



PLANNING COMMISSION REGULAR MEETING

March 4, 2020 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission
3. Public Invited to be heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Planning Commission.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Public comments are expected to be constructive. Written comments are welcome and should be given to the secretary prior to the start of the meeting. Written materials will not be accepted during the meeting in the interest of time.

B. CONSENT CALENDAR*

1. Approval of minutes of February 19, 2020

C. BOARD ACTION

1. Public Hearing – Overland 368 Annexation – Zada Steidl, owner/ Eric Steidl, applicant/ Julia Malisos and Todd Learner, WHA, Inc. (William Hezmalhalch Architects), applicant's representatives
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
2. Recommendation to Town Board – Overland 368 Annexation – Zada Steidl, owner/ Eric Steidl, applicant/ Julia Malisos and Todd Learner, WHA, Inc. (William Hezmalhalch Architects), applicant's representatives
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
3. Recommendation to Town Board – Overland Master Plan – Zada Steidl, owner/ Eric Steidl, applicant/ Julia Malisos and Todd Learner, WHA, Inc. (William Hezmalhalch Architects), applicant's representatives
 - Quasi-judicial

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.

- Staff presentation: Paul Hornbeck, Senior Planner
- 4. Public Hearing – Overland 368 PUD Rezoning Overlay – Zada Steidl, owner/ Eric Steidl, applicant/ Julia Malisos and Todd Learner, WHA, Inc. (William Hezmalhalch Architects), applicant’s representatives
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
- 5. Recommendation to Town Board – Overland 368 PUD Rezoning Overlay – Zada Steidl, owner/ Eric Steidl, applicant/ Julia Malisos and Todd Learner, WHA, Inc. (William Hezmalhalch Architects), applicant’s representatives
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
- 6. Public Hearing– Land Use Code Update – An Ordinance Amending Certain Sections of Chapter 16 of the Municipal Code
 - Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner
- 7. Recommendation to Town Board– Land Use Code Update – An Ordinance Amending Certain Sections of Chapter 16 of the Municipal Code
 - Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner

D. COMMUNICATIONS

1. Communications from the Planning Commission
2. Communications from the Town Board liaison
3. Communications from the staff
 - a. Transportation Master Plan scheduled for 3/23/20 Town Board action

E. ADJOURN

* Please note that items on the Consent Calendar will not be discussed unless requested by the Planning Commissioners or by applicants who have business listed on the Consent Calendar.

Upcoming Meeting Dates

<u>Wednesday, March 4, 2020</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, March 18, 2020</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, April 1, 2020</u>	7:00 P.M.	Regular Planning Commission meeting**

Wednesday, April 15, 2020 7:00 P.M. Regular Planning Commission meeting**

Wednesday, May 6, 2020 7:00 P.M. Regular Planning Commission meeting**

** Does not include any Planning Commission work sessions which may be requested
and may also be scheduled for these dates.



PLANNING COMMISSION REGULAR MEETING

February 19, 2020 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Chairman Schick called the regular meeting of the Windsor Planning Commission to order at 7:01 p.m.

1. Roll Call

The following Planning Commission members were present:

Gale Schick
Victor Tallon
Doug Dennison
Kelly Hall
Jerry Bushelman
Daniel Foreman
Cindy Scheuerman

Town Board Liaison: David Sislowksi

Also present:

Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner
Sandra Mezzetti, Planner I
Krystal Eucker, Town Clerk
Timothy Reddick, Planning Commissioner
Alternate

2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

Mr. Tallon moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

3. Public Invited to be heard

Chairman Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR

1. Approval of minutes of January 15, 2020

Mr. Tallon moved to approve the consent calendar as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

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C. BOARD ACTION

1. Public Hearing – Conditional Use Grant – Kyger Trailhead Parking Area – Wade Willis, Open Space and Trails Manager, Town of Windsor, applicant

Mr. Schick opened the public hearing.

Mr. Sislowksi stated, “Mr. Chair, for the record I would like to disclose that I am a sitting member of the Town Board, and that I am here in my capacity as non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight’s proceedings influence or affect my review of this matter when it comes before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearing.”

Planner Sandra Mezzetti presented the proposal. Per Ms. Mezzetti, the applicant, Mr. Wade Willis, Open Space and Trails Manager for the Town of Windsor, is requesting a Conditional Use Grant (CUG) to allow gravel parking at the Kyger Reservoir trailhead located west of County Road 13 (Colorado Boulevard), south of County Road 68.5 (Jacoby Road), north of SH 392/Main Street. The site is zoned O for Recreation and Open Space. Currently, the Town’s Municipal Code does not address gravel parking areas located within or adjacent to natural areas; therefore, the entire parking area would need to be paved unless a CUG for the gravel parking lot is granted. Approval of the CUG request, along with an approved site plan, would allow for the construction of a permanent gravel parking lot located at the trailhead for the Kyger Reservoir Trail, which is generally more compatible with the surrounding natural area. The CUG request is for the gravel parking lot use only.

Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to granting of a conditional use:

1. The character and quality of the area in which the use will be located.

The subject property is located west of Colorado Boulevard (County Road 13) and south of County Road 68.5 (Jacoby Road), and north of SH 392/Main Street. The subject site is generally surrounded by undeveloped land, and open space and Kyger Reservoir to the west. The east side of Colorado Boulevard consists of undeveloped parcels within unincorporated Weld County.

2. The physical appearance of the use, including suitability of architectural and landscaping treatment.

The subject site will be used as a parking area for the Kyger Trail trailhead. The overall property is undeveloped natural open space and will remain in an undeveloped state, with the exception of trail and parking area improvements. The gravel parking, as opposed to asphalt paving, preserves the natural aesthetic of the area. Accessible parking spaces, however, must be paved to comply with ADA (Americans with Disabilities Act) requirements. No buildings are proposed as part of this CUG application.

3. **Appropriate location of the building or buildings on the lot.**
No buildings are proposed as part of this CUG application.
4. **Adequate provision of parking, loading and circulation facilities.**
Nineteen total parking stalls are proposed, seventeen standard and two accessible parking stalls. Accessible parking stalls are located adjacent to the 10' wide concrete trail and will be striped, paved, and signed as required for ADA conformance.
5. **Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.**
The gravel parking area is mitigated by the paved apron reducing the possibility of gravel being tracked onto Colorado Boulevard (CR 13).
6. **Potential effect of the use on storm drainage in the area.**
The proposed access drive and parking area will be a gravel base, thus allowing for storm water infiltration; therefore, reducing impacts on area storm drainage.
7. **Adequacy of planting screens where necessary.**
The subject property is undeveloped natural open space; therefore, no new landscaping is proposed as part of the this CUG application.
8. **Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.**
The proposal does not include use or storage of hazardous or noxious material.
9. **The general compatibility of the proposed use with the area in which it is to be located.**
The subject property is zoned Recreation and Open Space (O) district. The layout and general compatibility of the proposed use is consistent with the existing zoning and surrounding area uses.

Staff recommends the Planning Commission forward a recommendation of approval of the Conditional Use Grant application to the Town Board as presented with no expiration.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony received during the public hearing
- Recommendation

Mr. Tallon moved to close the public hearing; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

2. Recommendation to Town Board – Conditional Use Grant – Kyger Trailhead Parking Area – Wade Willis, Open Space and Trails Manager, Town of Windsor, applicant

Mr. Schick asked if Ms. Mezzetti had any additional information to present.

Ms. Mezzetti stated she had nothing further to add.

Mr. Tallon moved forward a recommendation of approval of the Conditional Use Grant with no expiration to the Town Board as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman,

Scheuerman

Nays – None

Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission
Mr. Tallon inquired if the parking lot at Chimney Park will be paved.
Mr. Ballstadt stated he is unsure; the early conditional use grants that were approved for the parks and recreation department may have been open ended.
2. Communications from the Town Board liaison
Mr. Sislowksi informed the Planning Commission of upcoming Town Board work session topics; March 2, 2020 at 6:00 p.m. for the Oil and Gas Location Requirements and March 12, 2020 on the Land Use Code Update.
3. Communications from the staff
Ms. Malone informed the Planning Commission of an ordinance that will be presented to the Town Board on February 24, 2020, regarding a change in the sign posting requirements. Currently, the Planning and Engineering Departments rely on the Engineering Department to post public hearing signs. This ordinance will place the responsibility on the applicant.
Mr. Ballstadt informed the Planning Commission of the Transportation Master Plan that will be presented to the Town Board at the Work Session on February 24, 2020.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:16 p.m.

