



**Planning Commission
Wednesday, April 21, 2020 at 6:00 PM
Palmer Lake Town Hall, 28 Valley Crescent
Palmer Lake, Colorado**

*** MASKS REQUIRED - SOCIAL DISTANCING ENFORCED ***

AGENDA

This agenda is subject to revision 24 hours prior to start time

1. Call to Order
2. Roll Call
3. Approval of Minutes from March 17, 2021
4. Conditional Use Application – Fletchers (797 Hwy 105)
5. Sign Application – Monumental Microderm (4 Hwy 105)
6. Update from Master/Comp Plan Team – Neighborhood Meeting (Susan Miner)
7. Review of Memo from Town Attorney & Options
8. Review of Zoning Code – Conditional Use Samples for Residential
9. Next Meeting (May 19) and Future Items
10. Adjourn



Town of Palmer Lake
Minutes of the Planning Commission
March 17 at 6:00 PM
28 Valley Crescent, Town Hall, Palmer Lake CO

Planning Commission members present:

Chairman Dave Cooper
Commissioner Bill Fisher
Commissioner Amy Hutson
Commissioner Shana Ball

Commissioner Charles Ihlenfeld
Commissioner Vic Brown
Commissioner Mark Bruce

1. **Call to Order.** Chairman Cooper called the meeting to order at 6:00 PM.
2. **Approval of Minutes from February 17, 2021.** MOTION (Bruce, Ihlenfeld) to approve the minutes. Motion PASSED.
3. **Update from Master/Comp Plan Team.** Susan Minor provided an update from the North End neighborhood meeting. The residents wish the roads to stay dirt. However, they would appreciate the roads to be crowned with ditches. A copy of the El Paso Master Plan was given to the team and may be used as a reference/guideline. The industrial “neighborhood” needs to be added to upcoming meetings. They may be added to the Streetscape group meetings. A Restaurant group meeting is being coordinated. They would like to survey the restaurant customers to get a better sense of who is visiting the Town. They would also like to do a survey on the Town’s capacity for future growth. This data may be helpful for future grant applications. It was suggested to have Commissioner Ball available for questions from the Board of Trustees concerning the Master Plan reports. The Planning Commission welcomed Shana Ball to the Commission.
4. **Review of Zoning Code – Specifically to bring zoning language current to what is permitted.** General discussion took place about the need for affordable housing; how to zone for high density housing; where to place them; and how would it affect the already strained water and sewer systems. Dawn Collins gave an update on the water taps. Based on past study of the surface water supply, there are approximately forty taps. The Board of Trustees will explore future water supply, as well as an accounting of residential wells and water conservation plans.
 - **Consider Building Height Restriction.** Collins requested the Commission address the language in code concerning the height allowed in residential zones. Discussion ensued about how height is measured and contradictory language. MOTION (Hutson, Ball) to recommend the Board amend the height requirement to be no higher than thirty feet above the average grade to the highest point of the roof line. Roll call vote – aye (7); nay (0). Motion PASSED.



- **Consider Residential Permitted Use vs. Conditional Use.** The Commission reviewed the spreadsheets prepared by Commissioner Hutson with R-3 lots including vacant lots. They discussed increasing lot size to 7,500 sq ft from 5,000 sq ft and how such a move would impact the residential zones and what impact it would have on the current property owners with 5,000 sq ft lots. They also discussed how residential permitted use differs from conditional use. Staff offered to gather a list of examples from other municipalities to bring back for review.

5. Next Meeting (April 21) and Future Items.

6. Adjourn. Moved to adjourn at 7:59 PM.

David Cooper, Chair

ATTEST: Julia Stambaugh, Deputy Town Clerk

Town of Palmer Lake

Office Use Only

Date: 5/23

Fees: 250-

Check #: 290

Rec'd By: BAR

Fees: \$250.00 (Chapter 17.80)

42 Valley Crescent

PO Box 208

Palmer Lake CO 80133

719-481-2953 – office

719-488-9305 – fax

Conditional Use Application Form

(Follows the criteria for a Zone Change)

Chapter 17.12 Zones & Maps

Name of Applicant: Thomas Fletcher

© 797 HWY 105

Address: 7160 Tans Dr.

Phone#: 719-481-3589

Name of Proposal: _____

Tax Schedule #: 71100-13-000

Legal Description: Lots 16 to 19 Tans Dr. Bk 5 Elephant Rock Acres

17.08.090 Conditional Use – A request for a use permitted under various zoning categories subject to review by the Planning Commission and Town Council. The formal application requires the same material as outlined for a Zone Change Request.

Please fill out the appropriate submission checklist to complete the application.

Location of Property: Section: _____

Township: 11

Nearest Street Intersection: Hwy 105 + Circle Rd

Existing Subdivision: Elephant Rock Acres

Current Zoning and Uses of Surrounding Property:

N: _____

E: _____

S: _____

W: _____

Signature of Owner

3-19-21

Date

Fletcher Drilling Letter of Intent

To whom it may concern -

Due to the nature of our line of work and the equipment that we've needed to conduct business for over 51 years within the town of Palmer Lake, we have acquired a number of vehicles and pieces of machinery. That said, it has come to our recent attention that we are no longer zoned for heavy equipment (storage) on our premises.

In regard to 17.37.020 Conditional Permitted Uses:

For our proposed usage, we are looking at "other" as nothing else listed really fits our (or your) criteria.

1) Short-term proposal

Our short-term goals are to repair any and all equipment that needs to be repaired and or made road worthy and then mobilize or sell what we can, when we can. We have already started the process for repairs on one vehicle in particular, but due to all the inclement weather, what should have taken a few days has unfortunately taken a few weeks. Eventually however, we would like to have everything repaired or be made ready to sell.

2) Long-term proposal

Since we do have a building with plenty of office space, our long-term goals would be to re-apply for a business license so that we can possibly rent or lease the current building out under the current zoning conditions.

We understand that we are now in violation of the current zoning and as such, are doing what we can when we can to remedy the situation and make good on our end.

Thank you for your consideration.

