



TOWN BOARD AND PLANNING COMMISSION JOINT WORK SESSION

November 6, 2023 - 5:30 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Town Board meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

WORK SESSION AGENDA ITEMS

1. Proposed Land Use Code Update Overview - Chapters 14, 15 and 16 of the Windsor Municipal Code - C. Malone, Chief Planner
2. Land Use Map Population Discussion - S. Ballstadt, Planning Director
3. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: November 6, 2023
To: Mayor and Town Board
Planning Commission
From: Carlin Malone, Chief Planner
Re: Work Session – Updates to the Town Land Use Codes, Chapters 14, 15, and 16

Background / Discussion

Chapters 14 through 17 of the Town's Municipal Code, which collectively make up the Town's Land Use Code, were updated in February 2021. Implementation of the code in the time since adoption has revealed some areas that were inadvertently omitted and other areas in need of minor revision. The following updates for Chapters 14-16 consist primarily of necessary corrections or clarifications, with some proposed amendments where action is needed to resolve ongoing issues with the current code.

This memorandum summarizes the proposed changes and reasons behind those changes. The draft code sections are attached for review. Below is an overview of the sections proposed for amendments:

Section 1	§14-2-40. – Master Plan. Reinstating criteria.
Sections 2-4	§15-5-10. – Vehicular access requirements. Pavement setbacks for commercial and industrial lots.
Section 5	§15-17-130 and §15-17-131. – Temporary signage and Real estate signage. Conflicting requirements; clarifications.
Section 6-7	§16-1-20. – Application of individual lot regulations. Clarifications.
	Chapter 16 Pertaining to Zone Districts
Section 8	§16-1-80. – Residential Mixed Use-Two (RMU-2) district. Forty (40)-acre requirement allowances.
Section 9	§16-1-100. – Neighborhood Commercial (NC) district. Residential use clarification.
Section 10	§16-1-110. – Central Business (CB) district. Residential use clarification.
Sections 11-12	§16-1-120. – General Commercial (GC) district. Residential use clarification; Carwash as a conditional use and adding review criteria.

The above sections and their entirety, illustrating proposed deleted and added language, have been attached. A summary of the changes, along with explanation of the amendments, are included in the memorandum.

Once the Planning Commission and Town Board have had an opportunity to review the proposed amendments and discuss, staff will seek direction regarding the preparation of the land use code amendment ordinance. Public hearing dates will then be scheduled, and notification completed in accordance with the Town's Municipal Code.

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Section 1

§14-2-40. – Master Plans.

No change had been proposed to the seven (7) master plan land use application criteria from the previous land use code; however, the last criterion (7 of 7) was inadvertently omitted from this section with the 2021 update. The criterion is reinstated in the proposed code amendment.

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Section 2

§15-5-10. – Vehicle access requirements.

A purpose statement was added:

(a) Purpose. The vehicular access requirements are intended to provide safe connectivity for the community, with the intent of providing direct access for pedestrians from right-of-way to building entrances. Furthermore, it is the intent to enhance the streetscape and promote an aesthetically pleasing and safe walkable environment for the benefit of the community.

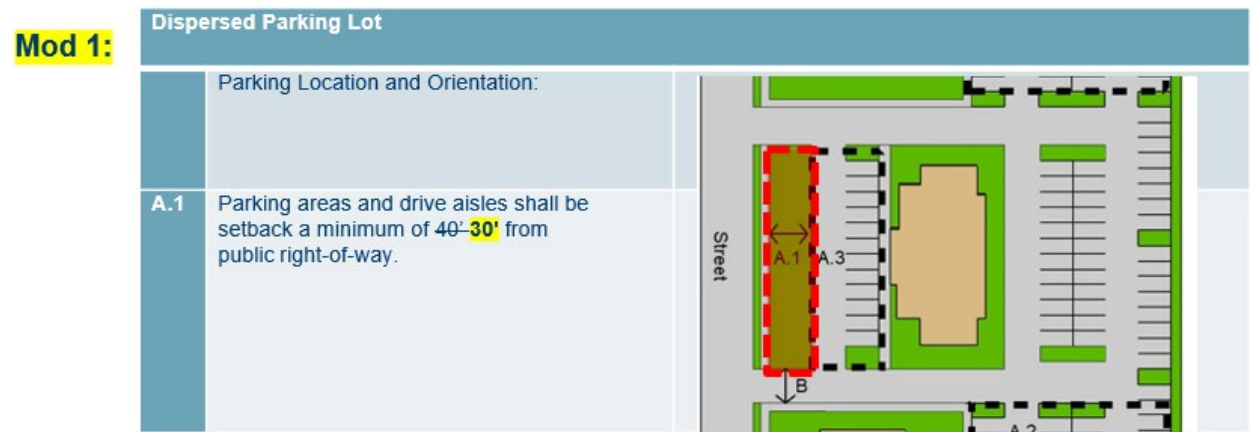
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Section 3

§15-5-10. – Vehicle access requirements.

Prior to code update of 2021, a *35-foot pavement setback* was required for commercial and industrial lots that abutted state highways, and *30' from all other property lines*.

A change to a 40-foot pavement setback was established in 2021 for all parking lots adjacent to public right-of-way. This has been problematic from a practical standpoint, especially as it relates to existing conditions and with uniquely shaped lots, leading to variance requests to reduce the 40-foot pavement setback. The following two (2) modifications are proposed to resolve the matter.



Section 4

§15-5-10. – Vehicle access requirements.

Modification 2:

(d) Contextual Parking Area and Drive Aisle Setbacks. In commercial and industrial zoning districts, the applicant has the option to use existing parking area and/or drive aisle contextual setbacks when all the following conditions exist:

- (1) The location is adjacent to existing commercial and/or industrial development with legal non-conforming parking areas and/or drive aisle setbacks.
- (2) More than fifty percent (50%) of the lots on the same block, on the same side of the street, are developed with the average setback on the same block.
- (3) Commercial/industrial lots shall be the only lots included in the average setback calculation.
- (4) The proposed parking area and/or drive aisle is not located within Commercial Corridors.
- (5) Vacant lots shall be considered as having the minimum required setback by the zoning district for purposes of calculating the mean average.

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Section 5

§15-17-130. – Temporary Signage, and §15-17-131. – Real Estate Signage.

These two sections, concerning temporary real estate signage for commercial and industrial buildings, have different sign area and height requirements for the exact same sign type. Additionally, the two sections include repetitive language. The requirements have been consolidated and corrected. Additionally, modified language clarifies the temporary real estate sign allowance of 64 square feet *per side of sign* and ten (10) in height. “Per side of sign” language is proposed in other areas of this section to clarify the sign area allowed.

§15-17-130, (6) and (7), which contain the same requirements, have been stricken and combined with the requirements contained in §15-17-131. As such, the heading for this section has been modified and amendments are as follows:

Sec. 15-17-131. **Temporary Real estate and construction signage.**

Real estate signs that advertise the sale or lease of the commercial or industrial property upon which the sign is located. Subject to all temporary sign requirements regarding required sign materials, mountain and location in this Section, such real estate signs shall adhere to the following requirements:

~~Real estate signage is for the advertisement of the sale or lease of a property upon which the sign is located. Such real estate signage does not require a permit but must adhere to the regulations set forth in this Chapter.~~

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Section 6

§16-1-20. – Application of individual lot regulations.

The purpose of the proposed modifications is to add clarification for those reading and trying to understand the code, as well as clarity for the decision maker.

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Table 16-1-20(a) Setback Exceptions. Conflict with building code, the conflict highlighted below.

Stairs, at grade	May encroach into any required setback up to six feet.
Stairs, above or below grade	May encroach into any required setback up to six feet provided they are not located closer than three five feet from the property line.
Structural projections such as cantilevered bay windows,	May encroach into side setbacks up to 2'. May encroach into front or rear setbacks up to 3'

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Section 7

§16-1-20. – Application of individual lot regulations.

- (b) Contextual Setbacks. **The decision maker may approve contextual setbacks pursuant to the following.** In **single family** residential zoning districts, the applicant

has the option to ~~use~~ **propose a building setback equal to** the average of existing front setbacks of buildings located on the same ~~and facing block~~ **on the same side of the street** as a proposed development pursuant to the following:

- (1) Contextual setbacks can only be applied where ~~more than~~ fifty percent (50%) **or more** of the lots on the same block ~~face~~, on the same side of the street, are developed with **single family residential dwellings**.
- (2) ~~Lots with similar uses as the use proposed building~~ **Single family residential dwellings** shall be the only lots ~~in~~ included in the average setback calculation.
- (3) Vacant lots shall be considered as having the minimum front setback as required by the zoning district for purposes of calculating the mean average.

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Section 8

§16-1-80. – Residential Mixed Use-Two (RMU-2) district.

The additional language will add flexibility to acreage requirement, so long as intent of district is met. This language matches the PUD acreage requirement language recently updated.

- (d) Minimum Size. No lot or group of lots less than forty (40) acres in size shall be eligible for RMU-2 zoning. **The Community Development Director or his designee shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the criteria outlined in the purpose statement in subsection (a) above.**

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Section 9

§16-1-100. – Neighborhood Commercial (NC) district.

The permitted accessory uses section will be modified to eliminate storage of vehicles in this district, as this use does not align with the intent of the neighborhood commercial district and furthermore, the lack of clarity in the language is problematic. Item (e) below clarifies the intent of including garages for businesses in this district.

Language pertaining to residential uses in this district lacks clarity and causes customer confusion and challenges interpreting the intent behind the language that exists today. The proposed language clarifies the intent of this zone district.

(2) Permitted accessory uses.

~~a. Garages for storage of vehicles used in conjunction with the operation of a business.~~

ba. Off-street parking and loading areas.

eb. Signs, subject to the provisions of this Code.

dc. Residential quarters **on upper floors of commercial buildings** for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business.

d. Commercial buildings with commercial uses on the main floor and residential uses on the upper floors.

e. Any other structure, **including garages for storage of vehicles in conjunction with the operation of a business**, or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

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Section 10

§16-1-110. – Central business (CB) district.

This district is located primarily along SH 392/Main Street commercial corridor, adjacent and surrounding properties along this key corridor. This district is intended for commercial as the primary use and encouraging the transition of remaining single-family residential uses to commercial. The language in this section should be clear that existing single-family residential uses, much of which are in some of the oldest homes in the core area, can remain; however, adding new single-family residential in the commercial core is inconsistent with the intent and purpose of this district.

The only modification to the principal uses permitted by right list is as follows:

- o. **Existing single family** ~~One-family residential dwellings subject to the regulations of the SF-1 zone district.~~

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Section 11

§16-1-120. – General Commercial (GC) district.

The residential use language within the commercial districts continue to cause customer confusion. Therefore, clarification of the permitted accessory uses pertaining to residential uses in this district is proposed, aligning with intent of GC district. The residential uses allowed in the CB district have also been clarified within the proposed updates presented (Section 9).

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(2) Permitted accessory uses:

- a. Any accessory use permitted in the Central Business CB District, **excluding any residential use.**

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Section 12

§16-1-120. – General Commercial (GC) district.