Krystal Eucker, Town Clerk



MEMORANDUM

Date: March 4, 2020
To: Planning Commission
From: Paul Hornbeck, AICP, Senior Planner
Re: Public Hearing and Recommendation to Town Board –
Overland 368 Annexation to the Town of Windsor &
Recommendation to Town Board – Overland Master Plan –
Zada Steidl, owner/ Eric Steidl, applicant/ Julia Malisos and
Todd Learner, WHA, Inc. (William Hezmalhalch Architects),
applicant's representatives
Item #: C.1 – C.3

Background / Discussion

The applicant, Mr. Eric Steidl, represented by Ms. Julia Malisos and Mr. Todd Learner of WHA (William Hezmalhalch Architects) has submitted:

- A petition to annex approximately 173 acres to the Town of Windsor as Residential Mixed Use (RMU) zoned property.
- A master plan for the subject property
- A rezoning application to create a Planned Unit Development (PUD) zoning overlay

The subject property is located between State Highway (SH) 257 and 15th Street to the northwest of Windsor Lake and Lake Osterhout.

The Land Use Plan of the 2016 Comprehensive Plan designates this property as Single Family Residential, consistent with the proposed zoning. Zoning and uses for abutting properties include the following:

	Zoning	Current Use
North	RMU and Single Family Residential (SF-1)	Undeveloped agricultural land
East	RMU	Undeveloped agricultural land
South	Unincorporated Weld County	Agricultural property and associated homes
West	Recreation and Open Space (O)	Windsor Public Works Facility

The Comprehensive Plan Growth Strategy includes the property within a Secondary Growth Area, which is described as:

...land that lies outside the Primary Growth Area. It includes areas within the town's boundaries and the GMA. Development of these sites will require careful planning to ensure newly annexed areas ... can be serviced by town infrastructure.

The Master Plan is summarized as follows:

- 691 dwelling units maximum (consistent with the Land Use Plan designation of Single Family Residential density of 4 units/acre)
- A mix of single family detached and single family attached units
- 12-acre school site
- 7.5 acres of roads/ miscellaneous
- Extension of WCR 70 from SH 257 to 15th Street
- 44 acres of open space/drainage areas, including an open space corridor running southeast through the site which will accommodate drainage and a trail corridor
- Town trail connecting SH 257 and 15th Street

The site is not currently served by Windsor water or sewer services so future development will require extension of those utilities. Extension of utilities would be the responsibility of the developer with the possibility of Town reimbursement for any oversizing that adds system capacity. An Annexation Report has been prepared (attached) that details the provision of utilities and services to the property, maintenance of infrastructure, and a statement from the school district.

The applicant held a neighborhood meeting on February 28, 2019 (please refer to attached the neighborhood meeting summary).

At their January 27, 2020 regular meeting, Town Board adopted Resolution No. 2020-007 that declared certain findings of fact concerning the annexation, determined substantial compliance with Colorado Municipal Annexation Act (1965), and established public hearing dates before the Planning Commission and the Town Board. The established hearing dates were March 4, 2020 for the Planning Commission and March 9, 2020 by the Town Board.

Relationship to Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Chapter 5b – Growth Framework

Goal:

Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Staff comment: The Master Plan proposes development that is consistent in character with the community by providing a mix of housing types and open space. The Master Plan is fiscally and environmentally responsible by proposing compact development, which has been shown to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per unit basis. Similarly, compact development has been shown to be more environmentally responsible, as it takes less resources to construct and maintain, and it can also make alternative forms of transportation such as walking, biking, and transit more viable due the compact layout.

Objective(s):

13. Develop new neighborhoods adjacent to the Town core.

Staff comment: The proposed development can be considered a part of the Town core, being approximately one mile north of downtown.

Chapter 5d – Residential Areas Framework Plan**Goal:**

Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

Staff comment: The Master Plan and associated PUD standards will allow for a diverse style of housing types including multifamily dwellings and a variety of single family lot sizes ranging from 2,500 to 6,600 square feet. Such a range in lot sizes can help meet the needs of varying family sizes, lifestyles, and income levels.

Objective(s):

1. Promote multi-modal connectivity to increase neighborhood access and resident mobility.

Staff comment: The Master Plan promotes multi-modal connectivity by providing trails and additional road connections, such as WCR 70.

4. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Staff comment: As mentioned earlier, the Master Plan allows for a diverse style of housing types.

Chapter 7- Community Facilities and Infrastructure

Goal:

Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.

Objective(s):

1. *Coordinate annexation and development with community service and utility providers to ensure adequate levels of service area extended to new growth areas and maintained in existing service areas.*

Staff comment: Connection of WCR 70 from SH 257 to 15th Street and extension of water and sewer utilities are proposed with the Master Plan.

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly the following:

- **Infrastructure** – As mentioned above, connection of WCR 70 from SH 257 to 15th Street and extension of water and sewer utilities are proposed with the Master Plan.
- **Quality of Life** – A 12-acre school site, open space, and a regional trail connection are proposed with the Master Plan.
- **Downtown** – The site is in close proximity (approximately one mile) to downtown and additional homes in the area may increase demand for investment and businesses downtown.

Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- Legal ad ran for four consecutive weeks in newspaper:
 - February 7, 2020 – first week legal ad
 - February 14, 2020 – second week legal ad
 - February 21, 2020 - third week legal ad
 - February 28, 2020 – fourth week legal ad
- February 6, 2020 – two annexation signs posted on property
- February 6, 2020 – public hearing notice published to Town website
- February 10, 2020 - applicant mailed letters to surrounding property owners
- February 10, 2020 – staff mailed Certified Packets to relevant taxing districts

Annexation Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the annexation and zoning designation subject to any outstanding Planning Commission and staff comments being addressed.

Master Plan Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Master Plan subject to any outstanding Planning Commission and staff comments being addressed.

Attachments

Annexation Petition
Annexation Impact Report
School District Statement
Neighborhood Meeting Minutes
PowerPoint Presentation

cc: Zada Steidl, owner
Eric Steidl, applicant
Julia Malisos and Todd Learner, applicant's representatives

ANNEXATION PETITION

C.R.S. 31-12-107(1)

(I, We) the landowner(s) of more than 50% of the territory, excluding public streets and alleys, described as SEE ATTACHED PAGE containing 173.1 acres more or less, allege the following to be true and correct:

The perimeter of the proposed annexation has a distance of 16,219.49 feet, of which 7038.41 feet are contiguous to the existing TOWN limits of the TOWN OF WINDSOR. A minimum of 1/6 of the perimeter of the proposed annexation is contiguous to the TOWN OF WINDSOR.

We further allege:

1. It is desirable and necessary that said territory be annexed to the TOWN OF WINDSOR.
2. A community of interest exists between the said territory and the TOWN OF WINDSOR.
3. Said territory is urban or will be urbanized in the near future.
4. Said territory is integrated or capable of being integrated with the TOWN OF WINDSOR.
5. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.
6. No land held in identical ownership comprises 20 acres and together with improvements had an assessed valuation in excess of \$200,000.00 in the year preceding the filing of this Petition.
7. No proceedings for annexation of the territory have been commenced for annexation to another municipality.
8. The signers hereof comprise the landowners of more than 50% of the territory proposed to be annexed exclusive of streets and alleys, and are in fact owners of 100% of the hereinafter described property.

Therefore, the undersigned hereby request that the TOWN OF WINDSOR approve the annexation of the area described above and do herewith pay the required fees.

In addition to the annexation, the undersigned request the zoning of RMU with for the above described property.
PUD Overlay

Date

Owners Signature

Mailing Address

12-27-18

Zeda Ann Steidl

P.O. Box 368, Windsor, Co
80550



January 2, 2019

Mr. Paul Hornbeck
TOWN OF WINDSOR PLANNING AND ZONING
301 Walnut Street
Windsor, CO 80550

Subject: OVERLAND MASTER PLAN/PLANNED UNIT DEVELOPMENT Project #2017342

Dear Mr. Hornbeck,

Thank you for taking this annexation and rezoning under consideration. This proposal is pertaining to the future development of the Blue Sky Farm property (referred to herein as Overland).

Project Introduction:

Located on 173-acres of property located in the unincorporated Town of Windsor, Overland is envisioned to be a thoughtfully crafted community of up to 700 homes that will complement the small town culture of Windsor and embrace the active lifestyle of the Western Front.

The property is located northwest of Windsor Lake. It is less than one mile north of the town center bounded on the east by North 7th Street, on the west by 15th Street, on the south by The Great Western Railway, and agricultural lands to the north. Currently designated as an agricultural land use, the property is presently Blue Sky Farms which operates as a farming and livestock business.

Development is occurring around the Overland property which includes single family residential neighborhoods. This subject property is also within close proximity to local schools, some of which are within walking distance. Services and shopping opportunities are also a short distance, mainly located along Main Street. Existing recreation close to Overland includes the Windsor Recreational Center which offers a senior center and year round activities. With all of this existing infrastructure, it is believed that this property is ideally situated for a range of homeowners interested in conventional single-family homes as well as higher density detached and attached housing. The Overland project would like to contribute to the growing Town of Windsor, providing high quality architecture and thoughtful neighborhood design.

It is desired to annex this property into the Town of Windsor and to designate it as a Planned Unit Development (PUD) Overlay zone. Approving this project under the PUD Overlay zone would allow for the necessary flexibility to meet market demands and consumer preferences while providing a high quality residential community for a wide range of buyers.