Regards,

Tom & Tommy Fletcher

Fletcher Drilling

113070

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 04/07/2021

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

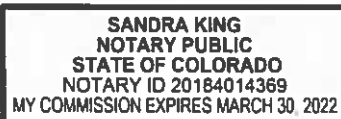


Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 04/07/2021, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.



Sandra King
Notary Public
The Gazette



Document Authentication Number
20184014369-475928

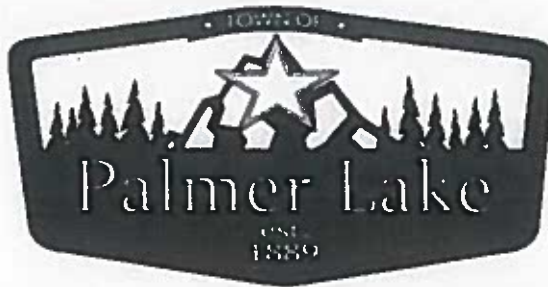
NOTICE OF PUBLIC HEARING

TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on April 21, 2021, at 6 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider a Conditional Use application for a proposed use on the property, located at 797 Hwy 105. A recommendation will be made to the Board of Trustees on the same matter scheduled for May 13, 2021, at 6 PM. A copy of the complete application is on file at the Town Clerk office at 719-461-2953.

/s/ Dawn A. Collins, Town Clerk

Published in the Tri-Lakes Tribune April 6, 2021



42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133
719-481-2953 - Office

CK 1641
\$10000
TV

Sign Application Form (in process of changing)

TRINA SHOOK

Business Name/Owner MONUMENTAL MICRODERM (MONUMENTAL MED SPA)

Phone Number 719 271 0999 Email Address TRINASHOOK@MSD.COM

Mailing Address 19858 CHISHOLM TRAIL MONUMENT CO 80132

Physical Address 4 HWY 105 PALMER LAKE CO 80133

Legal Address: Lots(s) _____ Block _____ Subdivision _____

Applicant (if other than owner) TRINA SHOOK

Mailing Address SITA

Phone Number 719 321-8444 Email Address TRINASHOOK@MSTI.COM

SIGN INFORMATION

TYPE OF SIGN (check all that apply)

Double Faced _____

Multi-faced _____

Single-faced _____

Free-standing _____

Wall-mounted X

Projecting _____

on Building currently
same dimensions, name change.

X next to road would
like it a little bigger
& closer than current
location.

SIGN CATEGORY (check all that apply)

Residential _____

Business X

Comprehensive Sign Plan _____

PUD sign _____

Directory sign _____

Master Plan Sign _____

Marquee _____

Temporary Sign _____

Other _____

Sign Wording MONUMENTAL MED SPA

Specific Location of Sign Holistic Front of building

Size of Sign _____ x _____ Area of Sign _____

Height of Sign _____ Materials of Sign _____

Color(s) of Sign _____ Lighting _____

****ATTACH A SKETCH OF THE SIGN WITH DIMENSIONS AND COLORS. SHOW THE LOCATION OF SIGN ON THE SITE OR THE BUILDING.**

Applicant's Name (print) TRINA SHOOK Signature T. Shook

Meeting Times - MUST BE PRESENT AT ALL MEETINGS UNLESS OTHERWISE ADVISED

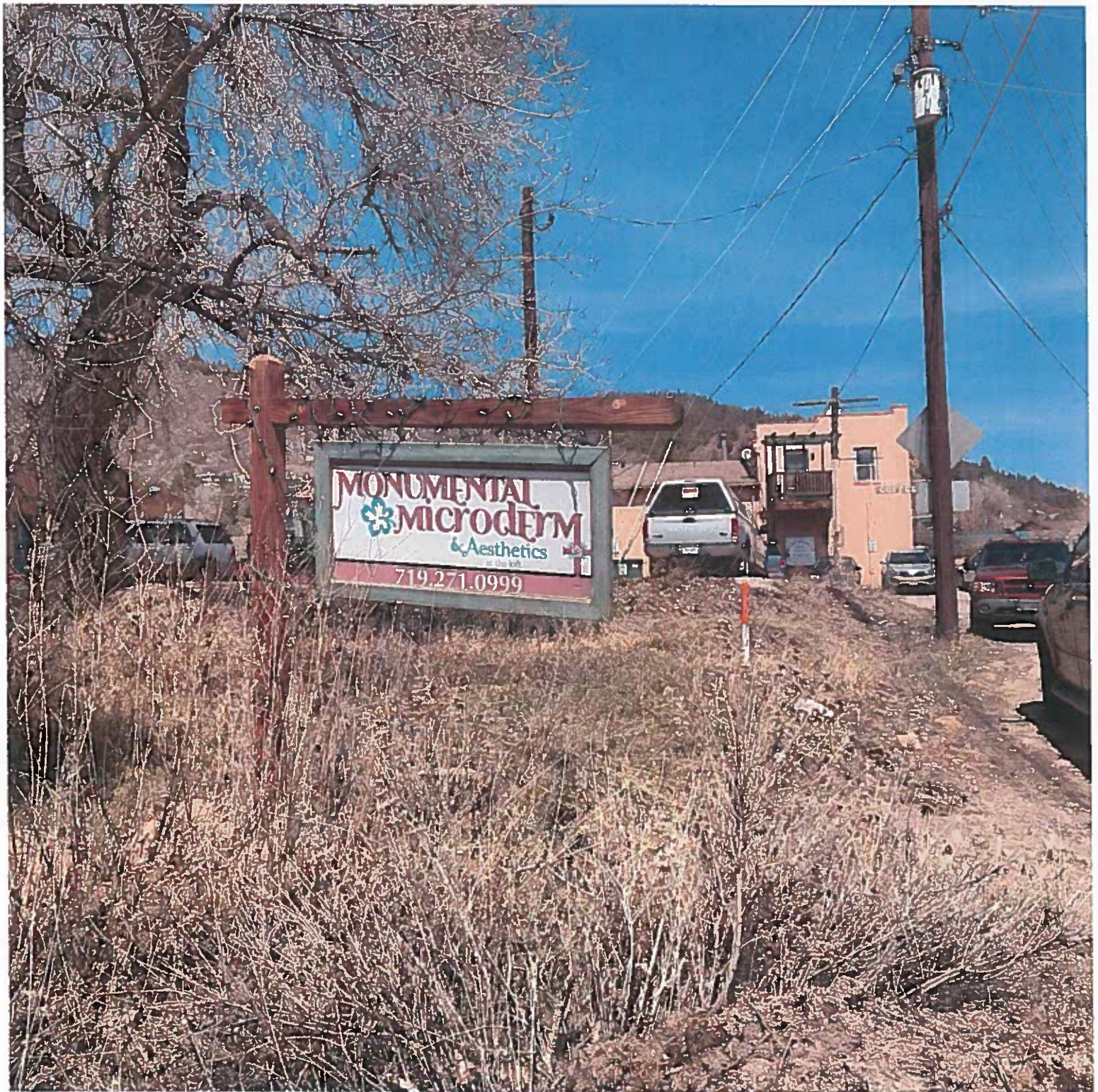
Planning Commission Meeting (3rd Wednesday - Unless otherwise notified)