Proposed is language that would assist staff in evaluating the impacts, and proposed mitigation of those impacts, associated with proposed carwashes. Currently, there are no use-specific criteria regarding the appropriate location for such proposals. Staff recommends that carwashes are shifted to a conditional use permit (CUP) application from permitted use. The CUP application will allow for adequate review of impacts, mitigation techniques proposed, and a Town Board approval.

There are several concerns regarding carwashes as a permitted use in the GC district, related to appropriate location, as well as the high-water use. Citizens and business owners (during Comprehensive Plan sessions) have brought up the perceived oversaturation of the use along the Town's key commercial corridors. A recently approved carwash facility eliminated an existing restaurant building along Main Street, while also locating its facilities adjacent to a residential neighborhood, as well as locating vacuums along a property line shared with a hotel

use. Additionally, the high-water use should be adequately evaluated, especially if the proposal is relying on Town supply.

The following criteria are proposed (in **bold**):

- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant permit as provided in Section 14-2-130:
- a. Outdoor theater.
 - b. Non-accessory signs.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Code.
 - e. **Carwash facilities, whether a principal use or an accessory use, shall meet minimum use-specific criteria for consideration of a conditional use permit. Carwash facilities approved prior to enactment of the conditional use permit approval requirement shall remain lawful. Any expansion of an existing carwash shall be subject to a conditional use permit and use-specific criteria.**
 - 1. Site shall be outside of Commercial Corridors, Section 15-6-10, identified, defined.**
 - 2. Site shall not abut residential, commercial lodging, assisted living and care facility uses, or properties zoned for residential uses.**
 - 3. Site shall be located a minimum of one-half mile radius from an existing carwash facility.**
 - 4. Adequate water supply. Applicant shall supply accurate water supply data to the Town for adequate water supply evaluation, adhere to all Town raw water dedication requirements, water efficiency policies and standards, as amended.**

Sec. 14-2-40. Master Plans.

- (a) Applicability. A Master Plan shall be required in the following situations:
- (1) Concurrently with an Annexation Application if the Town determines the Master Plan is necessary to evaluate potential impacts of a proposed Annexation.
 - (2) Prior to or concurrent with the subdivision of any parcel of land unless the Director determines it unnecessary due to existing infrastructure already being in place.
 - (3) Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.
 - (4) Any area where the Director determines that the coordination of future roads, utilities, parks, or other public investments requires more specific plans than currently available.
 - (5) Any area where the Director determines that the scale of future development, presence of multiple owners with anticipated development plans, or impact on adjacent properties from potential development requires further planning and coordination.
- (b) Review Criteria. A Master Plan shall be reviewed according to the following criteria:
- (1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.
 - (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
 - (3) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
 - (4) Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision street standards in Chapter 17, Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.
 - (5) Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.
 - (6) The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.
 - (7) Review of the proposal shall include the following:**
 - (a) Traffic study, if warranted.**
 - (b) Soils description and limitation.**
 - (c) Preliminary utility plan.**
 - (d) Preliminary drainage plan.**
 - (e) Affidavit concerning amount and historical use of all water rights owned within the last three (3) years.**
 - (f) Statement of community need for proposed annexation and/or zoning.**
 - (g) Statement from school district regarding the impact of the proposal.**

(h) Other information necessary to demonstrate criteria have been met, which may include, but is not limited to: a floodplain study, environmental study, etc.

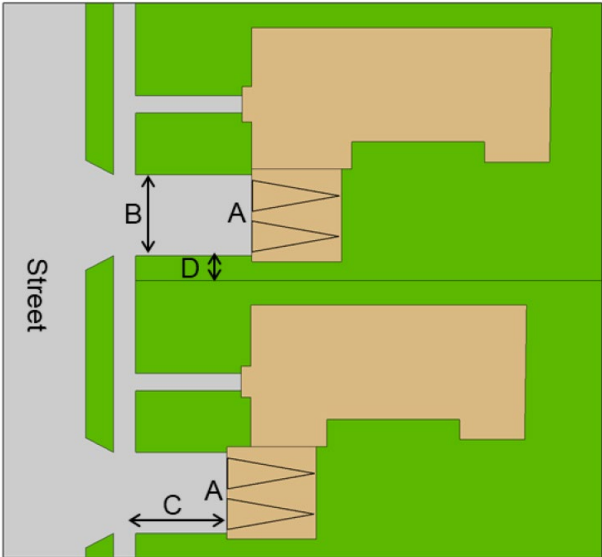
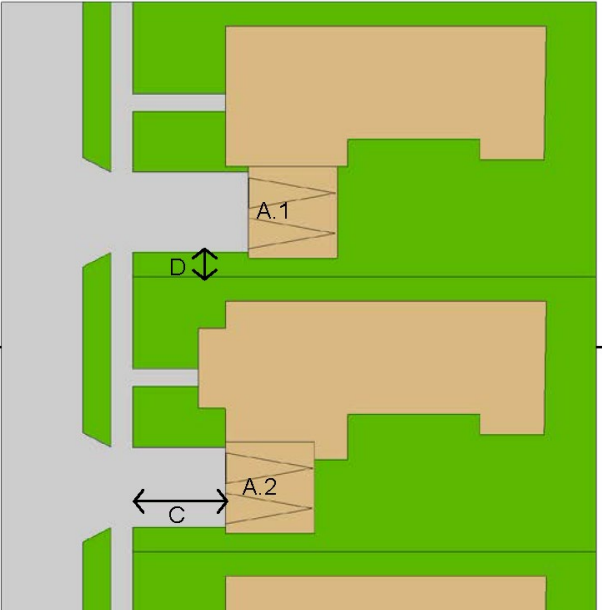
- (c) Effect of Decision. All future development shall be reviewed for conformance with the Master Plan. Approval of the Master Plan does not establish any vested development rights or any other approvals required prior to development.
- (d) Recording. Once approved and all conditions are satisfied, the approved Master Plan shall be recorded by the Town, in the office of the applicable county clerk and recorder.

(Ord. 2020-1620 §1)

Sec. 15-5-10. Vehicular access requirements.

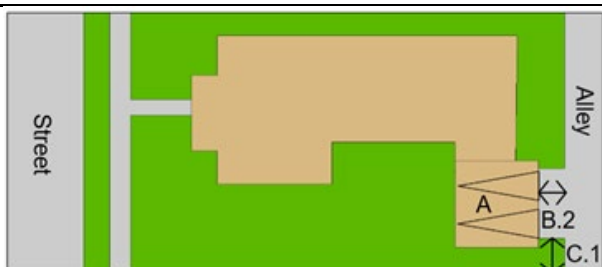
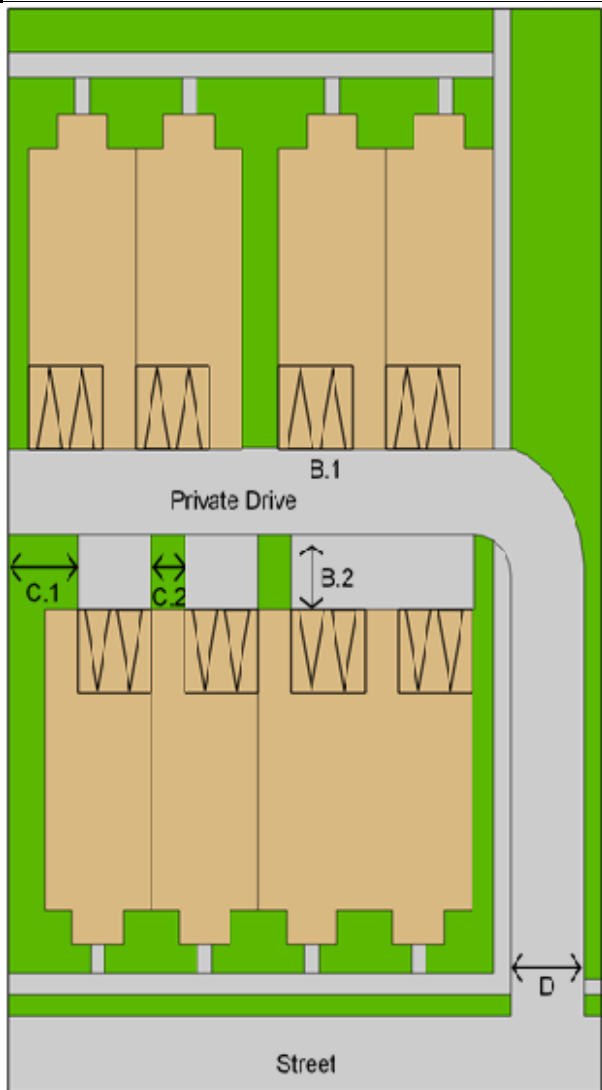
(a) Purpose. The vehicular access requirements are intended to provide safe connectivity for the community, with the intent of providing direct access for pedestrians from right-of-way to building entrances. Furthermore, it is the intent to enhance the streetscape and promote an aesthetically pleasing and safe walkable environment for the benefit of the community.

(a)(b) Vehicular Access types required for specified zones and building types in this Code shall be provided in accordance with Table 15-5-10(a**b**), which are supplemental to the Design Criteria and Construction Specifications and Fire District standards.

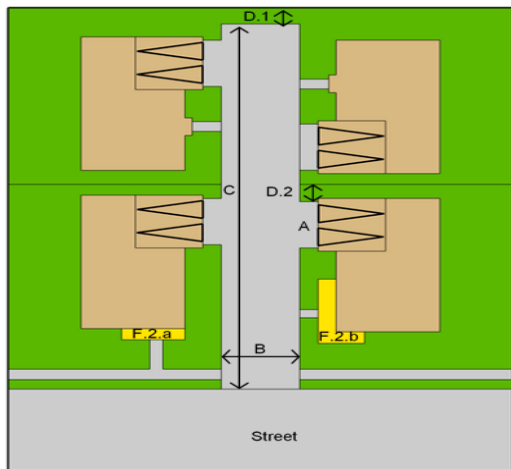
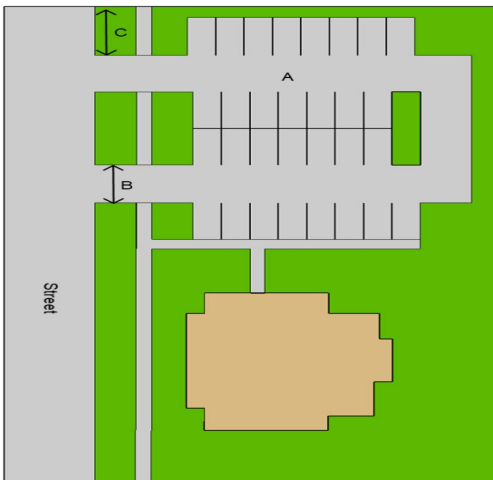
Table-15-5-10(ab): Vehicle Access Standards		
Standard Access		
	Parking Location and Orientation:	
A	Garage faces and is accessed from adjacent street.	
B	Maximum driveway width (within front setback): 50% of lot frontage except for lots on cul-de-sacs.	
C	Driveway Length: 20' minimum between garage and sidewalk.	
D	Vehicle Use Area Setback 5' minimum setback between driveway and side property line within the front setback of the lot. Lots fronting cul-de-sacs are exempt from this requirement.	
Limited Access, as per zone district		
	Parking Location and Orientation:	
A.1	Garages shall either be: Setback at least 5' from the front of the house;	
A.2	Setback at least 5' from the front of a front porch. The front porch shall have no dimension less than 5' and total square footage of at least 50 square feet;	
A.3	Generally perpendicular to the street.	
B	Maximum driveway width (within front setback): 18'	
C	Driveway Length: 20' minimum between garage and sidewalk.	
D	Vehicle Use Area Setback: 5' minimum setback between driveway and side property line within the front setback of the lot.	