Written Explanation of the Community Benefit

The Overland project is fundamentally consistent with the objectives cited in the Town of Windsor Municipal Code Section 16-23-10(d) for PUD Overlays as outlined below:

1. To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.

Overland will be designed to incorporate a mixture of home types and open spaces. To support market findings and provide an optimal community for potential buyers, a PUD is being proposed to grant flexibility beyond the Town of Windsor's residential development standards. Lot sizes will be different than what the current code allows for, so development standards within the PUD document have been created to address these deviations. The Overland community is intended to provide homes for a wide range of residents from young families to age-qualified populations. The existing infrastructure including the schools and the Windsor Recreational Center support the proposal of creating a residential community at this location. Due to rising home prices, buyers are seeing the value in higher density homes within diverse planned communities. These communities include recreation opportunities and enhances social activity. Open spaces are provided throughout Overland and not only address drainage needs, but promote opportunities for active and passive recreation.

2. To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.

Overland strives to provide a variety of home types that although different in lot size, complement each other, are well organized, and live harmoniously throughout the community. Open spaces are integrated and celebrated throughout Overland, with homes fronting and siding on to them. Not only does this integration of uses encourage people to use these open spaces, but it also creates more eyes on these areas allowing for greater inherent surveillance. The different home types will create diversity, but the overall Overland theme will harmonize the entire community.

3. To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.

This PUD Overlay has been developed to provide additional or revised development standards for portions of the site so that Overland can accomplish a diverse residential and open space community.

4. To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.

Overland proposes to have a large open space running throughout the community. This open space will serve as both as a recreation area and meet the drainage needs. Streetscapes will also be designed with thoughtful landscaping that will contribute to the community aesthetic and pedestrian experience. Particular focus will be put on the open spaces, community spine road, and the circulatory roads throughout the individual planning areas.

5. To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.

The standards have been designed to be contextually appropriate for the project vision, ensuring an appropriate degree of flexibility for Overland as it develops. All standards will comply with building and safety codes.

6. To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

The Overland PUD Overlay has been designed to ensure an appropriate level of design and site planning standards are used at the property. The PUD area does not abut any existing development, however, there is single family detached homes within close proximity.

We look forward to working with the Town of Windsor during the review and approval process for this application. Please contact me if you have any questions or if you need additional information.

Regards,

A handwritten signature in blue ink, appearing to be 'Julia Malisos', with a stylized, flowing script.

Julia Malisos, LEED AP
Principal, Planning/Community Design

JM/JM

ANNEXATION IMPACT REPORT
OVERLAND ANNEXATION

Please see the enclosed Annexation Plat for a full legal description on the subject property.

- 1) (a) Please see the enclosed Annexation Plat and vicinity map for current and proposed municipal boundaries.
(b) Please see item #3 below for information regarding provision of utility services.
(c) Please see the enclosed Annexation Plat, Town of Windsor Land Use Plan map and the proposed Land Use Map Amendment for the current and proposed land use patterns.
- 2) The application materials did not include a draft or final pre-annexation agreement. The Town of Windsor does not typically require a pre-annexation agreement unless such an agreement is determined to be necessary during the initial review.
- 3) Municipal services will be provided as follows:
 - Water – The proposed development will be served by Town of Windsor.
 - Sewage Disposal – The proposed development will be served by Town of Windsor.
 - Drainage Facilities – Drainage infrastructure per the Town's requirements is to be constructed by the developer solely at the developer's expense.
 - Fire Protection – Windsor-Severance Fire Rescue.
 - Police Protection – Town of Windsor Police Department.
 - School – Weld County School District RE-4.
- 4) Installation and financing of any municipal infrastructure extensions shall be the sole responsibility of the developer.
- 5) Please find the enclosed list identifying all existing districts within the area to be annexed.
- 6) Please see the enclosed Weld County School District RE-4 comments.

All development proposals are required to comply with the Town of Windsor Comprehensive Plan, Zoning and Subdivision Ordinances and applicable Corridor Plans.



Paul Hornbeck, Senior Planner

February 6, 2020

Date

February 28, 2019
5:30 PM – 7:00 PM

Overland 368 Neighborhood Outreach Meeting Notes

Meeting went as follows:

Todd Lerner of WHA provided overview of project and context.