For Office Use Only

Approved _____ Disapproved _____ Date _____ Staff _____ Permit Fee \$ 100.00



ESTIMATED SIZE OF SIGN - DO NOT PRINT PINK



MONUMENTAL
microderm

& Aesthetics
at the loft

719.271.0999

MONUMENTAL
microderm

Aesthetics
at the loft

719.271.0999

Trina Shook RN

FREE CONSULTATION
& EVALUATION

BOTOX

JUVEDERM

CO2 LASER

SPRAY TAN

KYBELLA

DaVINCI TEETH WHITEN

SKIN MEDICA

CELLPROTHICKEN

LATISSE

SKIN MEDICA

CELLPROTHICKEN

CELLPROTHICKEN

LATISSE

Sec. 16-305. - R-1 5,000 Single-Family Residential District.

- (a) The R-1 5,000 Single-Family Residential District is the basic residential zoning category for the existing platted lots in the Town where the principal use of land is for single-family dwellings. The specific intent of this Section is to:
 - (1) Encourage the development and continued use of the existing and/or surrounding residential uses without inducing undue hazards to public health or safety; and
 - (2) Prohibit any uses which would substantially interfere with the use and enjoyment of existing and/or future residential use within the Town.
- (b) Permitted principal uses: single-family dwellings.
- (c) Uses requiring special approval (special uses):
 - (1) Educational institutions;
 - (2) Religious institutions;
 - (3) Public buildings; and
 - (4) Parks and playgrounds.
- (d) Development requirements:
 - (1) Minimum lot area: five thousand (5,000) square feet.
 - (2) Minimum frontage: fifty (50) feet.
 - (3) Minimum lot width: fifty (50) feet at front building setback line.
 - (4) Setback requirements:
 - a. Front, fifteen (15) feet;
 - b. Side, five (5) feet; and
 - c. Rear, ten (10) feet.
 - (5) Maximum building height: thirty-five (35) feet.
- (e) Accessory uses and buildings: refer to Article VI of this Land Use Code.
- (f) Off-street parking: refer to Section 16-604.
- (g) Permitted signs: refer to Article IV of this Land Use Code.
- (h) All buildings, structures and uses shall conform to the requirements of [Section 16-705](#).

(Ord. 97-01; Ord. 02-2002, §1)

Sec. 16-306. - R-1 10,000 Single-Family Residential District.

- (a) The R-1 10,000 Single-Family Residential District is the intermediate residential zoning category for residential land which has low to moderate topographic or geological conditions which may subject the property to requirements imposed by the HO Hillside Overlay Zone of this Land Use Code and preclude smaller-lot development of single-family dwellings. The specific intent of this Section is to:
 - (1) Encourage the development and continued use of the existing and/or surrounding residential uses without inducing undue hazards to public health or safety; and
 - (2) Prohibit any uses which would substantially interfere with the use and enjoyment of existing and/or future residential use within the Town.
- (b) Permitted principal uses: single-family dwellings.
- (c) Uses requiring special approval (special uses):
 - (1) Educational institutions;
 - (2) Religious institutions;
 - (3) Public buildings; and
 - (4) Parks and playgrounds.
- (d) Development requirements:
 - (1) Minimum lot area: ten thousand (10,000) square feet.
 - (2) Minimum frontage: one hundred (100) feet.
 - (3) Minimum lot width: one hundred (100) feet at front building setback line.

(4) Setback requirements:

- a. front, fifteen (15) feet;
- b. side, ten (10) feet; and
- c. rear, ten (10) feet.

(5) Maximum building height: thirty-five (35) feet.

(e) Accessory uses and buildings: refer to Article VI of this Land Use Code.

(f) Off-street parking: refer to Section 16-604.

(g) Permitted signs: refer to Article IV of this Land Use Code.

(h) All buildings, structures and uses shall conform to the requirements of [Section 16-705](#).

(Ord. 97-01; Ord. 02-2002, §1)

Sec. 16-307. - R-1 20,000 Single-Family Residential District.

(a) The R-1 20,000 Single-Family Residential District is the large-lot residential zoning category for residential land which has moderate to severe topographic or geological conditions which may subject the property to special requirements imposed by the HO Hillside Overlay Zone and preclude smaller-lot development of single-family dwellings. The specific intent of this Section is to:

- (1) Encourage the development and continued use of the existing and/or surrounding residential uses without inducing undue hazards to public health or safety; and
- (2) Prohibit any uses which would substantially interfere with the use and enjoyment of existing and/or future residential use within the Town.

(b) Permitted principal uses: single-family dwellings.

(c) Uses requiring special approval (special uses):

- (1) Educational institutions;
- (2) Religious institutions;
- (3) Public buildings; and
- (4) Parks and playgrounds.