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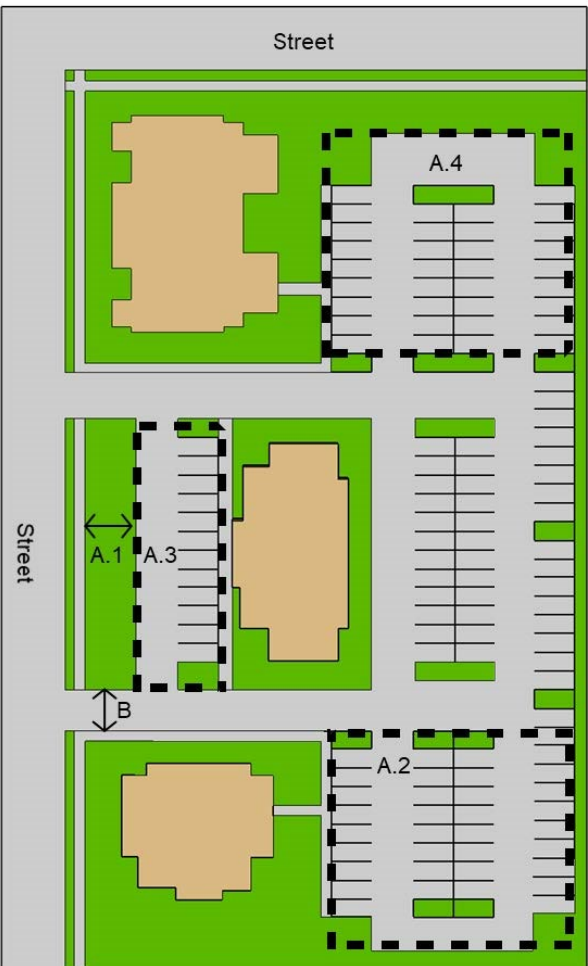
(Supp. No. 20, Update 4)

Rear Access		
	Parking Location and Orientation:	
A	Garage facing and accessed from adjacent rear alley or private drive.	
	Driveway Length:	
B.1	0' permitted for dwellings accessed from a private drive with a minimum width of 24' (additional width for Fire District access may be required).	
B.2	In all other instances, driveways shall either be between 5' and 8' in length or a minimum of 20' in length.	
	Vehicle Use Area Setback	
C.1	5' minimum setback between driveway and side property line abutting perimeter of overall development.	
C.2	0' minimum between driveways for attached units/buildings.	
D	Maximum private drive width (within front setback): 28' (additional width may be allowed to accommodate turn lanes or emergency apparatus)	
E	Other Requirements	
	1. All dwelling units shall front onto either a street or common green space.	
	2. Rear Access shall only be used when adjacent to on-street parking or when visitor parking is otherwise provided.	
	3. Sidewalks are not required along Rear Access private drives but sidewalks are required to all units.	
Auto Court		
	Parking Location and Orientation:	

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A	Garages and/or surface parking are accessed from private Auto Court and oriented to minimize their visibility from the street.	
B	Auto Court Width: 20' min (additional width may be required by Fire District) 28' maximum within front setback	
C	Auto Court Length 150' Maximum	
	Vehicle Use Area Setback	
D.1	5' from adjacent properties not accessed from same Auto Court	
D.2	No setback required between other properties accessed from same Auto Court	
F	Other Requirements 1. Dwelling units adjacent to the street shall have either: a. A Front Entry Feature facing the street; b. A Front Entry Feature facing the Auto Court or common green space/Green Court (need definition) which wraps around the street-side for a length of at least 8'; or c. A Front Entry Feature facing the Auto Court or Green Court and at least two first floor windows facing the street 2. Snow storage area shall be provided and designated on plat 3. Auto Court shall be maintained by owner's association or metropolitan district. 4. Auto Court shall be located in a tract held in common and shall not be counted toward minimum lot size. 5. Side setback shall apply to lot line(s) abutting Auto Court. 6. Rear lot line may be designated as the lot line opposite the Auto Court rather than opposite the front entry. 7. Auto Court shall only be used when adjacent to on-street parking or when visitor parking is otherwise provided 8. Sidewalks are not required along Auto Court 9. Parking shall not be allowed on Auto Courts unless additional width is provided and approval granted by Town and Fire District	
General Parking Lot		
A	Parking Location and Orientation: Shall include buffering from street by landscaping and/or fencing in accordance with the landscape requirements of this Code.	
B	Maximum Drive Width (within front setback): 28' generally 36' allowed for high volume driveways	
C	Minimum driveway side setback (within front setback): 5' minimum setback between driveway and side property line	

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Dispersed Parking Lot		
	Parking Location and Orientation:	
A.1	Parking areas and drive aisles shall be setback a minimum of 40-30' from public right-of-way.	
A.2	To the greatest extent practicable, parking shall be located behind the principal building(s) or, in the case of multifamily uses, behind garages designed in accordance with this Code.	
A.3	In situations where it is not practicable to locate all parking behind the principal building(s), parking may be allowed to the side or front of the principal building subject to the following: 1. No more than a single row of parking may be located between the principal building and right-of-way; and 2. A wall averaging 36" in height which compliments the building architecture and meeting sight distance requirements is provided for at least 50% of the length of the parking lot between the lot and the right-of-way.	
A.4	In areas where the wall is not used, higher density landscaping shall be provided. As an alternative to providing a wall, a Type C Bufferyard may be provided. On lots with multiple street frontages, the principal building(s) shall be oriented towards street intersections, when feasible, and between the street frontage and the parking area on at least one street frontage. Parking is permissible on all other street frontages, subject to requirements of section A.3 above.	
B	Maximum Private Drive Width (within front setback): 28' generally 36' allowed for high volume driveways	
C	Vehicle Use Area Setback In addition to requirements A.1 - A.4, a 5' minimum setback from adjacent property is required, unless cross	

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	access is provided.	
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~~(b)~~(c) The Vehicular Access type General Parking is not permitted within Commercial Corridors.

(d) Contextual Parking Area and Drive Aisle Setbacks. In commercial and industrial zoning districts, the applicant has the option to use existing parking area and/or drive aisle contextual setbacks when all the following conditions exist:

(1) The location is adjacent to existing commercial and/or industrial development with legal non-conforming parking areas and/or drive aisle setbacks.

(2) More than fifty percent (50%) of the lots on the same block, on the same side of the street, are developed with the average setback on the same block.

(3) Commercial/industrial lots shall be the only lots included in the average setback calculation.

(4) The proposed parking area and/or drive aisle is not located within Commercial Corridors.

(5) Vacant lots shall be considered as having the minimum required setback by the zoning district for purposes of calculating the mean average.

~~(e)~~(e) Alternative Compliance. Upon request by the applicant, the decision maker may approve an alternative access type not shown in Table 15-5-10(**ba**). When alternative compliance is approved, lot standards shall be based on the most applicable access type as determined by the decision maker. Driveway width is not eligible for alternative compliance. The following review criteria shall be used by the decision maker to evaluate alternative compliance requests:

(1) The proposed access minimizes conflicts between vehicles, bicycles, and pedestrians and does not inhibit safe and convenient pedestrian and bicycle access and provides connections equally well or better than would a proposal which complies with the standards for which alternative compliance is requested.

(2) The proposed access minimizes the visibility of pavement, parking areas, and garages equally well or better than would a proposal which complies with the standard for which alternative compliance is requested.

(3) The proposed access promotes health, safety, and welfare equally well or better than would a proposal which complies with the standard for which alternative compliance is requested.

(Ord. 2020-1620 §2; Ord. 2022-1663 §7)

Sec. 15-17-130. Temporary signs.

Temporary signs shall include banners, H-frame real estate-type signs that advertise special events and any other signs that are not of a permanent nature, not including those signs advertising the sale or lease of the property. The use of temporary signs shall be limited to the promotion of special events associated with particular periods or points in time, including but not limited to meetings, sales, exhibitions and vacancy announcements. Such temporary signs shall require permit approval to be obtained from the Planning Department. Temporary signs shall be subject to the following minimum requirements:

- (1) Sixty-day limit. Except as provided in Subsection (5)c. below, with respect to signs for daily specials, no temporary sign shall be erected or displayed for longer than sixty (60) days per calendar year. Such sixty (60) days may be utilized consecutively or on intermittent dates as specified in the approved sign permit. The applicant shall remove any temporary signs on or before the expiration date specified in the approved permit.
- (2) Temporary signs shall be directly related to the use of the lot on which the sign is located.
- (3) Signs constructed of nondurable materials such as cardboard, paper or the like are prohibited. Furthermore, all signs shall be maintained so as not to deteriorate in wind and bad weather conditions.
- (4) Temporary signs shall not be mounted to trees or other landscaping, regulatory traffic signage, utility or light poles, fences or other similar structures and shall not be located within road rights-of-way or easements.
- (5) Except as provided in Section 15-17-135 of this Article, each freestanding business shall be limited to the following types of temporary signs per business:
 - a. Temporary banner-type signs.
 1. No more than two (2) banner-type signs mounted flush to either a building wall or the building facade. In the case of a banner being mounted flush to a building facade, no portion of any such banner shall extend beyond the leading edge of the building facade.
 2. Banner-type signs shall not be mounted between building columns, latticework or other architectural features of the building.
 3. Banner-type signs shall be limited to a maximum of forty-five (45) square feet and shall not exceed three (3) feet tall by fifteen (15) feet wide. If the building elevation on which the sign is mounted is less than fifteen (15) feet wide, the sign shall not exceed the width of such elevation.
 4. Banner-type signs shall be made of high-quality material.
 5. Freestanding banner signs tied between stakes, trees, regulatory traffic signage, utility or light poles or other structures in landscape areas or elsewhere on the property are prohibited.
 - b. Temporary freestanding H-frame real estate-type signs that advertise special events, not including those signs advertising the sale or lease of the property.
 1. Freestanding real estate-type signs shall be limited to a maximum of six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.
 2. Freestanding real estate-type signs shall be constructed of high-quality materials.
 - c. Temporary signs for daily specials.