- Where project was located
 - Surrounding streets
 - Surrounding properties are
- What the overall vision of the project is
 - Traditional Neighborhood Development
 - Attainable and diverse housing
- The goals set forth in the Windsor Comprehensive Plan 2025 and how the Overland project relates
- How we craft a project (authenticity of place, housing needs, feedback from Town staff and consultants)
- Land plan (explanation of the land plan and potential product types, drainage pattern)

Julia Malisos of WHA provided implementational information

- The application process (Annexation, Zone Change, Planned Unit Development Document (PUD))
- The annexation is required to incorporate into the Town of Windsor
- The rezoning is needed to come into compliance with the Town's designations
- The PUD is to provide maximum flexibility
- Breakdown of why a PUD is being proposed:
 - Flexibility
 - Unity and Diversity
 - Promote conservation of natural landscape
 - Provide a set of rules that the project could be reviewed with
 - Maintain property values

Speaker session was concluded and public comments/question and answer period was opened.

Questions:

Q: How is the property accessed?

A: Showed existing road and proposed road access information.

Q: Are the surrounding properties going to be annexed?

A: No, only the Overland parcels.

Q: What could the multi-use be?

A: Could be residential or commercial. When talking to Town staff, they did not want to take commercial off the table. The mixed-use allows for higher density residential and more attainable homes types.

Q: How would the multi-use be accessed?

A: It would be accessed from 17th Street.

Q: Would the project take on a Metro Tax?

A: It would take on a Metro District Assessment.

Q: What about traffic on 257?

A: The Comprehensive Plan shows the 257 being widened from a 2-lane road to a 4-lane road.

Q: How will the project be phased?

A: Phasing is likely to occur east to west, but discussion and finalization still needs to occur with the engineers.

Q: Is filing for Mixed-Use zoning to get more lots?

A: Mixed use zoning is to provide flexibility to the uses. This also enables more efficient design and pedestrian friendly environment since the lots have the potential to be more compact and innovative.

Q: What about access for the property south-east of the project site?

A: We do not have confirmation as to what is happening to that property, but we do have to provide access to it.

Q: This project will open up the floodgate for the landlocked property.

A: Not necessarily but it is a state mandate to provide access.

Q: What will happen with the existing warm water slue?

A: The Windsor Lake system will not be impacted.

Q: What about water rights?

A: We have had a study done, all water rights will stay in place.

Q: Not crazy about the mixed-use/multi-use.

A: Explanation of what multi-use meant, specifically that it a designation and could mean attached homes from duplexes on up. The intent is not super high density homes or towers.

Q: Concern that builders will build cheap homes because they are "affordable?"

A: Explanation that we understand the concern and it is common problem across the country. Then explained that they are proposed to be "attainable" homes and that there will be a design review process. Further, that homes can be less costly by making them simple homes/simple construction which don't always equate to cheap-looking.

Q: What about the infrastructure (sewer, water)?

A: We are still in the early stages and will finalize with public works and engineers. Water will likely be Greely Water District but it is still in the early stages.

Meeting was concluded.



DAN SEEGMILLER, SUPERINTENDENT
STEPHANIE WATSON, ASST. SUPERINTENDENT

February 3, 2020

Town of Windsor Planning Department
301 Walnut Street
Windsor, CO 80550

RE: Overland Annexation

Dear Planning Staff:

The Overland Annexation is a residential development that is located between Weld County Road 15 and Highway 257, south of Weld County Road 72. The project revision proposes 691 single family homes. Based upon the 691 lots planned in this development, the following student generation is anticipated:

School (Level)	Students
Elementary School (K-5)	228
Middle School (6-8)	111
High School (9-12)	145
Total	484

This level of student generation results in the need for 12.92 acres of land necessary to support the school facilities required to serve these students. Given the rapid growth within the School District, Weld RE-4 remains concerned with its ability to provide for continuing growth within our boundaries. Meaningful partnerships with the school district, developers, and town officials will be vital for planned growth that meets the needs of our community and its stakeholders.

Site Issues

The District is requesting for a suitable site be dedicated to Weld RE-4 School District with utilities within the development of 10-12 acres. In accordance with this request, there is a 12 acre site, PA-4, which is at the intersection of Colorado Highway 257 and a proposed Right of Way. The District requests the opportunity to respond to any land use changes associated with this development.

Facility and Fiscal Capacity Issues

Grandview Elementary School, Windsor Middle School and Windsor High School will serve this area.



DAN SEEGMILLER, SUPERINTENDENT
STEPHANIE WATSON, ASST. SUPERINTENDENT

<u>School (Grades)</u>	<u>Enrollment Capacity</u>	<u>Student Enrollment (8/19)</u>	<u>Available (Short)</u>
Grandview Elementary (K-5)	600	559	41
Windsor Middle School (6-8)	700	741	(41)
Windsor High School (9-12)	1,290	1,418	(128)

Capacities of the schools in this area are rapidly approaching their design limit or over capacity. To provide capacity at the high school level, Severance High School recently opened in the fall of 2019. Approved development exceeds the district's current capacity to fund educational facilities.

