



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

July 2, 2024
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. LAST CHANCE:** Virtual / Physical Open House is live for Harky's Boat Launch. Virtual Open House will run 24/7 until 07/02/24. Physical Open House is accessible during all operating hours of Town Hall until 07/02/24.
 - 1. Mobile: Scan QR Code, Download Mural app, add feedback as a guest.
 - 2. Desktop: Visit link (available on landing page <https://palisade.colorado.gov/>) and add feedback as a guest.
 - 3. In-Person: Provide feedback in person at Town Hall.

Scan Me

PROVIDE
FEEDBACK



B. CALLING ALL PASSIONATE COMMUNITY MEMBERS!

We're seeking applications for the Planning Commissioner position. If you're interested in shaping the future of our community, this is your chance to get involved!

Application Period: Applications will be accepted from June 27, 2024 to August 2, 2024.

Selection Process: Qualified applicants will be interviewed by the Board of Trustees on Tuesday, August 13, 2024.

How to Apply: Submit a letter of intent outlining your qualifications and interest in the role to kfrasier@townofpalisade.org

Don't miss this opportunity to make a difference! We look forward to receiving your application.

VI. APPROVAL OF MINUTES

- A. Minutes from June 18, 2024, Regular Planning Commission Meeting

VII. TOWN MANAGER REPORT

VIII. NEW BUSINESS

- A. **Review and Discussion of Height Maximums and Accessory Dwelling Units (ADUs) in Relation to Small Town Character and the 2022 Comprehensive Plan**

The purpose of this discussion is to review current regulations regarding building heights and Accessory Dwelling Units (ADUs) considering the community's desire to preserve its small-town character and ensure alignment with the goals outlined in the 2022 Comprehensive Plan.

Height Maximums:

Review current height limitations for new construction within different zoning districts. Discuss potential impacts of modifying height limitations on the overall aesthetic and small-town feel of the community.

Explore options for maintaining a consistent character while allowing for potential development.

Accessory Dwelling Units (ADUs):

Review current regulations and permitting processes for ADUs.

Discuss potential benefits and drawbacks of ADUs in relation to maintaining small-town character.

Explore opportunities to encourage ADU development while ensuring they integrate seamlessly into existing neighborhoods.

1. **Board Discussion**
2. **Public Comments and Questions** - *Please state your name and address, keep comments to the current planning topic, and 3 minutes or less.*
3. **Board Direction:** Following the discussion and public comment, the Planning Commission will provide recommendations for further action. This may include requesting staff to prepare draft amendments to the Zoning Code, scheduling additional workshops for further exploration of specific options, or recommending no changes to the current regulations.

IX. PUBLIC COMMENT – For items not on the 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.

X. ADJOURNMENT



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
June 18, 2024**

A work session of the Planning Commission for the Town of Palisade was opened at 6:00 pm to discuss the zoning code and a permitting system for mobile food vendors. Present were Chair Amy Gekas, Commissioners LisaMarie Pinder, Don Bosch, David Hull, and Brandon Burke. Town Manager Janet Hawkinson and Community Development Director Devan Aziz were also in attendance.

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:31 pm by Chair Amy Gekas. Present were Commissioners LisaMarie Pinder, Don Bosch, David Hull, and Brandon Burke. Absent was Vice-Chair Ed Seymour. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Community Development Director Devan Aziz, Town Clerk Keli Frasier, and Special Event Coordinator Rebecca Loucks.

AGENDA ADOPTION

Motion #1 by Commissioner Burke, seconded by Commissioner Hull, to approve the agenda as presented.

A voice vote was requested.
Motion carried unanimously.

APPROVAL OF MINUTES

Motion #2 by Commissioner Bosch, seconded by Commissioner Burke, to approve the minutes of the Palisade Planning Commission from June 4, 2024 as written.

A voice vote was requested.
Motion carried unanimously.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed current and ongoing projects and reminded the Commission of the planned watershed tour scheduled for June 28, 2024.

NEW BUSINESS

DOLA Presentation

Gayle Langley, Main Street Coordinator, and Larry Lucas, Main Street Architect with the Department of Local Affairs (DOLA), gave a presentation to the Planning Commission (the presentation was included in packet).