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1. Signs for daily specials, such as menu boards, sandwich boards or A-frame-type signs, shall be allowed for the purpose of advertising nonrecurring daily specials.
 2. Signs for daily specials shall not be limited to any fixed number of days per calendar year, nor shall signs for daily specials require a temporary sign permit. However, such signs for daily specials shall be removed from display each day at the close of business.
 3. Signs for daily specials shall be limited to a maximum of six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.
 4. Signs for daily specials shall be limited to an area within fifteen (15) feet of the entrance to the subject business and shall not impede pedestrian sidewalk circulation. Such signs are prohibited from being located within landscape buffer areas.
- d. Teardrop signs.
1. Teardrop signs may be displayed in commercial zoning districts by the following types of businesses:
 - i. Individual, freestanding businesses.
 - ii. The principal anchor tenant(s) of a shopping center, as depicted on the site plan for any such shopping center development.
 - iii. A tenant located within a multiple-tenant building who occupies more than fifty percent (50%) of the total square footage of the entire building.
 2. Any business meeting the criteria set forth in Subsections d.1.a), b) and c) above shall be entitled to display the following number of teardrop signs during the sixty-day advertising period for temporary signs described in Subsection (1) above:
 - i. Major and large-scale tenants exceeding seventy-five thousand (75,000) square feet in area and which are located along arterial or collector streets: five (5).
 - ii. Major and large-scale tenants exceeding fifty thousand (50,000) square feet in area but less than seventy-five thousand (75,000) square feet in area and which are located along arterial or collector streets: four (4).
 - iii. Major tenants exceeding five thousand (5,000) square feet in area but less than fifty thousand (50,000) square feet in area and which are located along arterial or collector streets: three (3).
 - iv. Minor tenants which are located along arterial, collector or local streets: two (2).
- e. Inflatable devices.
1. Small inflatable devices. A small inflatable device is an inflatable device not greater than two (2) feet in diameter. Businesses shall be allowed to display small inflatable devices subject to the following criteria:
 - i. Such devices are limited only to the property upon which the displaying business is located.
 - ii. Such devices are securely attached to the principal building on the property.
 - iii. Such devices are not tethered any farther than twenty (20) feet from the building upon which the devices are being displayed.

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- iv. Any small inflatable device attached to vehicles for sale at locations zoned for automobile dealerships shall be tethered to vehicles no higher than two (2) feet above the roof lines of vehicles.
 - 2. Large inflatable devices. A large inflatable device is an inflatable device which exceeds two (2) feet in diameter. Businesses shall be allowed to display large inflatable devices, subject to the following criteria: One (1) large inflatable device shall be permitted for any single business for a period of seven (7) days within any six-month period of time, so long as:
 - i. Any such display is limited only to the property upon which the business is located;
 - ii. Any such display is securely attached only to a building associated with the respective business;
 - iii. The business meets all federal, state, local and International Fire Code rules and regulations pertaining to the use and display of all such devices; and
 - iv. The business has obtained a temporary sign permit.
 - 3. No inflatable devices described in Subsections 1. and 2. above, nor any rigging for such devices, shall be placed across any street, sidewalk, alley or avenue or on any utility pole, traffic device or in a public or private right-of-way.
 - f. Multiple tenants on a single property.
 - 1. Except as otherwise permitted in this Chapter, each tenant or business located within a building containing multiple tenants on a single property shall be allowed to display one (1) of the following types of temporary signs in accordance with the advertising periods set forth in this Chapter for the respective type of temporary signs: a banner-type sign; a freestanding H-frame real-estate type sign; or a temporary sign for daily specials.
 - 2. All such temporary signs shall be made of high-quality materials and shall meet all size, location and display criteria set forth in this Chapter for each respective type of temporary sign.
 - ~~(6) — Real estate signs that advertise the sale or lease of the commercial or industrial property upon which the sign is located. Subject to all the temporary sign requirements regarding required sign materials, mounting and location contained in this Section, such real estate signs shall adhere to the following requirements:~~
 - ~~a. — Notwithstanding any other requirements of this Section, no sign pertaining to the sale or lease of any commercial or industrial property or building shall exceed sixty-four (64) square feet in sign area per side of sign and ten (10) feet in height. See Section 15-17-131.~~
 - ~~b. — Downtown subarea requirements. Each property or building shall be allowed one (1) of the following options:~~
 - ~~1. — One (1) building-mounted sign per building elevation, not to exceed twelve (12) square feet in sign area per side of sign.~~
 - ~~2. — One (1) freestanding sign per street frontage, not to exceed twelve (12) square feet in sign area per side of sign and a maximum of six (6) feet in height, provided that no such sign shall be located on any sidewalk or other pedestrian way.~~
 - ~~(7) — Temporary signs advertising a construction company utilized during construction of a new business shall be exempt from Subsections (1) and (5) above of the temporary sign requirements. Such signs shall be limited to a maximum of thirty-two (32) square feet (four [4] feet high by eight [8] feet wide)~~
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and shall include a lattice or similar base material to give the appearance of a monument base. Such signs shall be limited to one (1) sign per street frontage, not to exceed two (2) such signs, for the general contractor, including all subcontractors. Such signs shall be removed immediately upon the receipt of any certificate of occupancy for the new business.

~~(8)~~(6) Temporary signs advertising a new business “coming soon” utilized during construction of the new business shall be exempt from Subsections (1) and (5) above of the temporary sign requirements. Such signs shall be limited to a maximum of thirty-two (32) square feet (four [4] feet high by eight [8] feet wide) and shall include a lattice or similar base material to give the appearance of a monument base. Such signs shall be limited to one (1) sign per street frontage, not to exceed two (2) such signs, for the new business, including all tenants. Such signs shall be removed immediately upon the receipt of any certificate of occupancy for the new business.

~~(9)~~(7) Temporary signs exempt from this Section. The provisions of this Subsection (g) shall not apply to the following signs, provided that such signs conform to all other sign regulations contained in this Section:

- a. Traffic control and informational signs erected by national, state, county or municipal government agencies, specifically including school districts and fire protection districts.
- b. Community event signs as authorized by the Town.
- c. Window signs and other signs erected within the interior of the business.
- d. Open house signs, subject to the requirements of Subsection (10) below.

~~(10)~~(8) Open house signs shall be allowed to be located off-premises subject to the following minimum requirements:

- a. Open house signs shall be limited to a maximum of six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.
- b. Open house signs shall not be erected any sooner than the day before the event and shall be completely removed no later than two (2) hours after the end of the open house. For the purposes of this Section, open houses shall be considered a temporary event, for example during a weekend, rather than taking place for an extended, continuous period of time.
- c. Open house signs shall be either freestanding A-frame type signs or mounted in a freestanding manner on either a single stake or on two (2) stakes, with the top of such sign not exceeding four (4) feet in height and placed so as not to obstruct traffic or create an impediment to visibility at street intersections. Such signs shall not be mounted to trees or other landscaping, regulatory traffic signage, utility or light poles or other similar structures.

Sec. 15-17-131. **Temporary Real estate and construction signage.**

Real estate signs that advertise the sale or lease of the commercial or industrial property upon which the sign is located. Subject to all the temporary sign requirements regarding required sign materials, mounting and location contained in this Section, such real estate signs shall adhere to the following requirements: Real estate signage is for the advertisement of the sale or lease of a property upon which the sign is located. Such real estate signage does not require a permit but must adhere to the regulations set forth in this Chapter.

(1) Commercial and industrial real estate signage.

- a. Commercial and industrial real estate signage is for the advertisement of the sale or lease of a commercial or industrial property upon which the sign is located. Commercial and industrial real estate signage is subject to all the temporary sign requirements regarding sign materials,

mounting and location contained in Section 15-17-130 above and shall in addition adhere to the following requirements:

1. Notwithstanding any other requirements of this Section, no sign pertaining to the sale or lease of any commercial or industrial property or building shall exceed sixty-four (64) square feet in sign area **per side of sign** and ten (10) feet in height.
 2. Temporary signs advertising a construction company or a new business "coming soon" utilized during construction of a new business shall be exempt from Subsections 15-17-130(1) and (5). Such signs shall be limited to a maximum of sixty-four (64) square feet in sign area **per side of sign** and a maximum of ten (10) feet in height. Such signs shall be mounted on durable posts that are secured in the ground. Such signs shall be limited to one (1) sign per street frontage, not to exceed two (2) such signs, for the general contractor, including all subcontractors. Such signs shall be removed immediately upon the receipt of any certificate of occupancy for the new business.
- b. Downtown subarea requirements. Each property or building shall be allowed one (1) of the following options:
1. One (1) building-mounted sign per building elevation, not to exceed twelve (12) square feet in sign area **per side of sign**.
 2. One (1) freestanding sign per street frontage, not to exceed twelve (12) square feet in sign area **per side of sign** and a maximum of six (6) feet in height, provided that no such sign shall be located on any sidewalk or other pedestrian way.
- (2) Residential real estate signage.
- a. Signs pertaining to the lease or sale of the property on which they are located or any building thereon shall be permitted, provided that such signs do not exceed six (6) square feet in area per side, and further provided that no more than two (2) such signs are located on any single lot or parcel.
 - b. Open house signs shall be allowed to be located off-premises subject to the following minimum requirements:
 1. Open house signs shall be limited to a maximum of six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.
 2. Open house signs shall not be erected any sooner than the day before the event and shall be completely removed no later than two (2) hours after the end of the open house. For the purposes of this Section, open houses shall be considered a temporary event, for example during a weekend, rather than taking place for an extended, continuous period of time.
 3. Open house signs shall be either freestanding A-frame type signs or mounted in a freestanding manner on either a single stake or on two (2) stakes, with the top of such sign not exceeding four (4) feet in height and placed so as not to obstruct traffic or create an impediment to visibility at street intersections. Such signs shall not be mounted to trees or other landscaping, regulatory traffic signage, utility or light poles or other similar structures.
- (3) Subdivision-wide real estate promotional signage.
- a. Subdivision-wide real estate promotional signage is for the advertisement of a subdivision under construction. Subdivision-wide real estate promotional signage is subject to all the temporary

sign requirements regarding sign materials, mounting and location contained in Section 15-17-130 above and shall adhere to the following requirements:

1. Notwithstanding any other requirements of this Section, no sign pertaining to subdivision-wide real estate promotional signage shall exceed sixty-four (64) square feet in sign area and a maximum of ten (10) feet in height and shall be mounted on durable posts that are secured in the ground. Such signs shall be limited to one (1) sign per street frontage. Such signs shall be removed immediately at the time the last available home is sold.
2. Subdivision-wide real estate promotional signage shall be allowed to locate only on land within the boundaries of said subdivision.
3. A maximum of one (1) teardrop sign per every five (5) acres, not to exceed six (6) teardrop signs per residential subdivision.

Sec. 16-1-20. Application of individual lot regulations.

- (a) Setbacks. No building or structure shall hereafter be erected, structurally altered or relocated so that any portion thereof is closer to the setback line than the minimum setback distance specified herein by the regulations of the district in which it is located except for the following:
- (1) Signs shall be subject to the setback requirements set forth in the sign regulations section of the Windsor Municipal Code, and not the individual zone district setbacks.
 - (2) Multifamily, commercial or industrial use structures, where two (2) or more buildings on adjoining lots may be erected with common or directly adjoining walls, provided that the requirements of building codes relative to such construction are complied with and provided that, at both ends of such row-type buildings, the applicable side and rear setback requirements shall be complied with.
 - (3) The features listed in Table 16-1-20(a) may encroach into the required setbacks of the applicable zoning district, provided they do not extend into or over an easement, do not impede stormwater drainage, and comply with applicable building and fire codes.