As of December 1, 2018, the District's total bonding capacity approximates \$247.5 million at 25 percent of assessed valuation per state statute. Debt outstanding from approved bond elections total \$121.8 million leaving \$125.7 million available for future facility needs throughout the District. Given residential development and student potential from already approved, but not completed projects, this amount is likely not enough to provide the necessary school facilities. Continued growth in our assessed value is essential to raise our bonding capacity. A balance between commercial and residential development is important to insure bonding capacity can keep pace with an influx in student population.

Recommendations

The School District remains concerned about residential activity and the ensuing enrollment that will follow as well as the District's physical and financial abilities to serve that growth. The District believes the proposed school site, is adequate for an elementary school, once the site meets all of the terms of the IGA with the Town of Windsor. In addition, the School District requests to be notified of any proposed land use changes associated with this application.

Your continuing cooperation is sincerely appreciated, as is the opportunity to comment upon issues of interest to the Town, the School District and our mutual constituents. Should you have questions or desire further information, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Seybert", with a long horizontal line extending to the right.

Jason Seybert
Chief Operating Officer



Overland 368 Annexation & Master Plan

Paul Hornbeck, Senior Planner

Planning Commission March 4, 2020



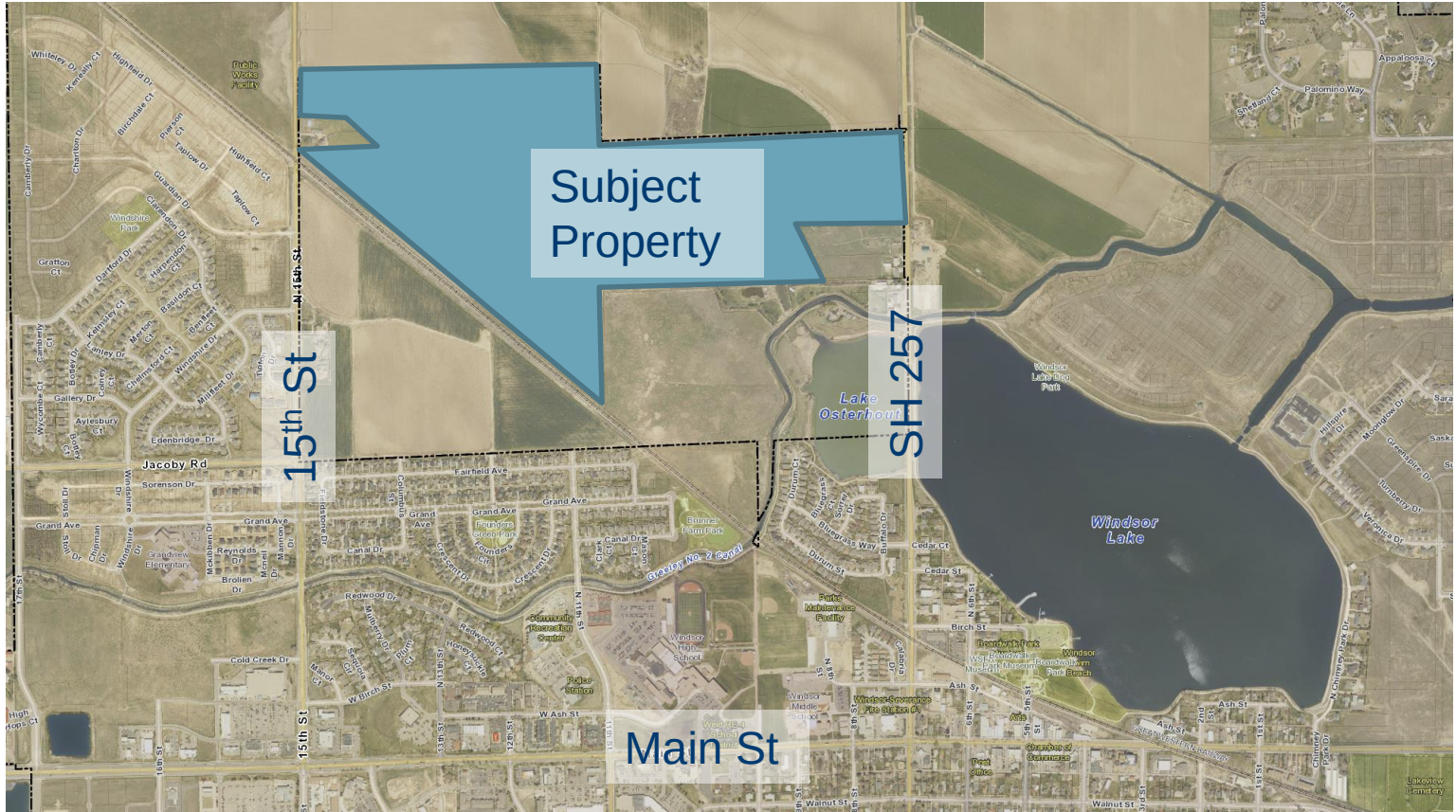
Annexation

Article I of Chapter 15 of the Municipal Code outlines the purpose and procedures of the annexation process, including:

