant is unable to obtain a signature of approval from the adjacent property owner, the applicant will be required to obtain a survey monumenting the property lines on which the fence is to be placed.

~~iii. If the property line is adjacent to a street or alley for which the Town has determined a reasonable location of the right-of-way line, the fence shall be placed up to or inside that line except that the location of the fence may not be closer than the edge of the sidewalk, if existing, or from the edge of the most probable location of a future sidewalk as determined by the Town.~~ **If the property line is adjacent to a street, the fence shall be placed no closer than two (2) feet from the edge of an existing sidewalk or from the edge of the most probable location of a future sidewalk as determined by the Town.**

~~iv. If the property line is one which is adjacent to an alley and cannot be reasonably located, the fence shall be placed on the property side of the right-of-way line based on the evidence of existing fences and buildings along the alley. If the evidence is insufficient, the fence shall be placed no less than fifteen (15) feet from the apparent centerline of the alley.~~ **If the property line is adjacent to an**

alley, the fence shall be placed no closer than two (2) feet from the alley right-of-way line.

6. Fruit and vegetable stands

Fruit and vegetable stands are allowed provided no hazards are created with parking, ingress, egress and the operation does not disrupt the peace, quiet and dignity of the neighborhood and shall comply with the following standards:

- a. The fruit and vegetables offered for sale shall be grown on the lot or upon any parcel of land which is contiguous to such lot and which is also owned by the owner of the lot.
- b. The fruit and vegetables may be offered for sale only during the normal growing season for such fruit and vegetables or for such period of time thereafter as may be reasonably necessary to sell the fruit and vegetables which were produced during the normal growing season.
- c. The owner of the lot shall comply with all other applicable requirements, restrictions and regulations of this LDC, including without limitation all setback requirements and requirements for signs and outdoor advertising devices.

7. Garages, carports and similar vehicle storage facilities

Garages, carports and similar structures shall:

- a. Be built of materials similar to the principal structure; and
- b. Be used for the storage of automobiles, recreation vehicles and/or commercial vehicles or for uses incidental to the dwelling to which it is an accessory.

8. Home occupations

Home occupations shall meet the following standards:

- a. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- b. No exterior alterations of the structure shall be made which are of a nonresidential nature and shall change the character of the residence. No evidence, other than signage, of any home occupation shall be perceptible to an observer in the street or on any other property.
- c. Home occupations shall only be conducted within a dwelling or accessory structure.
- d. There shall be no visible storage of equipment, materials or vehicles that have more than two (2) axles.
- e. No person shall be employed at any time, other than a member of the immediate family residing on the premises.
- f. Advertising signs shall be limited to one (1) unlighted wall sign no larger than three (3) square feet in area, attached to the structure housing the home occupation or one (1) free-standing sign of the same size not to exceed three (3) feet in height.

g. No trading in merchandise shall be carried on and in connection with a home business and there shall be no display of merchandise.

h. In the event the home occupation involves tutoring or instruction, no more than two (2) students may be present at the dwelling unit at any one time.

i. No use or activity shall be conducted that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors beyond the confines of the lot on which said occupation is conducted. Such uses shall comply with the operational performance standards of Section 10.12.

j. All persons engaged in home occupations shall register said occupations with the Town Clerk. The registration shall include the name and address of the persons conducting the home occupation and a description of said occupation. Such registration shall include a statement that the home occupation complies and will continue to comply with the conditions set forth above.

9. Home businesses

The following home business standards are intended to permit residents to engage in home businesses within residential zoning districts that are compatible with residential land uses and to ensure that home businesses do not adversely affect the integrity of residential areas. Home businesses shall comply with the following standards:

a. The use shall be subject to the conditional use review procedures of Section 4.07; provided, however, that no such conditional use permit will be transferable to future owners or occupants of the principal dwelling unit.

b. Home business shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.

c. No exterior alterations of the structure shall be made which are of a nonresidential nature and shall change the character of the residence. No evidence of any home business, other than signage, shall be perceptible to an observer in the street or on any other property.

d. Home occupations shall only be conducted within a dwelling or accessory structure. There shall be no visible storage of equipment, materials or vehicles that have more than two (2) axles.

e. Up to two (2) persons other than a member(s) of the immediate family occupying such a dwelling may be employed by the home business.

f. Advertising signs shall be limited to one (1) unlighted wall sign no larger than three (3) square feet in area, attached to the structure housing the home occupation, or one (1) free-standing sign of the same size not to exceed three (3) feet in height.

g. No equipment shall be used and no activity conducted that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors beyond the confines of the lot on which said occupation is conducted. Home businesses shall comply with the operational performance standards of Section 10.12.

h. One (1) off-street parking space shall be provided for each person working on the premises other than member(s) of the immediate family occupying such a dwelling. Such parking shall be in addition to otherwise required off-street parking.

i. No mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

j. No trading in merchandise, other than incidental sales, shall be carried on in connection with a home business and there shall be no display of merchandise. This provision shall not apply to beauty salons, which otherwise comply with these standards.