Table 16-1-20(a) Setback Exceptions	
Accessibility ramps	May encroach into any setback but shall be no closer than 2' to any property line.
Accessory buildings, large (greater than 120 square feet in size or greater than 10' in height)	May encroach into side or rear setbacks up to 5', provided they are not located closer than 5' from the property line. In no case shall less than 20' of clearance be provided between an accessory garage and public sidewalk.
Accessory buildings, small (up to 120 square feet in size and up to 10' in height)	May encroach into side or rear setbacks. May encroach into a secondary front setback provided they are located behind a solid fence which is at least 5' in height.
Decks	May encroach into side or rear setbacks up to 10', provided they are not located closer than 5' from the property line.
Fences or walls, including trash enclosures, and retaining walls less than 4' in height measured from top of wall to bottom of footer.	May encroach into any setback subject to fence and wall standards.
Flagpoles	May encroach into any setback provided the flagpole is setback at least a distance equal to the height of the flagpole from property lines. Flagpoles and their related flags shall be setback sufficient distance to enable the flag to fly fully open without flying over the property of others.
Mail boxes	May encroach into front setbacks.
Mechanical equipment, ground mounted	May encroach up to five feet into side or rear setbacks provided no equipment or component of such equipment is located closer than two feet from any property line and the equipment is screened.
Patios	May encroach into any setback provided they are no more than 12 inches above grade and are not located closer than three feet from the property line.
Stairs, at grade	May encroach into any required setback up to six feet.
Stairs, above or below grade	May encroach into any required setback up to six feet provided they are not located closer than three five feet from the property line.
Structural projections such as cantilevered bay windows,	May encroach into side setbacks up to 2'. May encroach into front or rear setbacks up to 3'

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balconies, chimneys, eaves, or other non-foundational overhangs or projections	
Swimming pools, hot tubs and/or spas	May encroach into side and rear setbacks provided they are not located closer than three feet from the property line.
Window Wells	May encroach into any setback up to two feet.

(b) Contextual Setbacks. **The decision maker may approve contextual setbacks pursuant to the following. In single family residential zoning districts, the applicant has the option to use- propose a building setback equal to the average of existing front setbacks of buildings located on the same and facing block on the same side of the street as a proposed development pursuant to the following:**

(1) Contextual setbacks can only be applied where **more than fifty percent (50%) or more of the lots on the same block face, on the same side of the street, are developed with single family residential dwellings.**

(2) **Lots with similar uses as the use proposed building Single family residential dwellings shall be the only lots included in the average setback calculation.**

(3) Vacant lots shall be considered as having the minimum front setback as required by the zoning district for purposes of calculating the mean average.

(c) Reduced Setbacks in General Commercial. The decision maker may approve reduced side and rear setbacks in the General Commercial Zone District when the following criteria are met:

- (1) A site plan shall be submitted concurrently with the request;
- (2) The reduced setback shall be no less than ten (10) feet from all property lines;
- (3) The reduced setback is not adjacent to a residential use or residential zoning;
- (4) The height of the building within the reduced setback area is no more than a single story in height; and
- (5) Required easements, landscaping, and utilities can be accommodated within the reduced setback area.

(d) Building Height. Building height is measured from the average finished grade at the center of all walls of the building to the highest point of the building. Features listed in Table 16-1-20(b) may extend beyond the height limitations of the applicable zoning district, so long as the features are designed to be consistent with surrounding height, scale, and context to the maximum extent practicable. These exceptions apply to all zoning districts unless otherwise stated. Modification of Building Height Regulations is governed by Section 14-2-160.

Table 16-1-20(b): Height Exceptions	
Belfries, spires, steeples, cupolas, and domes associated with places of assembly	May extend above the building roof provided they are not used for dwelling purposes.
Chimneys, cooling towers, smokestacks, ventilators, or flues	May extend up to ten (10') feet above the building roof provided that such features collectively cover no more than five percent of the horizontal surface area of the roof.
Elevator bulkheads and stairway enclosures	May extend up to ten (10') feet above the building roof provided that such features collectively cover no more than twenty (20) percent of the horizontal surface area of the roof
Parapet walls	May extend up to five feet above the building roof
Public utility and emergency service facilities	For purposes of specifying structure height and limitations, the term "structure" shall not apply to public utility or street lighting poles and

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	appurtenances attached to them, and city-owned emergency communication facilities, including outdoor warning systems and radio and telecommunication structures necessary for the delivery of emergency services.
Rooftop mechanical equipment	May extend up to five (5') feet above the building roof provided the equipment complies with applicable screening requirements of this Code.
Roof-mounted solar energy system	On flat roofs, may extend up to five (5') feet above the building roof.
Utility poles, support structures, water towers, and fire towers	May extend up to ten (10') feet above the building roof provided that such features cover no more than five percent of the horizontal surface area of the roof.

(Ord. 2020-1620 §3)

Sec. 16-1-80. Residential mixed use two (RMU-2) district.

- (a) Purpose. The purpose of the RMU-2 zone district is to establish and preserve compact, pedestrian-oriented neighborhoods with a variety of housing types and densities, commercial activity centers, and other public amenities or complementary uses as defined on an approved master plan.
- (b) Lot Development Standards. Development within the RMU-2 zone district shall adhere to the standards contained in Table 16-1-80(b) and this Section.

Table 16-1-80(b) RMU-2 Lot Development Standards											
Building Type	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height	
			Min. Size (square feet)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side ¹	Rear	Rear Abutting Alley	
Single Family Dwelling	Standard	6,000	45'	60%	20'	15'	5'	10'	5'	40'	
	Limited		4,000	35'	65%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court		2,500	30'	65%	15'	10'	5'	10'	5'	40'
Standard Duplex	Standard	4,000 ²	35' ¹²	65%	20'	15'	5'	10'	5'	40'	
	Limited		3,000 ²	30' ¹²	70%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court		2,500 ²	25' ¹²	70%	15'	10'	5'	10'	5'	40'
Over-Under Duplex	Standard	7,000 ³	55' ¹³	60%	20'	15'	5'	10'	5'	40'	
	Limited		5,000 ³	50' ¹³	65%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court		4,000 ³	45' ¹³	65%	15'	10'	5'	10'	5'	40'
Townhouse	Rear or Auto Court	1,400 ⁴	16'	80% ⁵	15'	10'	5'	10'	5' ¹⁶	40'	
Multiplex	Rear or Auto Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'	
Multifamily Apartment	Rear, Auto Court, or Dispersed Parking Lot	1,400 ⁶	100'	80% ⁵	20'	15'	½ of building height	½ of building height	5'	55'	
Commercial, Industrial, Mixed Use,	Dispersed Parking Lot	5,000	50'	80%	20	n/a	20'	20'	5'	55'	

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or Institutional										
¹ No side setback required for attached units ² Per Unit ³ Per Building ⁴ Refers to overall maximum development density on a per unit basis; however, there is no minimum lot size per individual unit ⁵ Refers to overall site; no maximum lot coverage for individual lots or units ⁶ No rear setback required if vehicular access is provided by abutting private drive which is a minimum of 24' wide										

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- (c) Master Plan. In addition to the Master Plan requirements of Chapter 14, and prior to approval of any subdivision plat, an approved Master Plan shall depict the approximate location and acreage of all land uses, building types, streets and alleys, open and civic Spaces, and Neighborhood Center, if provided.
- (1) Building types and land uses shall only be allowed in accordance with an approved Master Plan.
 - (2) The Master Plan shall be recorded with the county Clerk and Recorder.
- (d) Minimum Size. No lot or group of lots less than forty (40) acres in size shall be eligible for RMU-2 zoning. **The Community Development Director or his designee shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the criteria outlined in the purpose statement in subsection (a) above.**
- (e) Minimum Commercial Acreage.
- (1) Developments shall designate on an approved master plan the general location and minimum acreage for commercial development as follows:
 - a. Five (5) acres for overall developments less than two hundred (200) acres;
 - b. Ten (10) acres for overall developments over two hundred (200) acres.
 - (2) The land allocated to meet the requirements of this subsection shall be considered buildable land and shall not include any of the following:
 - a. Open spaces;
 - b. Drainage controls;
 - c. Water quality controls;
 - d. Roadways other than those providing direct access to individual lots;
 - e. Significant encumbrance by easements or agreements that render a large portion of the property unusable or result in highly-restricted usage.
 - (3) Alternative Compliance. Upon request by the applicant, the decision maker may approve an alternative commercial land use allocation that does not meet the standard of Section 16-1-80(e)(1) if in the judgment of the decision maker, commercial development is not currently viable or not likely to be viable within ten (10) years due to conditions such as, but not limited to:
 - a. Proximity to existing commercial development, provided convenient access is provided or exists from the proposed development to the existing commercial;
 - b. Limited vehicular access, such as no full movement access to a collector or arterial roadway; or
 - c. Low surrounding population or roadway traffic counts.
- (f) Maximum Commercial/Industrial Acreage. A maximum of twenty-five percent (25%) of gross development may be allocated on an approved Master Plan to commercial or industrial uses.
- (g) Roadway Design. All local residential streets shall include a detached sidewalk in accordance with the Residential Parkway street parameters contained in the Design Criteria and Construction Specifications.
- (h) Neighborhood Center. A Neighborhood Center is a mixed-use or commercial center of an RMU-2 community which may be designated on the applicable Master Plan subject to the following:
- (1) Shall not exceed twenty (20) acres in size;
 - (2) Shall not be located immediately adjacent to existing single-family dwellings outside the RMU-2 zone district;

- (3) Land uses shall be limited to Retail, Service and Employment, Civic/ Institutional, Multifamily, Mixed Use, and Open/ Civic Space. Gas stations and drive through restaurants are not allowed uses;
- (4) Development shall comply with Table 16-1-80(b) and Table 16-1-80(g). When the two (2) tables conflict, Table 16-1-80(g) shall apply; and
- (5) The standards contained within Table 16-1-80(g) shall be included on the applicable Master Plan.