The Commissioners and the representatives of the DOLA Main Street program discussed the cost of the program, engaging the community, and retaining local authority of commercial design standards.

The consensus of the Commission is to move forward with getting additional information on the program and possibly move forward with taking responsibility as the oversight committee.

PUBLIC COMMENT

None was offered.

ADJOURNMENT

Motion #5 by Commissioner Hull, seconded by Commissioner Burke, to adjourn the meeting at 7:33 pm.

A voice vote was requested.

Motion carried unanimously.

X

Amy Gekas
Planning Commission Chair

X

Keli Frasier
Town Clerk



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: July 2, 2024
Presented By: Devan Aziz, Community Development Director
Department: Community Development & Planning
Re: 2024 Text Amendment to the Land Development Code

SUBJECT: Review Building Heights in zoning districts and ADU requirements

SUMMARY: Building Height Requirements in Palisade, Colorado, as per the Land Development Code (LDC):

- Residential Districts (AFT, LDR, MDR, HDR, MU): 35 feet
- Town Center (TC): 50 feet
- Commercial Business (CB), Light Industrial (LI), Hospitality Retail (HR), Community Public (CP): 45 feet
- Planned Development (PD): No specified maximum height, but needs to be in conformance with the Town's Comprehensive Plan.

In Palisade, Colorado, as per the Town's Land Development Code (LDC), the ADU must comply with specific requirements, including size, location, design, and occupancy.

- A single Accessory Dwelling Unit (ADU) is allowed on a property with a single-family dwelling.
- The ADU must be between 400 and 650 square feet and can have a maximum of one bedroom.
- The ADU can be attached to the main house (garage or above) or detached, but in the latter case, it must be in the rear half of the lot.
- The ADU cannot be sold separately from the main house.
- The design and exterior of the ADU must be compatible with the main house.
- One additional parking space is required for the ADU.
- Either the main house or the ADU must be owner-occupied.

BOARD DIRECTION: Following the discussion and public comment, the Planning Commission will provide recommendations for further action. This may include requesting staff to prepare draft amendments to the Zoning Code, scheduling additional workshops for further exploration of specific options, or recommending no changes to the current regulations.

ARTICLE 5 ZONING

Section 5.01 Official Zoning Map

The boundaries of the districts established by this LDC shall be shown on a map entitled "Official Zoning Map". An up-to-date copy shall be maintained at the Palisade Town Hall. Original copies of the official map and all amendments thereto shall be maintained by the Community Development Director. In any dispute regarding the classification of property subject to this LDC, the original map maintained by the Community Development Director shall control.

A. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
2. Boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits;
3. Boundaries indicated as following river banks shall be construed to follow such river banks, and in the event of change in the river bank, shall be construed as moving with the actual river bank. Boundaries indicated as approximately following the center lines of a river, or canal shall be construed to follow such center lines;
4. Where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the Official Zoning Map scale;
5. In the event of any other uncertainty not mentioned in this Section, the Community Development Director shall recommend the location of such boundaries to the Board of Adjustment and the Board of Adjustment shall make the final determination.

Section 5.02 Established Zoning Districts

In order to implement the Palisade Comprehensive Plan and promote the purposes of this Land Development Code, the following zoning districts are established:

Table 5.1: Zoning Districts	
Residential Districts	
AFT	Agriculture, Forestry Transitional
LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
MU	Mixed Use
Nonresidential Districts	
TC	Town Center
CB	Commercial Business
LI	Light Industrial
HR	Hospitality Retail
CP	Community/Public
Special Purpose District	
PD	Planned Development

Section 5.03 Residential Districts

A. Agricultural and Forestry Transitional (AFT)

Established to provide for wineries, vineyards and related lodging and commercial activity compatible with the Town's rural and agricultural character. Development in the AFT district is compatible and complementary to the rural/agricultural surroundings.

The AFT district is intended to implement and correspond in part to the Comprehensive Plan's "Agricultural/Residential 2.5" and the "Agricultural/Residential 5" land use designation.