(d) Development requirements:

- (1) Minimum lot area: twenty thousand (20,000) square feet,
- (2) Minimum frontage: one hundred (100) feet.
- (3) Minimum lot width: one hundred (100) feet at front building setback line.
- (4) Setback requirements:
 - a. front, fifteen (15) feet;
 - b. side, ten (10) feet; and
 - c. rear, ten (10) feet.

(5) Maximum building height: thirty-five (35) feet.

(e) Accessory uses and buildings: refer to Article VI of this Land Use Code.

(f) Off-street parking: refer to Section 16-604.

(g) Permitted signs: refer to Article IV of this Land Use Code.

(h) All buildings, structures and uses shall conform to the requirements of [Section 16-705](#).

(Ord. 97-01; Ord. 02-2002, §1)

Sec. 16-308. - R-1 5-Acre Hillside Single-Family Residential District.

(a) The R-1 5-Acre Single-Family Residential District is the largest-lot residential zoning category for residential land which may exhibit one (1) or more of the following conditions: (1) has severe topographic or geological conditions; (2) is subject to special requirements imposed by the HO Hillside Overlay Zone; and (3) is not suitable for typical subdivision design development, but which must be subdivided with special care to avoid physical damage to public or private property or both. Disposing of sewage from buildings at high elevations may endanger the health

of residents living at lower elevations; providing fire protection may be difficult given the road access and possibility that fire will be fanned by high winds; and extremes of weather can endanger buildings, structures, vehicles and persons. The specific intent of this Section is to:

- (1) Minimize disturbances to the unique natural features and aesthetic qualities of the Town backdrop areas;
 - (2) Provide safe and convenient access to difficult building sites;
 - (3) Minimize water runoff and soil erosion problems incurred in adjustment of the natural terrain;
 - (4) Assure type, distribution and densities of development which are compatible with the natural systems and terrain of the backdrop areas; and
 - (5) Assure that the taxpayers of the Town are not burdened by extraordinary costs for services attributable solely to the development of hillside areas.
- (b) Permitted principal uses: single-family dwellings.
- (c) Uses requiring special approval (special uses):
- (1) Educational institutions;
 - (2) Religious institutions;
 - (3) Public buildings; and
 - (4) Parks and playgrounds.
- (d) Development requirements:
- (1) Minimum lot area: five (5) acres.
 - (2) Minimum frontage: two hundred (200) feet.
 - (3) Minimum lot width: two hundred (200) feet at front building setback line.
 - (4) Setback requirements:
 - a. front, fifty (50) feet;
 - b. side, twenty-five (25) feet; and
 - c. rear, fifty (50) feet.
 - (5) Maximum building height:
 - a. For building lots with an average slope of less than fifteen percent (15%), thirty-five (35) feet; and
 - b. For building lots with an average slope of fifteen percent (15%) or greater, twenty-five (25) feet.
- (e) Accessory uses and buildings: refer to Article VI of this Land Use Code.
- (f) Off-street parking: refer to Section 16-604.
- (g) Permitted signs: refer to Article IV of this Land Use Code.
- (h) All buildings, structures and uses shall conform to the requirements of [Section 16-705](#).

(Ord. 97-01)

Sec. 16-309. - R-2 Two-Family Residential District.

- (a) The R-2 Two-Family Residential District is the basic residential zoning category for development of residential land at slightly higher densities than typical single-family development. The specific intent of this Section is to:
- (1) Encourage the development and continued use of the existing and/or surrounding residential uses without inducing undue hazards to public health or safety; and
 - (2) Prohibit any uses which would substantially interfere with the use and enjoyment of existing and/or future residential use within the Town.
- (b) Permitted principal uses:
- (1) Duplex dwellings; and
 - (2) Single-family dwellings.
- (c) Uses requiring special approval (special uses):
- (1) Educational institutions;

- (2) Religious institutions;
 - (3) Public buildings; and
 - (4) Parks and playgrounds.
- (d) Development requirements:
- (1) Minimum lot area: twenty thousand (20,000) square feet.
 - (2) Minimum frontage: one hundred (100) feet.
 - (3) Minimum lot width: one hundred (100) feet at front building setback line.
 - (4) Setback requirements. The front, side and rear yard setback shall not be less than the most restrictive adjoining or adjacent zoning district setback to which the particular yard of the R-2 Two-Family Residential District abuts.
 - (5) Maximum building height: thirty-five (35) feet.
- (e) Accessory uses and buildings: refer to Article VI of this Land Use Code.
- (f) Off-street parking: refer to Section 16-604.
- (g) Permitted signs: refer to Article IV of this Land Use Code.
- (h) All buildings, structures and uses shall conform to the requirements of [Section 16-705](#).
- (i) Development plan. A development plan conforming to requirements for development plan shall be submitted with the zoning petition. All amendments to said plan subsequent to zoning approval shall require approval by the Board of Trustees after review by the Planning Commission.
- (j) Platting. Preliminary and final plats conforming to the requirements contained in [Chapter 17](#), Article II of the Municipal Code shall be submitted with the zoning petition.

(Ord. 97-01; Ord. 02-2002, §1)

18.08.040 - Low-Density Residential.

- A. Purpose. The Low-Density Residential Zone is characterized by a variety of single-family, detached housing types that enhance the basic elements of a balanced residential area. Development in this zone district should be designed in a manner to create livable space in a suburban setting.
- B. Permitted Uses in the Low-Density Residential Zone.
 - 1. Detached single-family residences, including accessory structures.
 - 2. Private Stables. Private stables for equine animal(s) are allowed under the following conditions: a minimum of one acre of ground per animal and a setback of at least one hundred fifty feet from any building occupied as a residence or used for human habitation, other than the animal's owner or landowner's residence. (Does not apply to private stables in use prior to November 15, 1978. See Ordinance No. 1878.)
- C. Approval Standards in the Low-Density Residential Zone. Refer to [Chapter 18.64](#), Development and Parking Standards Tables.

(Ord. No. 0819, § 1(Exh. A), 6-18-2019)

18.08.050 - Hillside Low-Density Residential.