Table 16-1-80(g) Neighborhood Center Development Standards	
Minimum Front Setback	
Adjacent to arterial roadways	15'
Adjacent to roadways other than arterials	0' ¹
Maximum Front Setback	
Adjacent to arterial roadways	None
Adjacent to roadways other than arterials	A minimum of 65% lot width shall include a building within 8' of front property line ¹
Minimum Side Setback	
Minimum Side Setback	0' subject to building code regulations. 5' minimum if provided.
Ground Floor Transparency	
Residential uses with a front setback less than 15'	35% of façade shall be windows or doors
Non-residential uses with a front setback less than 15'	50% of façade shall be windows or doors
Lot Coverage	
Maximum Lot Coverage	90%
Minimum Sidewalk	
Minimum sidewalk width	10'
¹ 0' Setback allowed only if alternative to front yard utility easements are approved by utility providers	

- (i) Use Regulations. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - (1) The following uses shall be permitted in the RMU-2 zoning district:
 - a. Single Family Dwelling;
 - b. Duplex;
 - c. Townhouse;
 - d. Live/Work Dwelling;
 - e. Multiplex;
 - f. Multifamily;
 - g. Mixed Use Dwelling;
 - h. Place of Assembly - Small;
 - i. Cultural and Public Service;
 - j. Public open space, park, or playground;
 - k. School - Public/Private;

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- l. Nursing and rest homes;
 - m. Medical laboratory or research;
 - n. Medical or Dental Clinic;
 - o. Mixed Use Building;
 - p. Golf Course;
 - q. Recreation/Entertainment - Indoors;
 - r. Bar or nightclub;
 - s. Restaurant- Drive-Through;
 - t. Restaurant;
 - u. Brewery, winery, or distillery with tasting room (minor);
 - v. Artist Studio;
 - w. Office;
 - x. Personal Services;
 - y. Child Care center;
 - z. Retail;
 - aa. Lodging;
 - bb. Vehicle Fueling - Limited;
 - cc. Artisan Industry;
 - dd. Light Industry.
- (2) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Section 14-2-130:
- a. Outdoor theater.
 - b. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - c. Small group living facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Code.
- (3) Permitted Accessory Uses.
- a. Accessory Dwelling;
 - b. Accessory Home Occupation;
 - c. Day Care - In-home;
 - d. Mobile food vending as set forth in this Chapter.

(Ord. 2020-1620 §3)

Sec. 16-1-100. Neighborhood commercial (NC) district.

- (a) Purpose. The purpose of the NC zone district is to:
- (1) Establish and preserve small areas of low-impact, neighborhood-oriented businesses which are integrated or adjacent to residential neighborhoods.
 - (2) Allow for development of infill sites or constrained sites that are not suitable for the intensity associated with General Commercial zone district.
- (b) Lot Development Standards. Development within the NC zone district shall adhere to the standards contained in Table 16-1-100(b) and this Section.

Table 16-1-100(b): NC District Lot Development Standards	
Vehicular Access Types Permitted	
Dispersed Parking	
Lot Standards	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width	75' ¹
Maximum Lot Coverage	80%
Minimum Setbacks	
Front	15'
Side	15'
Rear	15'
Maximum Building Height	
Height	40'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	

- (c) Use Regulations. A building or lot may be used for the following purposes and no other:
- (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Retail stores, including but not limited to the following:
 1. Food store, supermarket.
 2. Food store, convenience.
 3. Delicatessen.
 4. Bakery goods store.
 5. Liquor store.
 6. Hardware store.
 7. Drug store.
 - b. Customer service establishments, including but not limited to the following:
 1. Barber and beauty shops.
 2. Restaurant and bar.
 3. Laundromat and coin-operated dry-cleaning establishment.

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- 4. Laundry and dry-cleaning pick-up station.
 - 5. Fine art studio.
 - c. Business, professional or public service offices, not in excess of one thousand five hundred (1,500) square feet per establishment.
 - d. Seasonal sales and farmers markets, subject to the provisions of this Chapter.
 - e. Places of assembly (small).
 - f. Other similar uses as defined in this Code.
- (2) Permitted accessory uses.
- ~~a. Garages for storage of vehicles used in conjunction with the operation of a business.~~
 - ba. Off-street parking and loading areas.
 - be. Signs, subject to the provisions of this Code.
 - cd. Residential quarters **on upper floors of commercial buildings** for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business.
 - d. Commercial buildings with commercial uses on the main floor and residential uses on the upper floors.**
 - e. Any other structure, **including garages for storage of vehicles in conjunction with the operation of a business**, or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.
 - f. Temporary greenhouse structures in which growing plants are kept for sale to the public.
 - g. Mobile food vending as set forth in this Chapter.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Section 14-2-130:
- a. Gasoline service stations.
 - b. Public utility installations.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

(Ord. 2020-1620 §3)

Sec. 16-1-110. Central business (CB) district.

- (a) Purpose. The Central Business CB District is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as a center of community activity. It is the further intent of this District to conserve and enhance the existing central business area and to promote an aesthetically pleasing and safe walkable environment for the benefit of the community as a whole.
- (b) Lot Development Standards. Development within the CB zone district shall adhere to the standards contained in Table 16-1-110(b) and this Section.

Table 16-1-110(b): CB District Lot Development Standards	
Vehicular Access Types Permitted	
Rear	
Lot Standards	
Minimum Lot Area (square feet)	n/a
Minimum Lot Width	n/a
Maximum Lot Coverage	100%
Minimum Setbacks	
Front	0'
Side	0'
Rear	0'
Maximum Building Height	
Height	75'
Note: Single Family dwellings subject to SF-1 District standards per Sec. 16-1-110(c)(1)(o)	

- (c) Use regulations. A building or lot may be used for the following purposes and no other:
- (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Any principal use permitted by right in the Neighborhood Commercial District.
 - b. Retail stores, excluding the sale or rental of motor vehicles.
 - c. Customer service establishments.
 - d. Business and professional offices.
 - e. Banks and saving and loan offices.
 - f. Medical and dental clinics.
 - g. Public administrative offices and service buildings.
 - h. Public utility offices and installations.
 - i. Public libraries.
 - j. Places of assembly (small).
 - k. Commercial lodging.
 - l. Theaters.

-
- m. Minor repair, rental and servicing establishments, excluding motor vehicle repair, rental and servicing.
 - n. Passenger transportation terminals, not including truck terminals.
 - o. **Existing single family** ~~One-family residential dwellings subject to the regulations of the SF-1 zone district.~~
 - p. Plumbing and heating contractors.
 - q. Other similar uses as defined this Code.
 - r. Residential uses on the upper floors of commercial buildings.
- (2) Permitted accessory uses.
- a. Any accessory uses permitted in the Neighborhood Commercial District.
 - b. Signs, subject to the provisions of this Code
 - c. Mobile food vending as set forth in this Chapter.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Section 14-2-130:
- a. Commercial parking facilities.
 - b. Gasoline service stations.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

(Ord. 2020-1620 §3)

Sec. 16-1-120. General commercial (GC) district.

- (a) Purpose. The purpose of the GC zone district is to:
- (1) Establish and preserve areas of commercial development in proximity to arterial roadways.
 - (2) Foster attractive, human scale development that positively contributes towards the Town's unique character.
 - (3) Provide efficient and safe pedestrian, bicycle and automobile circulation, including direct connections to adjacent residential development.
 - (4) Promote economic vitality.
- (b) Lot Development Standards. Development within the GC zone district shall adhere to the standards contained in Table 16-1-120(b) and this Section.

Table 16-1-120(b): GC District Lot Development Standards	
Vehicular Access Types Permitted	
Dispersed Parking Lot	
Lot Standards	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width	100' ¹
Maximum Lot Coverage	n/a
Minimum Setbacks	
Front	20'
Side	20' ²
Rear	20' ²
Maximum Building Height	
Height	55'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	
² Reduced side and rear setbacks may be approved in accordance with Sec. 16-1-20(c).	

- (c) Use Regulations.
- (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Drive-in restaurants.
 - b. Grocery stores and supermarkets.
 - c. Gasoline service stations.
 - d. ~~Car washes.~~
 - e. Commercial lodging.
 - f. Restaurants and bars.
 - g. Outdoor sales areas, such as garden shops.
 - h. Automobile sales and service establishments, including used car lots.
 - i. Lumber and building supply yards.

-
- j. Public, private, commercial and private group outdoor recreational facilities.
 - k. Bowling alleys.
 - l. Business and professional offices.
 - m. Places of assembly (small).
 - n. Places of assembly (large).
 - o. Other similar uses as defined in this Code.
- (2) Permitted accessory uses:
- a. Any accessory use permitted in the Central Business CB District, **excluding any residential use.**
 - b. Mobile food vending as set forth in this Chapter.
 - c. Accessory outdoor storage:
 - 1. Shall be used only for storage of materials, inventory or equipment used or offered for sale in the ordinary course of the business activity occurring on-premises, including overstock or bulk items.
 - 2. Outdoor storage areas shall be located in the rear or side of the building and shall not abut or face arterial or major collector streets as defined by the Town's street standards.
 - 3. Shall not displace any off-street parking spaces depicted on the approved site plan for the premises.
 - 4. Items located in outdoor storage areas shall be permanently and fully screened from adjacent residential property, public rights-of-way and private drives by opaque structural walls, opaque fencing and/or a combination thereof that is at least as tall as the tallest items in storage. Screening materials shall conceal all items in storage, shall be opaque and consist predominately of colors and materials generally matching the principal building on the premises. Chain link screening material, with or without slats, is prohibited.
 - 5. If site constraints preclude items in storage from being fully concealed as required in subsection iv above, a proposed screening plan shall be reviewed and subject to approval based on the conditional use grant standards and requirements applicable to the Conditional Use Grant process as elsewhere provided in this Code.
 - d. Outdoor display of merchandise for sale on-site:
 - 1. Outdoor display of merchandise shall be incidental to the primary retail use.
 - 2. Merchandise on outdoor display shall consist only of inventory offered for sale within the principal building on the premises.
 - 3. Outdoor merchandise display shall be adjacent to the principal building and shall be within forty (40) feet of a customer entrance to the principal building, while maintaining at all times no less than four (4) feet of clear width on the sidewalk for pedestrian use.
 - 4. Outdoor merchandise display shall not displace any off-street parking spaces depicted on the approved site plan.
 - e. Seasonal sales:
 - 1. Outdoor display of merchandise for seasonal sales shall be located in the site plan-approved parking area for the premises.

-
2. The seasonal sales outdoor display area shall not displace more than five percent (5%) of site-plan required off-street parking spaces or impede parking lot circulation.
 3. All seasonal sales inventory, structures and improvements shall be removed upon the conclusion of the seasonal sale period, and the parking surface shall be restored to its former condition. For purposes of this Section, seasonal sales shall mean temporary sales of inventory or services offered for sale on a seasonal basis in the principal building for a duration of no longer than ninety (90) consecutive days for each seasonal display, whether or not such inventory or service is displayed in a temporary structure.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use **grant-permit** as provided in Section 14-2-130:
- a. Outdoor theater.
 - b. Non-accessory signs.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the *development or extraction of solid materials, as defined in this Code*.
 - e. **Carwash facilities, whether a principal use or an accessory use, shall meet minimum use-specific criteria for consideration of a conditional use permit. Carwash facilities approved prior to enactment of the conditional use permit approval requirement shall remain lawful. Any expansion of an existing carwash shall be subject to a conditional use permit and use-specific criteria.**
 - 1. Site shall be outside of Commercial Corridors, Section 15-6-10, identified, defined.**
 - 2. Site shall not abut residential, commercial lodging, assisted living and care facility uses, or properties zoned for residential uses.**
 - 3. Site shall be located a minimum of one-half mile radius from an existing carwash facility.**
 - 4. Adequate water supply. Applicant shall supply accurate water supply data to the Town for adequate water supply evaluation, adhere to all Town raw water dedication requirements, water efficiency policies and standards, as amended.**

(Ord. 2020-1620 §3)



Land Use Code Modifications:

**Master Plan §14-2-40, Vehicular
Access §15-5-10, Temporary
Signage §15-17-130 and 131;
Lot Standards §16-1-2; and
Chapter 16 – Zone Districts**

Carlin Malone, Chief Planner
Planning / Community Development

*Town Board & Planning Commission Work Session
November 6, 2023*



Overview – Land Use Code Amendments

- **§14-2-40. – Reinstating Master Plan requirements**
- **§15-5-10. – Vehicular Access Requirements. Pavement setbacks for commercial and industrial lots**
- **§15-17-130 and §15-17-131. – Temporary & Real Estate Signage.**
- **§16-1-20. – Individual Lot Standards. Clarifying setbacks.**
- **§16-1-80. – Residential Mixed Use-Two (RMU-2) – provisions for 40-acre requirement**
- **§16-1-100. – Neighborhood Commercial (NC). Clarifying residential use**
- **§16-1-110. – Central Business (CB). Clarifying residential use**
- **§16-1-120. – General Commercial (GC). Clarifying residential use; adding conditional use permit (CUP) criteria for carwashes**



Sec. 14-2-40. – Master Plans.