Table 5.2: AFT District Standards		
Use		
Allowed uses	Single-family	Nonresidential Development ⁽¹⁾
Density (maximum)		
Density	1 dwelling unit per 2.5 acres	N/A
Lot Requirements (minimum)		
Lot area (acres)	2.5	2.5
Lot width (feet)	150	150
Setback Requirements (minimum) ⁽²⁾		
Street yard (feet)	35	35
Side yard – interior (feet)	25	35
Side yard – street (feet)	35	35
Rear yard (feet)	20	20
Building Requirements (maximum)		
Height (feet)	35	35
Impervious surface	15%	15%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

B. Low Density Residential (LDR)

Established to provide for orderly suburban residential development and redevelopment. Intended to maintain and protect residential areas at low to moderate densities, characterized predominantly by single-family detached units. The regulations for this district protect existing neighborhoods from undesirable uses and residential conversions.

The LDR district is intended to implement and correspond in part to the Comprehensive Plan's "Low Density Residential" land use designation.

Table 5.3: LDR District Standards			
Use			
	Single-family	Alley-loaded	Nonresidential Development ⁽¹⁾
Density (maximum)			
Density	4.5 dwelling unit per acre		N/A
Lot Requirements (minimum)			
Lot area (square feet)	7,500	7,500	9,000
Lot width (feet)	65	65	60
Setback Requirements (minimum) ⁽²⁾			
Street yard (feet)	20	15	25
Side yard – interior (feet)	10	10	10
Side yard – street (feet)	10	10	20
Rear yard (feet)	20	20	20
Building Requirements (maximum)			
Height (feet)	35	35	35
Impervious surface	45%	55%	45%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

C. Medium Density Residential (MDR)

Established to maintain and protect residential areas of higher density which include a variety of small lot residential development options. The MDR district allows moderate to high residential density development. Proximity to public parks and open space is an asset for MDR district development.

The MDR district is intended to implement and correspond in part to the Comprehensive Plan's "Medium Density Residential" land use designation.

Table 5.4: MDR District Standards						
Use						
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Nonresidential Development ⁽¹⁾
Density (maximum)						
Density	7 dwelling unit per acre					N/A
Lot Requirements (minimum)						
Lot area (square feet)	5,000	5,000	5,000	10,000	2,000	6,000
Lot width (feet)	55	55	45	80	25	60
Setback Requirements (minimum)⁽²⁾						
Street yard (feet)	20	15	15	15	15	20
Side yard – interior (feet)	10	10	0	10	10	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	20	N/A	N/A	N/A
Side yard – street (feet)	10	10	10	15	15	20
Rear yard (feet)	20	20	20	20	20	20
Building Requirements (maximum)						
Height (feet)	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	50%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

D. High Density Residential (HDR)

Established to provide orderly high density residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density which include multifamily dwellings mixed with other housing types. Proximity to public parks and open space is an asset for HDR district. The HDR district is appropriate for use as a transitional district between low density residential districts and MU, TC and CB districts.

The HDR district is intended to implement and correspond in part to the Comprehensive Plan's "High Density Residential" land use designation.

Table 5.5: HDR District Standards							
Use							
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Multi-family	Nonresidential Development ⁽¹⁾
Density (maximum)							
Density	11 dwelling unit per acre						N/A
Lot Requirements (minimum)							
Lot area (square feet)	3,500	3,500	3,500	7,000	2,000	11,000	6,000
Lot width (feet)	65	65	40	80	25	110	60
Setback Requirements (minimum)⁽²⁾							
Street yard (feet)	20	15	15	15	15	15	20
Side yard – interior (feet)	5	5	0	5	10	15	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	10	N/A	N/A	N/A	N/A
Side yard – street (feet)	15	15	15	15	15	15	20
Rear yard (feet)	15	15	15	15	20	20	20
Building Requirements (maximum)							
Height (feet)	35	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	75%	60%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

E. Mixed Use (MU)

Established to facilitate adaptive re-use and preservation of older residential structures and compatible new nonresidential development. The MU district is primarily a residential district, only modest-scale nonresidential uses are allowed. Nonresidential uses are encouraged to occupy existing residential structures without changing the character of such structures and to emphasize pedestrian rather than vehicular access. The MU district may be used as a transitional district between residential and nonresidential districts.