10. Outdoor storage

a. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale, shall be so screened by ornamental fences or evergreen planting or by permanent buildings, that it cannot be seen from a public street.

b. Areas for truck parking and loading and areas for outdoor storage, including trash collection and compaction, shall be incorporated in the overall design of the site to assure adequate screening. The screening shall be a combination of structures and evergreen landscaping to minimize visibility from adjacent streets and residential areas.

c. Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently screened with walls and/or fences.

d. All trash collection and loading areas shall be located and designed to ensure adequate on-site maneuvering of vehicles.

e. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this Section.

11. Family child Care Home

A family child care home shall be considered an accessory use to a residence in all districts, provided no more than twelve (12) children are present on the premises at any one time. Family child care homes are licensed and regulated under regulations issued by the Colorado Department of Human Services.

E. Accessory dwelling units

One (1) accessory dwelling unit (ADU) shall be permitted as an accessory use to each principal ~~single family dwelling~~ **structure in all zones except in the Light Industrial (LI) and Commercial Business (CB) and are** subject to the following requirements:

a. The living area of the ADU shall be no greater than ~~six hundred fifty (650) square feet and not less than four hundred (400) square feet and shall contain no more than one (1) bedroom.~~ **nine hundred (900) square feet or fifty percent (50%) of the floor area of the principal structure, whichever is less.**

b. Detached ADUs must be located in the rear half of the ~~residential~~ lot or parcel unless the ADU is to be located within or above a garage. Private entrances to an ADU

contained in the principal dwelling shall be located on the side or rear of the principal dwelling.

c. An ADU shall not be condominiumized and/or sold separate and apart from the principal dwelling to which it is an accessory.

d. The design, exterior treatments and color of an ADU shall be the same as or compatible with, the design and exterior color and treatments of the primary building to which it is accessory.

e. ~~Either the principal structure or the ADU shall be owner occupied.~~ **Either the principal structure or the ADU shall be owner occupied, except when located in a non-residential zone district or a non-residential development in a residential zone.**

f. One off-street parking space per unit is required, in addition to the spaces otherwise required.

g. The Town shall review the capacity and configuration of existing water and sewer services for all ADU applications. If determined necessary by the Town, independent water and/or sewer service lines may be required for the ADU separate from the principal structure.

Section 2. Severability. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable.

Section 3. Effective Date. This ordinance shall take effect thirty (30) days after publication following final passage.

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 the _____ day of 2025.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST: _____
Keli Frasier, CMC
Town Clerk



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: **January 7, 2025**

Presented By: **Devan Aziz, Community Development Director**

Department: **Community Development & Planning**

Re: **Park Improvements**

SUBJECT:
Municipal Waste Receptacles

SUMMARY:
The current trash receptacles in Riverbend Park and Downtown are showing signs of wear and deterioration. Staff have identified the need for replacement to maintain cleanliness standards and improve operational efficiency. The new receptacles will serve two of the city's most visited areas, requiring durable and aesthetically appropriate solutions.

DIRECTION:
Provide a recommendation from the options provided and vetted by staff.

Town of Palisade

Trash Cans

Design Framework

Functional Requirements:

- Secured to ground surface
- Gate
- 40–45-gallon bag capacity
- Rain bonnet
- Defensive construction to prevent domestic dumping

Cost and time:

- 30 units required for phase 1
- Remain within budget of approximately 30k
- Installed and installed before May 1st with 8-10 weeks of delivery time

Form:

- Color if available from the manufacturer

Town of Palisade Logo Related Colors



40 Gallon Laser Cut Saw Grass Waste Can SAW40P-FT (6 Colors: Blue, Brown, Black, Green, Silver, Red)

\$688.50 Availability: Ships in 4-6 Weeks



41 Gallon Waste Receptacle MF3302 with Side Door & Concrete Base

\$1,410.80

Availability: Ships in 8-10 Weeks



Standard Metal Powder Coat Colors



Executive Series Flare Top Trash Receptacle with Door and Bonnet Lid: Black 40-gallon capacity

\$883.00



South Hampton 45 Gallon SCTP-40 D Covered Trash Can with Lockable Side Gate (3 Color Choices)

\$1,129.76

Availability: Ships In 10 Business Days