No change had been proposed to the seven (7) master plan land use application criteria from the previous land use code; however, the last criterion (7 of 7) was inadvertently omitted with the 2021 update. The following criterion needs to be reinstated:

(7) Review of the proposal shall include the following:

- (a) Traffic study, if warranted.**
- (b) Soils description and limitation.**
- (c) Preliminary utility plan.**
- (d) Preliminary drainage plan.**
- (e) Affidavit concerning amount and historical use of all water rights owned within the last three (3) years.**
- (f) Statement of community need for proposed annexation and/or zoning.**
- (g) Statement from school district regarding the impact of the proposal.**
- (h) Other information necessary to demonstrate criteria have been met, which may include, but is not limited to: a floodplain study, environmental study, etc.**



Sec. 15-5-10. – Vehicular Access Requirements.

Three (3) areas of this section need modifications: 1) Addition of a purpose statement, 2) Modification (reduction) of pavement setback outside of commercial corridors, 3) Addition of contextual setback option for pavement setbacks ~ allowing flexibility when existing conditions factor into the best resolution.

Sec. 15-5-10. Vehicular access requirements.

Adding purpose statement:

(a) Purpose. The vehicular access requirements are intended to provide safe connectivity for the community, with the intent of providing direct access for pedestrians from right-of-way to building entrances. Furthermore, it is the intent to enhance the streetscape and promote an aesthetically pleasing and safe walkable environment for the benefit of the community.

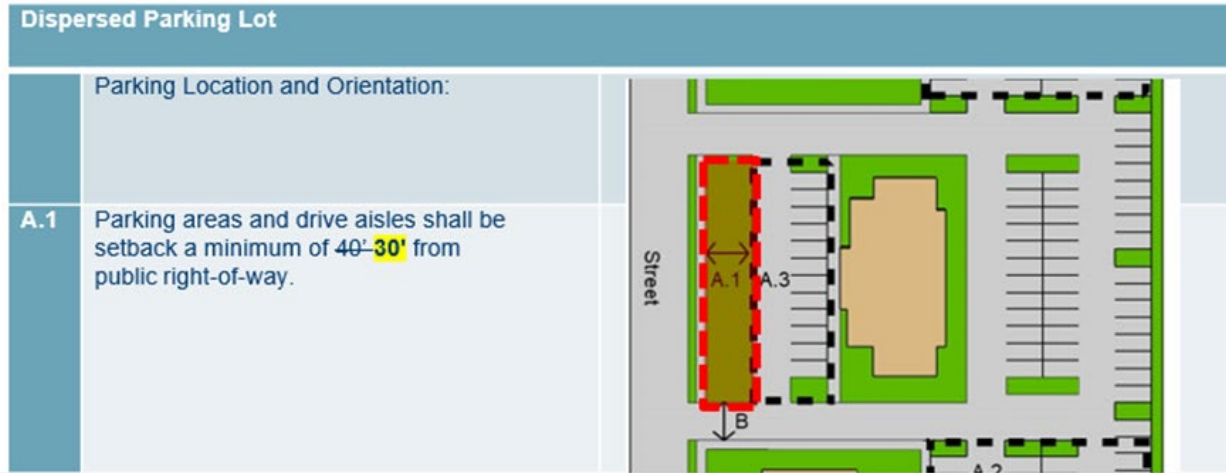


Sec. 15-5-10. – Vehicular Access Requirements.

Prior to code update of 2021, a *35-foot pavement setback* was required for commercial and industrial lots that abutted state highways, and *30' from all other property lines*.

A change to a 40-foot pavement setback was established in 2021 for all parking lots adjacent to public right-of-way. This has been problematic from a practical standpoint, especially as it relates to existing conditions and with uniquely-shaped lots, leading to variance requests to reduce the 40-foot pavement setback. The following two (2) modifications are proposed to resolve the matter.

Mod 1:





Sec. 15-5-10. – Vehicular Access Requirements. (continued)

Modification 2:

(c) Contextual Parking Area and Drive Aisle Setbacks. In commercial and industrial zoning districts, the applicant has the option to use existing parking area and/or drive aisle contextual setbacks when all the following conditions exist:

(1) The location is adjacent to existing commercial and/or industrial development with legal non-conforming parking areas and/or drive aisle setbacks.

(2) More than fifty percent (50%) of the lots on the same block, on the same side of the street, are developed with the average setback on the same block.

(3) Commercial/industrial lots shall be the only lots included in the average setback calculation.

(4) The proposed parking area and/or drive aisle is not located within Commercial Corridors.

(5) Vacant lots shall be considered as having the minimum required setback by the zoning district for purposes of calculating the mean average.



Sec. 15-17-130 & 131. – Temporary signs & Real Estate signs.

These two sections, concerning temporary real estate signage for commercial and industrial buildings, have different sign area and height requirements for the exact same sign type.

The two sections include repetitive language. The requirements have been consolidated and corrected.

Additionally, modified language clarifies the temporary real estate sign allowance of 64 square feet ***per side of sign*** and ten (10) in height. “Per side of sign” language is proposed throughout this section to clarify the sign area allowed.

.....



Sec. 16-1-20. – Application of individual lot regulations

Purpose of modifications – conflict.

.....

Table 16-1-20(a) Setback Exceptions. Conflict with building code.

Stairs, at grade	May encroach into any required setback up to six feet.
Stairs, above or below grade	May encroach into any required setback up to six feet provided they are not located closer than three five feet from the property line.
Structural projections such as cantilevered bay windows,	May encroach into side setbacks up to 2'. May encroach into front or rear setbacks up to 3'



Sec. 16-1-20. – Application of individual lot regulations

Purpose of modifications – clarification.

.....

- (b) Contextual Setbacks. **The decision maker may approve contextual setbacks pursuant to the following.** In **single family** residential zoning districts, the applicant has the option to ~~use~~ **propose a building setback equal to** the average of existing front setbacks of buildings located on the same and facing block **on the same side of the street** as a ~~proposed development~~ pursuant to the following:
- (1) Contextual setbacks can only be applied where ~~more than~~ fifty percent (50%) **or more** of the lots on the same block ~~face~~, on the same side of the street, are developed with **single family residential dwellings**.
 - (2) ~~Lots with similar uses as the use proposed building~~ **Single family residential dwellings** shall be the only lots ~~in~~ included in the average setback calculation.
 - (3) Vacant lots shall be considered as having the minimum front setback as required by the zoning district for purposes of calculating the mean average.



Sec. 16-1-80. – Residential Mixed Use-Two (RMU-2) district.

The additional language will add flexibility to acreage requirement, so long as intent (purpose) of district is met. This language matches the PUD acreage requirement language recently updated.

- (a) Purpose. The purpose of the RMU-2 zone district is to establish and preserve compact, pedestrian-oriented neighborhoods with a variety of housing types and densities, commercial activity centers, and other public amenities or complementary uses as defined on an approved master plan.
- (d) Minimum Size. No lot or group of lots less than forty (40) acres in size shall be eligible for RMU-2 zoning. **The Community Development Director or his designee shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the criteria outlined in the purpose statement in subsection (a) above.**



Sec. 16-1-100. – Neighborhood commercial (NC) district.

(2) Permitted accessory uses.

~~a. Garages for storage of vehicles used in conjunction with the operation of a business.~~

ba. Off-street parking and loading areas.

eb. Signs, subject to the provisions of this Code.

ec. Residential quarters **on upper floors of commercial buildings** for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business.

d. Commercial buildings with commercial uses on the main floor and residential uses on the upper floors.

e. Any other structure, **including garages for storage of vehicles in conjunction with the operation of a business,** or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.



Sec. 16-1-110. – Central business (CB) district.

- (a) Purpose. The Central Business CB District is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as a center of community activity. It is the further intent of this District to conserve and enhance the existing central business area and to promote an aesthetically pleasing and safe walkable environment for the benefit of the community as a whole.
- (a) Lot Development Standards.
- (c) Use regulations. A building or lot may be used for the following purposes and no other:
 - (1) Principal uses permitted by right.
 - o. **Existing single family** ~~One-family residential dwellings subject to the regulations of the SF-1 zone~~ district.
 - p. Plumbing and heating contractors.
 - q. Other similar uses as defined this Code.
 - r. Residential uses on the upper floors of commercial buildings.



Sec. 16-1-120. – General Commercial (GC) district.

Two (2) modifications: 1) Carwash as permitted use to conditional use permit (CUP), adding use-specific criteria for CUP, and 2) Clarification regarding accessory residential

.....

(a) Purpose. The purpose of the GC zone district is to:

- (1) Establish and preserve areas of commercial development in proximity to arterial roadways.
- (2) Foster attractive, human scale development that positively contributes towards the Town's unique character.
- (3) Provide efficient and safe pedestrian, bicycle and automobile circulation, including direct connections to adjacent residential development.
- (4) Promote economic vitality.

(c) Use Regulations.

- (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Drive-in restaurants.
 - b. Grocery stores and supermarkets.
 - c. Gasoline service stations.
 - d. Car washes.
 - e. Commercial lodging.



Sec. 16-1-120. – General Commercial (GC) district. (cont.)

.....
(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant permit as provided in Section 14-2-130:

e. Carwash facilities, whether a principal use or an accessory use, shall meet minimum use-specific criteria for consideration of a conditional use permit. Carwash facilities approved prior to enactment of the conditional use permit approval requirement shall remain lawful. Any expansion of an existing carwash shall be subject to a conditional use permit and use-specific criteria.

- 1. Site shall be outside of Commercial Corridors, Section 15-6-10, identified, defined.**
- 2. Site shall not abut residential, commercial lodging, assisted living and care facility uses, or properties zoned for residential uses.**
- 3. Site shall be located a minimum of one-half mile radius from an existing carwash facility.**
- 4. Adequate water supply. Applicant shall supply accurate water supply data to the Town for adequate water supply evaluation, adhere to all Town raw water dedication requirements, water efficiency policies and standards, as amended.**



Sec. 16-1-120. – General Commercial (GC) district. (cont.)

Clarification ~ aligning with intent of GC district.

.....