The MU district is intended to implement and correspond in part to the Comprehensive Plan's "Residential Mixed Use" land use designation.

Table 5.6: MU District Standards						
Use						
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Nonresidential Development ⁽¹⁾
Density (maximum)						
Density	7 dwelling unit per acre					N/A
Lot Requirements (minimum)						
Lot area (square feet)	5,000	5,000	5,000	10,000	2,000	5,000
Lot width (feet)	55	55	45	80	25	50
Setback Requirements⁽²⁾						
Street yard (minimum feet)	20	15	15	15	15	25
Street yard (maximum feet)	N/A	N/A	N/A	N/A	N/A	30
Side yard – interior (feet)	10	10	0	10	15	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	20	N/A	N/A	N/A
Side yard – street (feet)	10	10	10	10	15	10
Rear yard (feet)	20	20	20	20	20	20
Building Requirements (maximum)						
Height (feet)	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	75%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

Section 5.04 Nonresidential Districts

A. Town Center (TC)

Established to provide for business and civic functions that make up the Town core. The TC district has a strong pedestrian character and provides for concentrated commercial activity with buildings covering the entire street frontage. It contains a mix of business, commercial and residential uses and serves the needs of the entire community.

The TC district is intended to implement and correspond in part to the Comprehensive Plan's "Mixed Use" land use designation.

Table 5.7: TC District Standards	
Lot Requirements	
Lot area (minimum acres)	N/A
Lot width (minimum feet)	N/A
Setback Requirements	
Street yard (minimum feet)	0 ⁽¹⁾
Street yard (maximum feet)	10
Side yard – interior (minimum feet)	0
Side yard – street (minimum feet)	10
Rear yard (minimum feet)	10
Building Requirements	
Height (maximum feet)	50
Impervious surface (maximum)	N/A

⁽¹⁾Minimum distance from the street must allow for ten-foot sidewalk.

B. Commercial Business (CB)

Established to provide for commercial uses such as; office, service and retail for the community as a whole. Development standards provide for auto-oriented uses. Site design and buffering mitigate impacts of traffic, operations and scale on adjacent businesses and residential neighborhoods. Areas designated CB district are primarily located along U.S. Highway 6.

The CB district is intended to implement and correspond in part to the Comprehensive Plan's "Commercial" land use designation.

Table 5.8: CB District Standards	
Lot Requirements	
Lot area (minimum square feet)	8,000
Lot width (minimum feet)	60
Setback Requirements	
Street yard (minimum feet)	25
Street yard (maximum feet)	None
Side yard – interior (minimum feet)	15
Side yard – street (minimum feet)	25
Rear yard (minimum feet)	10
Building Requirements	
Height (maximum feet)	45
Impervious surface (maximum)	75%

C. Light Industrial (LI)

Established to promote the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities and research facilities. The regulations of this district are intended to prohibit the use of land for industries, which by their nature, may create some nuisance to surrounding properties. Unless separated by a principal arterial, the LI district is not appropriate adjacent to any residential district.

The LI district is intended to implement and correspond in part to the Comprehensive Plan's "Industrial" land use designation.

Table 5.9: LI District Standards	
Lot Requirements	
Lot area (minimum square feet)	8,000
Lot width (minimum feet)	60
Setback Requirements	
Street yard (minimum feet)	35
Street yard (maximum feet)	None
Side yard – interior (minimum feet)	20
Side yard – street (minimum feet)	15
Rear yard (minimum feet)	40
Building Requirements	
Height (maximum feet)	45
Impervious surface (maximum)	75%

D. Hospitality Retail (HR)

Established to provide for hospitality and retail development along I-70 in the vicinity of Exits 42, in a pedestrian-oriented village or mall environment, compatible with the character of the adjacent historic neighborhoods and existing uses. Development within the HR district will exhibit a design continuity, compatible and complementary to the historic Town and to its existing wineries and agricultural uses. Upper floor residential uses are appropriate and desirable in the village setting envisioned for the HR district.

The HR district is intended to implement and correspond in part to the Comprehensive Plan's "Commercial—Agricultural/Lodging" land use designation.