- A. Purpose. This zone is established to enable and encourage flexibility of single-family design and emphasizes cluster development of hillside land in a manner that promotes the most appropriate use of the land; protects ridgelines and steep slopes, wildlife habitat, and other environmental features; facilitates the adequate and economical provision of streets and utilities; facilitates the provision of emergency services and daily access and maintenance; reduces and mitigates natural hazards risk; and preserves the natural and scenic quality of Manitou Springs as supported by the Manitou Springs Open Space Master Plan. The protection of key attributes such as: topography, vegetation, wildlife corridors, previously undisturbed scenic areas, and ridgelines of a site is a primary goal in this district. Avoidance of areas of environmental, geological, historical, and/or visual value is required. The developed portions of a site should be contiguous with other development within the City; access should be achieved from existing roads; and utilities should be provided from existing easements.
- B. Permitted Uses in the Hillside Low-Density Residential Zone. Detached single-family residences, including accessory structures.
- C. Approval Standards in the Hillside Low-Density Residential Zone. (In addition to the following standards, refer to [Chapter 18.64](#), Development and Parking Standards Tables.)
 - 1. All development in the HLDR district shall comply with the Natural Hazard Risk Reduction and Mitigation standards pursuant to [Chapter 18.10](#).
 - 2. The highest, most visible portions of sites, along with the least accessible areas of sites, shall be preserved in a form acceptable to the City, such as a no-build area, dedication to the City, or other means of preservation or conservation.
 - 3. Hillside land with unstable slopes and other surface problems shall be identified, and mitigation of these conditions reflected on the final site plan. Solutions to geologic/soils issues shall not involve wall building, or other constructed solutions that negatively impact the natural appearance of the site. Grading and "cut and fill" operations shall also be minimized.
 - 4. The inaccessibility of the area shall be minimized in order to mitigate the danger to life and property from natural disasters, fires and other emergencies. The placement of driveways and utilities shall minimize cut and fill and scarring of the natural landscape. Driveway locations and utility locations shall be shown on all site plans. Grading plans shall also be provided for review and approval.
 - 5. Ridgelines, prominent geologic features and areas of significant vegetation shall be identified and inventoried through best management practices prior to incorporating features into site planning. Include significant natural features that contribute to the attractiveness of the community such as ridgelines, bluffs, rock outcroppings, view corridors, foothills, mountain backdrop, urban forest, floodplains, natural water bodies, clean air, natural drainageways, and wildlife habitats.
 - 6. Siting of residences and accessory structures on flat land where ridgelines and hilltops are protected is encouraged.
 - 7. Water runoff rate shall not exceed historical flow and soil erosion shall be mitigated for and minimized. Increased stormwater volume may require retention on site to allow release at the historic rate, and shall be specified in any required drainage plan and report and grading and erosion control plan.
 - 8. Development of the area to its fullest potential consistent with Plan Manitou, is allowed. However, to assure densities which are compatible with the natural systems and terrain of the hillside area the maximum density is not guaranteed and relies on the availability of services, topography and access, and surrounding neighborhood character for appropriate design and density.
 - 9. The taxpayers of Manitou Springs shall not be burdened by extraordinary costs for services attributable solely to the development of hillside areas.
 - 10. Frontage upon an existing accepted and maintained Public Street, or a new street that conforms to the City standards and is accepted and maintained by the City, is required.
 - 11. All development and structures in the HLDR district shall be within the maximum distance (measured by line length) from an operational fire hydrant to provide minimum fire flows per the requirements of the IFC.
 - 12. A land survey prepared by a registered land surveyor shall be recorded prior to issuance of a building permit.
 - 13. Public wastewater service shall comply with City Ordinances.
- D. Hillside Low-Density Residential Development Requirements.
 - 1. Clustered Development. The purpose of clustered development is to provide an alternative voluntary method of land division that encourages the clustering of single-family residential dwellings. Clustered development may include a density bonus with the maximum allowance to be established during the development review. Clustering strives to

18.20.005**Purpose.**

The purpose of the First Residential Zoning District is:

- A. To provide for the low-density residential areas as set forth in the Larkspur General Plan.
- B. Protect existing single-family dwellings and encourage the development of new single-family neighborhoods in an environment free from excessive levels of noise, illumination and glare, air pollution, heat, vibration and other objectionable impacts.
- C. Ensure that each dwelling has sufficient access to light, air, open space, and insolation and is provided with adequate privacy.
- D. Accommodate community facilities, schools, religious institutions, recreation facilities, open space and public services needed to complement the residential uses of the district.
- E. Ensure that the density of proposed developments is compatible with the capacity of existing utilities and road systems serving the area.
- F. Ensure that the size and scale of proposed structures are compatible with adjacent structures and the physical setting. (Ord. 1030 § 2(12), 2018; Ord. 640 § 1, 1980)

18.20.010**Regulations Established.**

The regulations in this chapter are applicable to properties zoned First Residential and are in addition to the regulations set forth in Larkspur Municipal Code Chapter [18.16](#). (Ord. 1030 § 2(12), 2018; Ord. 295 § 40, 1962)

18.20.020**Permitted Uses.**

The following uses are permitted in the R-1 District:

- A. One-family dwellings.
- B. Accessory structures and uses (including home occupations).
- C. Public parks and playgrounds, including recreation, refreshment and service buildings.
- D. Group home, handicapped.

- E. Group home, nonhandicapped.
- F. Day care home, small.
- G. Accessory dwelling units, subject to the provisions of Larkspur Municipal Code Chapter 18.23.
- H. Junior accessory dwelling units, subject to the provisions of Larkspur Municipal Code Chapter 18.24. (Ord. 1030 § 2(12), 2018; Ord. 1012 § 4, 2016; Ord. 921 § 2, 2003; Ord. 855 § 9, 1993; Ord. 538 § 1, 1975; Ord. 392 § 1, 1970; Ord. 295 § 41, 1962)

18.20.025

Conditional Uses.