(2) Permitted accessory uses:

- a. Any accessory use permitted in the Central Business CB District, **excluding any residential use.**



Next Steps

- **Discussion / comments / direction**
- **Preparation of ordinance amending certain sections of land use code**
- **Scheduling public hearing and meeting dates**
- **Staff prepares and completes public notification requirements**
- **Planning Commission public hearing and meeting**
- **Town Board public hearing and meeting**
 - **First reading of ordinance (public hearing)**
 - **Second reading of ordinance**

Land Use Code Amendments proposed:

- **§14-2-40. – Reinstating Master Plan requirements**
- **§15-5-10. – Vehicular Access Requirements. Pavement setbacks for commercial and industrial lots**
- **§15-17-130 and §15-17-131. – Temporary & Real Estate Signage.**
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- **§16-1-120. – General Commercial (GC). Clarifying residential use; adding conditional use permit (CUP) criteria for carwashes**



Questions / Discussion / Direction

*Town Board & Planning Commission Work Session
November 6, 2023*



MEMORANDUM

Date: November 6, 2023
To: Mayor and Town Board
From: Scott Ballstadt, Planning Director
Re: Land Use Map Population Discussion - S. Ballstadt, Planning Director
Item #: 2.

Background / Discussion:

The Land Use Map (Map) in the Comprehensive Plan generally reflects existing zoning, land use and development in addition to identifying anticipated future land use patterns on the undeveloped land within the Town's Growth Management Area (GMA). The GMA encompasses the land area that the Town expects to annex and eventually provide services to in the future. Therefore, the Map is also used as a basis for the Town's other water, sewer, transportation and other infrastructure plans so that infrastructure is sized appropriately to serve the anticipated population.

The Comprehensive Plan land use goals, policies and Map take into consideration key development influences such as existing land uses and densities, market conditions, the existing roadway network, rail corridors, topography, environmental features such as the Cache la Poudre River and other natural areas, existing and planned utility infrastructure capacities among other factors.

Land use designations on the Map guide the location, character, use and zoning of undeveloped properties in the GMA. The result is a land use pattern that provides a range and mix of housing options, commercial centers, and employment areas that contribute to a diverse and vibrant economy and high quality of life. The Land Use Plan and its supporting goals and policies should serve as the foundation for land use and policy decision-making and act as a guide to ensure Windsor achieves its community vision.

Population

During the past several updates to the Town's Strategic Plan, the Town Board has expressed increasing interest in determining what Windsor's ultimate population should be. Based upon very high-level gross calculations and the land use depictions on the Map, the Town has historically considered approximately 100,000 to be the ultimate build-out population of the GMA.

However, this past estimate of 100,000 does not reflect some of the Map amendments that have been approved and large developments that have occurred over the years; therefore, a review of the respective infrastructure plans is necessary to ensure they account for any increased density and population. For the purpose of this discussion, staff has performed a more thorough review of the Town's adopted sanitary sewer infrastructure plans to provide Town Board with a better understanding of what population existing plans would support as currently approved. While sanitary sewer is used as the current example, the same would apply to water, transportation, stormwater, and other infrastructure plans as well.

Sanitary Sewer Example

While sanitary sewer is just one factor the Map considers, it is an important one. Once sanitary sewer mains have been designed for a specific land use based on the Map and sized accordingly, the capacity of the line is fixed and it may not accommodate changes that increase density and flows. Sanitary sewer lines cannot simply be up-sized to accommodate additional flows, as the downstream infrastructure would also need to be up-sized all the way to the treatment plant.

The following calculations are based upon single family and multi-family dwelling units that can be supported by current plans by sewer basin and using a factor of 2.76 persons per household. Average daily sanitary sewer flow is currently calculated as 90 gallons per person per day. Peaking factors based on sewer basin population is applied to determine peak flow used for sizing of sanitary interceptor lines.

Windsor Sewer District Coverage:

North Central Basin: 26,220 (9,000 SF DU & 500 MF units)
East Interceptor Basin: 37,254 (total served population including Severance is 48,254)
Southwest Interceptor Basin: 28,412
Total Served Population: **91,886 (33,292 DUs at 2.76 people/DU)**

Boxelder Sanitation District: **3,858 +/- 500**
South Fort Collins Sanitation District: **13,670 +/- 400**

Total estimate of population: **109,414 ~ 110,000**

The Town purposely utilizes a conservative calculation that is based on gross area, due to unknown limitations an individual property might present during development. By utilizing the gross area, and the 2.76 persons per household multiplier, the calculations intrinsically overestimate the total, which allows for growth potential without detriment to the system.

The following gross land use density assumptions used in the Town sewer master plan calculations are as follows:

Residential Mixed Use (RMU) 6 dwellings per gross acre
Single Family Residential (SF-1) 4 dwellings per gross acre
Estate Residential (with Septic) 0 dwellings per gross acre
Estate Residential (municipal sewer) 1.25 dwellings per gross acre
Commercial uses and industrial uses assume 1,500 gallons per gross acre per day

Staff recommends that this calculation be consistently used in the future in part to preserve capacity for future redevelopment, and commercial or industrial economic development opportunities that may arise.

Per Zoning Code, the residential densities could be higher than listed for RMU zone districts due to higher density product types. However, the density cannot exceed the infrastructure capacity identified for the respective basin. To this end, the Town may need to identify maximum populations that can be supported in each basin and identify such figures on the Map.

These population numbers are solely based upon sanitary sewer analysis and do not reflect other utilities such as water. While the Town has an adequate water supply to serve current projects and others in various planning stages, additional water supply would be needed to serve a population of 110,000.

Another item that isn't factored in is the Town's acquisition of open space and the reduction in population that follows when land that we're forecasting as developed is removed from consideration. This map is still a high level and rather blunt tool to forecast but does give the Town Board and Planning Commission a bit more context when you consider policies such as adding density, etc., as to the long-term ramifications of those policies.

Comprehensive Plan Update

Obviously, the Town will need to conduct additional outreach to the development community regarding the Map, but the purpose of this work session is to provide Town Board and Planning Commission with this population information to discuss and determine if ultimate build-out population is still the concern it has been in past Strategic Plan discussions. As the Town continues the process of updating the Comprehensive Plan and Land Use Map with an anticipated adoption in early 2024, this discussion will inform draft language, goals and policies to be incorporated into the update.

For example, does the Planning Commission and Town Board want staff to include language regarding topics such as the following:

- Should the land use goals of the Comprehensive Plan promote the current Map and infrastructure plans with an ultimate population goal of approximately 110,000? Or should a different target build-out population be included in the Comprehensive Plan?
- Should land use goals and policies place conditions on future amendments to the Map that result in increased density and population exceeding 110,000? For example, suggest adoption of an ordinance that requires dedication of perpetual open space to offset increased residential density?
- Should land use goals and policies require a professional cost-benefit analysis of any proposed increased residential density illustrating the long-term impacts of infrastructure maintenance and provision of services versus revenue generation?
- Should the Map identify sanitary sewer and/or other infrastructure capacity limitations by identified areas and/or basins to ensure that future requests to amend the Map will not negatively impact the rest of the basin and/or system?
- Do Planning Commission and Town Board have any other direction to staff regarding requests to amend the Map that would result in increased residential density (over and above the current Map) and population?

The Town has received multiple proposals to update the Map and these requests will be scheduled for future meetings with Planning Commission and Town Board. The requests need to be treated consistently, and the Town has historically considered such requests on a property-by-property basis. However, as several larger developments reach build out and other large greenfield properties are master planned, utility capacity limits will come into a more precise focus and such requests may be better considered in the context of a larger Map update, so other properties are not negatively impacted.

Financial Impact:

The cost of perpetual maintenance of infrastructure and services to serve increases in population.

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. Sewer Service Boundaries
2. Sewer Service Boundaries Land Use

Sewer Service Boundaries

Estimated
Served
Population
(BSD): 3,858

BOXELDER
S.D.

Estimated
Served
Population
(SFCSD): 13,670

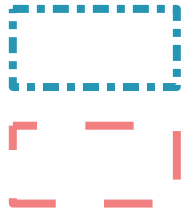
SOUTH FORT
COLLINS S.D.

WINDSOR

Total Served
Population
(Windsor):
91,886

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of this map or its contents,
whether intentional or not, are
the sole responsibility of the user.

Updated: 10/20/2023
Updated by: mprice
Created: 08/06/2013
Created by:
File: G:\Maintenance\Planning\ProTOW Sewer Capacity 2023\OneDrive_2023-08-28\19592-PLAN-Sewer Service Map Update\



WINDSOR CORPORATE LIMITS

GROWTH MANAGEMENT AREA



WINDSOR S.D.



SOUTH FORT COLLINS S.D.



BOXELDER S.D.



1:24,000

Town of Windsor, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Land Use & Sewer Service Boundaries

Estimated Served Population (BSD): 3,858

Estimated Served Population (SFCSD): 13,670

Total Served Population (Windsor): 91,886

- LAND USE DESCRIPTION
- CBD - Central Business District
 - CS - Community Separator
 - EC - Employment Corridor
 - HDESFR - High Density Estate Single Family Residential
 - HI - Heavy Industrial
 - LDESFR - Low Density Estate Single Family Residential
 - LI - Light Industrial
 - MFR - Multi-Family Residential
 - NGC - Neighborhood & General Commercial
 - OPSP - Other Public/Semi-Private
 - POSF - Parks, Open Space, Mineral Extraction & Flood Plain
 - RMU - Residential Mixed Use
 - SFR - Single Family Residential
 - SCHL - School

Town of Windsor, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA

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Updated: 10/27/2023
Updated by: mprice
Created: 08/06/2013
Created by:
File: G:\Maintenance\Planning\ProTOW Sewer Capacity 2023\OneDrive_2023-08-28\19592-PLAN-Sewer Service Map Update\

- WINDSOR CORPORATE LIMITS
- WINDSOR S.D.
- SOUTH FORT COLLINS S.D.
- GROWTH MANAGEMENT AREA
- BOXELDER S.D.



1:24,000



FUTURE TOWN BOARD MEETINGS

November 13, 2023 5:30 p.m.	Town Board Work Session Follow-up CIP and Operation Budget Questions
November 13, 2023 7:00 p.m.	Town Board Regular Meeting
November 20, 2023 5:30 p.m.	Town Board Special Meeting Executive Session: Town Manager/Attorney Annual Evaluations
November 27, 2023 5:30 p.m.	Town Board Work Session Lodging Tax Discussion
November 27, 2023 7:00 p.m.	Town Board Regular Meeting
December 4, 2023 5:30 p.m.	Town Board, Planning Commission, Planning Advisory Committee Joint Work Session Comprehensive Plan Update
December 11, 2023 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Hauler Licensing Discussion
December 11, 2023 7:00 p.m.	Town Board Regular Meeting
December 18, 2023 5:30 p.m.	Town Board Work Session
December 25, 2023	Canceled – Christmas Holiday

Future Work Session Topics

- DDA Entertainment District
- Telecom Code (Pending FCC Rules)
- Weld RE-4 School Land Dedication/Cash in lieu of Land Update
- Smart Meter Project (Brian)