Table 5.10: HR District Standards			
Use			
Allowed Uses	Nonresidential Development	Town-house	Multi-family

Density			
Density (maximum)	N/A	11 dwelling unit per acre	
Lot Requirements			
Lot area (square feet)	20,000	2,000	11,000
Lot width (minimum feet)	N/A	25	110
Setback Requirements ⁽²⁾			
Street yard (minimum feet)	0 ⁽¹⁾	N/A	N/A
Street yard (maximum feet)	10	20	20
Side yard – interior (minimum feet)	0	15	5
Side yard – street (minimum feet)	10	15	15
Rear yard (minimum feet)	10	10	15
Building Requirements			
Height (maximum feet)	50	25	25
Impervious surface (maximum)	80%	80%	75%

⁽¹⁾Minimum distance from the street must allow for ten-foot sidewalk.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B.](#)

E. Community Public (CP)

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.

Table 5.11: CP District Standards	
Lot Requirements	
Lot area (minimum acres)	N/A
Lot width (minimum feet)	N/A
Setback Requirements	
Street yard (minimum feet)	0 ⁽¹⁾
Street yard (maximum feet)	10
Side yard – interior (minimum feet)	10
Side yard – street (minimum feet)	10
Rear yard (minimum feet)	10
Building Requirements	
Height (maximum feet)	50
Impervious surface (maximum)	N/A

⁽¹⁾Minimum distance from the street must allow for ten-foot sidewalk.

Section 5.05 Planned Development

A. Authority

Article 67 of Title 24 of the C.R.S., the Planned Unit Development Act of 1972 gives the Town the authority to authorize Planned Developments, in order to protect public safety, integrity and welfare while encouraging innovations in residential, commercial and industrial development, more efficient use of land and incorporating the best features of modern design. Moreover, the Planned Development option allows a developer to relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics. Any Planned Development should also be within general conformity with the Town's Comprehensive Plan.

B. Purpose

The PD district, is established to accommodate proposals of the same or similar uses to be developed as integrated units such as offices, commercial or service centers, shopping centers, light industrial, residential developments or proposals where any appropriate combination of such uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. All development in the PD district should include significant open space for

- slaughtering;
- 2. Citrus concentrate plant;
- 3. Production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone or glass materials or products,
- 4. Production or fabrication of metals or metal products including enameling and galvanizing, sawmill;
- 5. Bulk storage of flammable liquids;
- 6. Concrete batching and asphalt processing and manufacture; and
- 7. Wrecking, junk or salvage yard; bottling plant.

Section 7.05 Accessory Uses and Structures

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 to any other building.
5. Maximum height of accessory structures shall be fifteen (15) 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.
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.
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.

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](#);
 - b. Driveways and off-street parking areas;
 - c. Cultivation of Medical Marijuana subject to the standards of [Section 7.05.D.2](#);
 - d. Cultivation of Marijuana for Personal Use subject to the standards of [Section 7.05.D.3](#);
 - e. Fences and walls, subject to compliance with the requirements of [Section 7.05.D.6](#);
 - f. Fruit and vegetable stands, subject to the standards of [Section 7.05.D.7](#);
 - g. Garages, carports and other similar vehicle storage facilities, subject to compliance with the requirements of [Section 7.05.D.8](#);
 - h. Family child care home, no more than twelve (12) children subject to [Section 7.05.D.12](#);
 - i. Home occupations, subject to the standards of [Section 7.05.D.9](#);
 - j. Home businesses, subject to the standards of [Section 7.05.D.10](#);
 - 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](#);
 - 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;
 - b. Fences and walls, subject to compliance with the requirements of [Section 7.05.D.6](#);
 - c. Cultivation of Medical Marijuana subject to the standards of [Section 7.05.D.4](#);
 - d. Cultivation of Marijuana for Personal Use subject to the standards of [Section 7.05.D.5](#);
 - e. Gates and guardhouses;
 - f. Outdoor storage, subject to the standards of [Section 7.05.D.11](#);
 - 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. Accessory dwelling units

One (1) accessory dwelling unit (ADU) shall be permitted as an accessory use to each principal single-family dwelling 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.

- 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.
 - f. One off-street parking space per unit is required, in addition to the spaces otherwise required.
2. 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