The following uses are permitted in the R-1 District subject to securing a use permit in each case:

- A. Churches.
- B. Colleges and schools (not including riding schools and riding academies) and the operation of necessary facilities and required equipment.
- C. Community clubhouses.
- D. Day care home, large.
- E. Public utility or public service uses or public buildings.
- F. Child care center.
- G. Reserved.
- H. *Repealed by Ord. 921.*
- I. Bed-and-breakfast inns, incidental to the residential use, for maximum accommodation of four (4) guests in two (2) rooms; provided, that:
 - 1. The structure is a minimum of two thousand five hundred (2,500) square feet, excluding garages, and has been determined to be a significant historic resource, as defined by Larkspur Municipal Code Section 18.19.020. Any proposed exterior building improvements must receive prior approval from the Heritage Preservation Committee and the Design Review Board pursuant to Larkspur Municipal Code Sections 18.19.040 and 18.19.050. All such improvements shall be completed prior to issuance of an occupancy permit.
 - 2. All required parking shall be provided on site.
 - 3. The property must take access from a major vehicular thoroughfare and be sufficiently large to provide adequate internal vehicular circulation and safe ingress and egress.
 - 4. The property must be situated within three hundred (300) feet of a commercial zone.
 - 5. Adequate sound and light buffering must be provided between the subject structure/parking areas, and contiguous residential structures, as determined by the Planning Commission.

6. Site illumination shall be kept to a safe minimum and shall receive Design Review Board approval prior to installation.
 7. On-site signing shall be limited to that provided for residential home occupations as specified in Larkspur Municipal Code Section 18.60.090.
 8. A bed-and-breakfast use permit shall be voided upon the sale or transfer of the property ownership.
 9. Occupancy by owner:
 - a. The property in question must be the principal residence of the owner. Said owner-occupant shall be the record owner of no less than fifty (50) percent interest of the property in question.
 - b. When application is made for a business license to operate the bed-and-breakfast inn, the applicant must prove to the satisfaction of the City that he or she holds at least a fifty (50) percent interest in the property. The business license shall be conditioned upon the property owner maintaining at least a fifty (50) percent interest in the property. The business license and the use permit may be revoked by the City if this condition is violated or if there is a transfer of the title.
 10. *Special Gatherings*. Renting of bed-and-breakfast facilities for a special gathering (e.g., wedding reception, party) shall be prohibited in the R-1 and R-2 zoning districts. Such gatherings will be allowed in the R-3 zone subject to Planning Commission approval in each case.
- J. Having, keeping, maintaining, or boarding of four (4) or more dogs over four (4) months of age. (Ord. 1030 § 2(12), 2018; Ord. 921 § 3, 2003; Ord. 855 §§ 8, 9 (part), 1993; Ord. 787 § 1, 1989; Ord. 703 § 2, 1983; Ord. 698 § 3, 1983; Ord. 538 § 2, 1975)

18.20.030

Lot Area Required.

- A. Each permitted use, other than an accessory use, shall be located on a lot having an area of no less than seven thousand five hundred (7,500) square feet and an average width of not less than sixty (60) feet; except that a permitted use may be located on a lot of record provided that all other regulations of the district shall be met.
- B. No building shall be constructed on a lot unless said lot abuts for at least twenty (20) feet on a public street or has vehicular access to a public street by way of an easement not less than twenty (20) feet in width. (Ord. 1030 § 2(12), 2018; Ord. 313 § 6, 1965; Ord. 295 § 42, 1962)

18.20.040

Building Height Limit.

No main structure shall be erected to a height in excess of thirty (30) feet. No accessory structure shall be erected to a height in excess of fifteen (15) feet. (Ord. 1030 § 2(12), 2018; Ord. 824 § 2, 1992; Ord. 295 § 43, 1962)

18.20.050

Percentage of Lot Coverage.

Structures shall not cover more than forty (40) percent of the area of the lot on which they are situated. See also Larkspur Municipal Code Section [18.34.080](#), Preservation of Natural and Permeable Areas, for lots with an average slope of ten (10) percent or greater. (Ord. 1030 § 2(12), 2018; Ord. 953 § 1(24), 2007; Ord. 295 § 44, 1962)

18.20.060

Yards Required for Main Structure.

- A. *Front Yard.* Minimum depth of front yard shall be twenty (20) feet.
- B. *Side Yards.* The street side of a corner lot shall have a width of not less than ten (10) feet. Other side yards shall each have a minimum width of six (6) feet, except that lots with an average width of less than sixty (60) feet shall have side yards of at least five (5) feet.
- C. *Rear Yard.* Minimum depth of rear yard is fifteen (15) feet. (Ord. 1030 § 2(12), 2018; Ord. 313 § 7, 1965; Ord. 295 § 45, 1962)

18.20.070

Location of Accessory Structures.

Accessory structures may be built within yards as follows:

- A. *Front Yard.* On other than the street side of a corner lot; in steep terrain, either a one-story carport or one-story residential garage (neither a part of the main building) not closer than three (3) feet to either the front lot line or the side lot line, with design review approval by the Zoning Administrator pursuant to Larkspur Municipal Code Section [18.64.020](#).
- B. *Side Yards.* Not closer than ten (10) feet to the street side lot line of a corner lot. On other than street side of corner lots, not closer than five (5) feet to the side lot line.
- C. *Rear Yards.* Not nearer than three (3) feet to any rear lot line. (Ord. 1030 § 2(12), 2018; Ord. 953 § 1(25), 2007; Ord. 929 § 19, 2004; Ord. 857 § 12, 1993; Ord. 295 § 46, 1962)

18.28.005

Purpose.

The purpose of the Second Residential District is to:

- A. Provide for a medium-density residential use.
- B. Develop neighborhoods with the residential characteristics described in Larkspur Municipal Code Section [18.20.005](#).
- C. Implement the applicable policies of the General Plan. (Ord. 1030 § 2(12), 2018; Ord. 640 § 2, 1980)

18.28.010

Regulations Established.

The regulations herein are applicable to properties zoned Second Residential and are in addition to the regulations set forth in Larkspur Municipal Code Chapter [18.16](#). (Ord. 1030 § 2(12), 2018; Ord. 295 § 80, 1962)

18.28.020

Permitted Uses.

The following uses are permitted in the R-2 District:

- A. One-family dwellings.
- B. Two-family dwellings.
- C. Accessory buildings and uses (including home occupations).
- D. Public parks and playgrounds, including recreation, refreshment and service buildings.
- E. Group home, handicapped.
- F. Group home, nonhandicapped.
- G. Day care home, small.
- H. Accessory dwelling units, subject to the provisions of Larkspur Municipal Code Chapter [18.23](#), when created in association with a one-family dwelling.
- I. Junior accessory dwelling units, subject to the provisions of Larkspur Municipal Code Chapter [18.24](#). (Ord. 1030 § 2(12), 2018; Ord. 1012 § 7, 2016; Ord. 921 § 5, 2003; Ord. 855 § 9 (part), 1993; Ord. 698 § 4, 1983)

18.28.023**Conditional Uses.**

The following uses are permitted in the R-2 District subject to securing a use permit in each case:

- A. Churches.
- B. Colleges and schools (not including riding schools and riding academies) and the operation of necessary facilities and required equipment.
- C. Community clubhouses.
- D. Day care home, large.
- E. Public utility or public service uses or public buildings.
- F. Day care center.
- G. *Repealed by Ord. 921.*
- H. Bed-and-breakfast inns incidental to the residential use, for maximum accommodation of six (6) guests in three (3) rooms, subject to all conditions and restrictions in Larkspur Municipal Code Sections [18.20.025\(I\)\(1\)](#) through [\(10\)](#).
- I. Having, keeping, maintaining, or boarding four (4) or more dogs over four (4) months of age. (Ord. 1030 § 2(12), 2018; Ord. 921 § 6, 2003; Ord. 855 §§ 8, 9 (part), 1993; Ord. 787 § 3, 1989; Ord. 703 § 3, 1983; Ord. 698 § 5, 1983)

18.28.025**Condominiums.**

The development of condominiums must follow the standards and regulations of Larkspur Municipal Code Chapter [18.38](#). Further, the conversion of existing residential real property to a condominium project, community apartment project, or stock cooperative requires the approval of a use permit under Larkspur Municipal Code Section [18.38.070](#) et seq. (Ord. 1030 § 2(12), 2018; Ord. 667 § 6, 1981)

18.28.030**Lot Area.**

The following lot areas are required in the R-2 District:

- A. For each one-family dwelling, a minimum of seven thousand five hundred (7,500) square feet of lot area and sixty (60) feet average width, except that such use may be located on a lot of record provided all other regulations of the district shall be met.

B. For each two-family dwelling, a minimum of eight thousand (8,000) square feet of lot area and sixty (60) feet in average width, except that a permitted use may be located on a lot of record provided all other regulations for the district shall be met. (Ord. 1030 § 2(12), 2018; Ord. 295 § 82, 1962)

18.28.040

Building Height Limit.

No structure shall be erected to a height in excess of thirty-five (35) feet. (Ord. 1030 § 2(12), 2018; Ord. 295 § 83, 1962)

18.28.050

Percentage of Lot Coverage.

Structures shall not cover more than fifty (50) percent of the area of the lot on which they are situated. See also Larkspur Municipal Code Section 18.34.080, Preservation of Natural and Permeable Areas, for lots with an average slope of ten (10) percent or greater. (Ord. 1030 § 2(12), 2018; Ord. 953 § 1(30), 2007; Ord. 295 § 84, 1962)

18.28.060

Yards Required for Main Structure.

Yards required for the main structures in the R-2 District are as follows:

A. *Front Yard.* Minimum depth shall be twenty (20) feet.

B. *Side Yards.* The street side yard on a corner lot shall have a width of not less than ten (10) feet. Other side yards shall each have a minimum width of six (6) feet.

C. *Rear Yards.* Minimum depth shall be fifteen (15) feet. (Ord. 1030 § 2(12), 2018; Ord. 313 § 8, 1965; Ord. 295 § 85, 1962)

18.28.070

Location of Accessory Structures.

Accessory structures may be built within yards as follows:

A. *Front Yard.* On other than the street side of a corner lot; in steep terrain, either a one-story carport or one-story residential garage (neither a part of the main building) not closer than three (3) feet to either the front lot line or the side lot line, with design review approval by the Zoning Administrator

pursuant to Larkspur Municipal Code Section 18.64.020.

B. *Side Yards*. Not closer than ten (10) feet to the street side lot line of a corner lot. On other than street side of corner lots, not closer than five (5) feet to the side lot line.

C. *Rear Yards*. Not nearer than three (3) feet to any rear lot line. (Ord. 1030 § 2(12), 2018; Ord. 953 § 1(31), 2007; Ord. 929 § 20, 2004; Ord. 295 § 86, 1962)

18.32.005**Purpose.**

The purpose of the Third Residential Zoning District is to:

- A. Provide for higher density residential uses as set forth in the Larkspur General Plan.
- B. Require the provisions of the residential amenities set forth in Larkspur Municipal Code Section 18.20.005 to the greatest extent feasible while accommodating the higher densities.
- C. Allow for the increased traffic, parking needs, building bulk and density without jeopardizing public health and safety.
- D. Implement the applicable policies of the General Plan. (Ord. 1030 § 2(12), 2018; Ord. 640 § 3, 1980)

18.32.010**Regulations Established.**

The regulations herein are applicable to properties zoned Third Residential and are in addition to the regulations set forth in Larkspur Municipal Code Chapter 18.16. (Ord. 1030 § 2(12), 2018; Ord. 295 § 90, 1962)

18.32.020**Permitted Uses.**

The following uses are permitted in the R-3 District:

- A. Dwellings, one-family, two-family and multiple-family.
- B. Dwelling groups.
- C. Public parks and playgrounds, including recreation, refreshment, and service buildings.
- D. Churches.
- E. Colleges and schools (not including riding schools and riding academies).
- F. Accessory buildings and uses, including home occupations.
- G. Group home, handicapped.
- H. Group home, nonhandicapped.

I. Accessory dwelling units, subject to the provisions of Larkspur Municipal Code Chapter 18.23, when created in association with a one-family dwelling.

J. Junior accessory dwelling units, subject to the provisions of Larkspur Municipal Code Chapter 18.24. (Ord. 1030 § 2(12), 2018; Ord. 1012 § 8, 2016; Ord. 921 § 7, 2003; Ord. 855 § 9 (part), 1993; Ord. 698 § 6, 1983; Ord. 295 § 95, 1962)

18.32.023

Conditional Uses.

The following uses are permitted in the R-3 Zoning District subject to securing a use permit in each case:

- A. Community clubhouse.
- B. Small day care home, large day care home, or day care center.
- C. Public utility or public service uses or buildings.
- D. Business incidental to an apartment house constructed for twenty-five (25) or more guest rooms within the structure; provided, that:
 - 1. Floor area of the use shall not exceed twenty-five (25) percent of the ground floor area of the structure.
 - 2. No street frontage will be used for such business.
 - 3. Entrances to such business shall be from the inside of the structure.
 - 4. No sign applicable to such business shall be exhibited on the outside of the structure.
 - 5. *Repealed by Ord. 921.*
- E. Bed-and-breakfast inns, incidental to the residential use for maximum accommodation of eight (8) guests in four (4) rooms, subject to all conditions and restrictions in Larkspur Municipal Code Sections 18.20.025(I)(1) through (10).
- F. Other uses found by the Planning Commission to be consistent with the purpose and intent of the R-3 Zoning District and the General Plan.
- G. Having, keeping, maintaining, or boarding four (4) or more dogs over four (4) months of age.
- H. Residential care facility. (Ord. 1030 § 2(12), 2018; Ord. 929 § 21, 2004; Ord. 921 § 8, 2003; Ord. 855 §§ 8, 9 (part), 1993; Ord. 787 § 4, 1989; Ord. 763 § 1, 1988; Ord. 703 § 4, 1983; Ord. 698 § 7, 1983)

18.32.025

Condominiums.

The development of condominiums must follow the standards and regulations of Larkspur Municipal Code Chapter [18.38](#). Further, the conversion of existing residential real property to a condominium project, community apartment project, or stock cooperative requires the approval of a use permit under Larkspur Municipal Code Section [18.38.070](#) et seq. (Ord. 1030 § 2(12), 2018; Ord. 667 § 7, 1981)

18.32.030

Lot Area Required.

The following lot areas are required in the R-3 District:

- A. For each one-family dwelling a minimum of seven thousand five hundred (7,500) square feet of lot area and sixty (60) feet in average width, except that such use may be located on a lot of record, provided all other regulations of the district shall be met.
- B. For each two-family dwelling, a minimum of eight thousand (8,000) square feet of lot area and sixty (60) feet in average width, except that such use may be located on a lot of record, provided all other regulations of the district shall be met.
- C. For each multiple dwelling, a minimum of two thousand (2,000) square feet of lot area per family and fifty (50) feet in average width for each main building, except that such use may be located on a lot of record having a lesser average width, provided all other regulations of the district shall be met.
- D. For other types of structures, the minimum lot size shall be sufficient to provide the required yards and parking spaces. (Ord. 1030 § 2(12), 2018; Ord. 295 § 92, 1962)

18.32.040

Building Height Limit.

- A. One-family and two-family dwellings shall not be erected to a height in excess of thirty-five (35) feet.
- B. Multiple dwellings and other structures shall not be erected to a height in excess of thirty-five (35) feet. (Ord. 1030 § 2(12), 2018; Ord. 295 § 93, 1962)

18.32.050

Percentage of Lot Coverage.

Structures shall not cover more than fifty (50) percent of the area of the lot on which they are situated. See also Larkspur Municipal Code Section [18.34.080](#), Preservation of Natural and Permeable Areas, for lots with an average slope of ten (10) percent or greater. (Ord. 1030 § 2(12), 2018; Ord. 953 § 1(34), 2007; Ord. 295 § 94, 1962)

18.32.060**Yards Required for Main Structure.**

Yard requirements for the main structure in the R-3 District are as follows:

- A. *Front Yard.* Minimum depth is fifteen (15) feet.
- B. *Side Yard.*
 - 1. For one-family and two-family dwellings, the street side yard on a corner lot shall be not less than ten (10) feet. Other side yards shall each have a minimum width of six (6) feet.
 - 2. Each side yard for multiple dwellings shall have a minimum width of eight (8) feet. The street side yard of a corner lot shall be twelve (12) feet.
- C. *Rear Yard.* Minimum depth of a rear yard is fifteen (15) feet. (Ord. 1030 § 2(12), 2018; Ord. 295 § 95, 1962)

18.32.070**Location of Accessory Structures.**

Accessory structures may be built within yards as follows:

- A. *Front Yard.* On other than the street side of a corner lot; in steep terrain, either a one-story carport or one-story residential garage (neither a part of the main building) not closer than three (3) feet to either the front lot line or the side lot line, with design review approval by the Zoning Administrator pursuant to Larkspur Municipal Code Section 18.64.020.
- B. *Side Yards.* Not closer than ten (10) feet to the street side lot line of a corner lot. On other than street side of corner lots, not closer than six (6) feet to the side lot line.
- C. *Rear Yards.* No nearer than three (3) feet to any rear lot line. (Ord. 1030 § 2(12), 2018; Ord. 953 § 1(35), 2007; Ord. 929 § 22, 2004; Ord. 295 § 96, 1962)

18.32.080**Floor Area Required.**

- A. Each one-family dwelling shall have a minimum floor area of eight hundred fifty (850) square feet.
- B. Each two-family dwelling shall have a minimum floor area of seven hundred (700) square feet in each unit.
- C. Each dwelling unit in a multifamily building shall have a minimum floor area of seven hundred (700) square feet. (Ord. 1030 § 2(12), 2018; Ord. 388 § 1, 1969; Ord. 295 § 97, 1962)