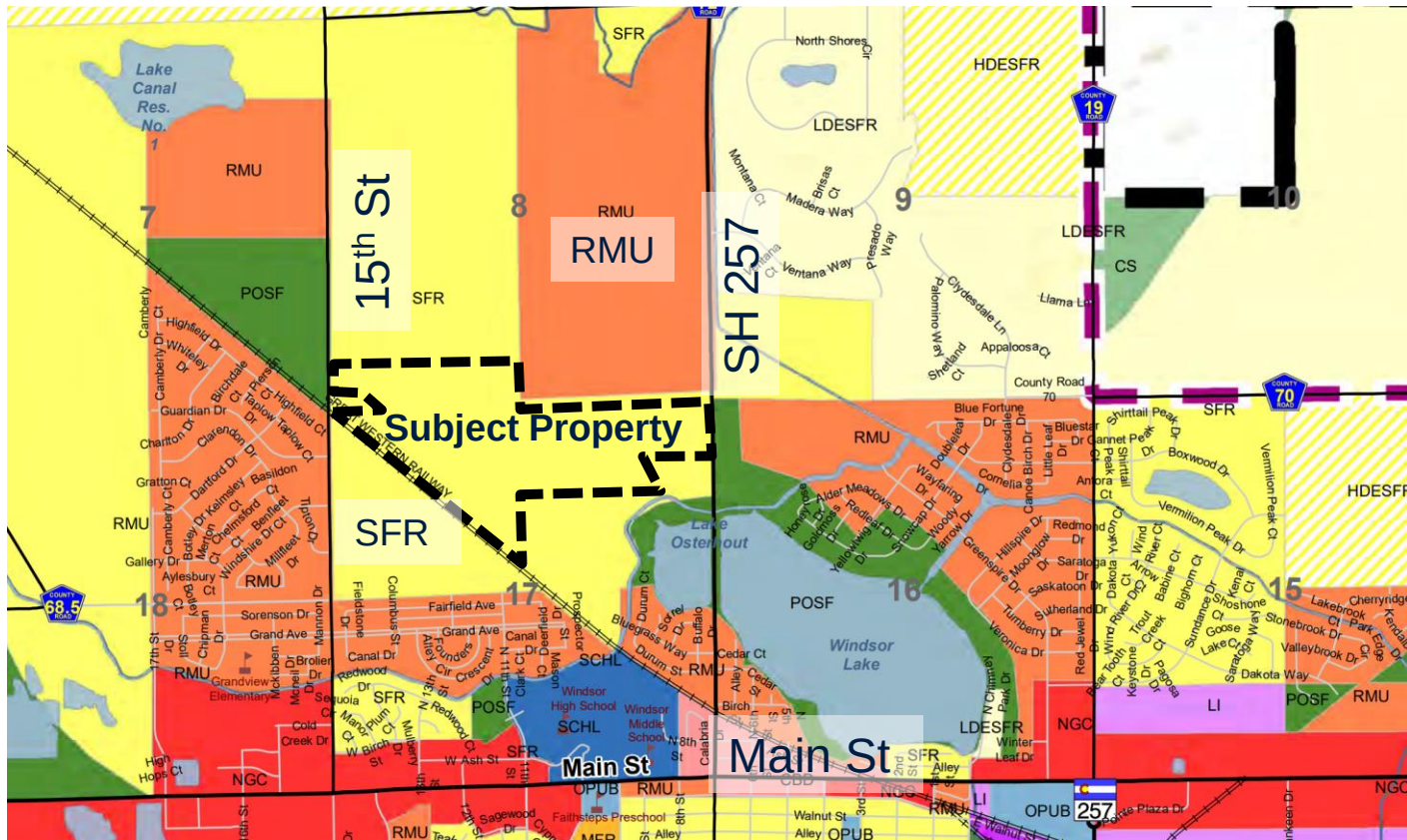
Sec. 15-1-10. Purpose.

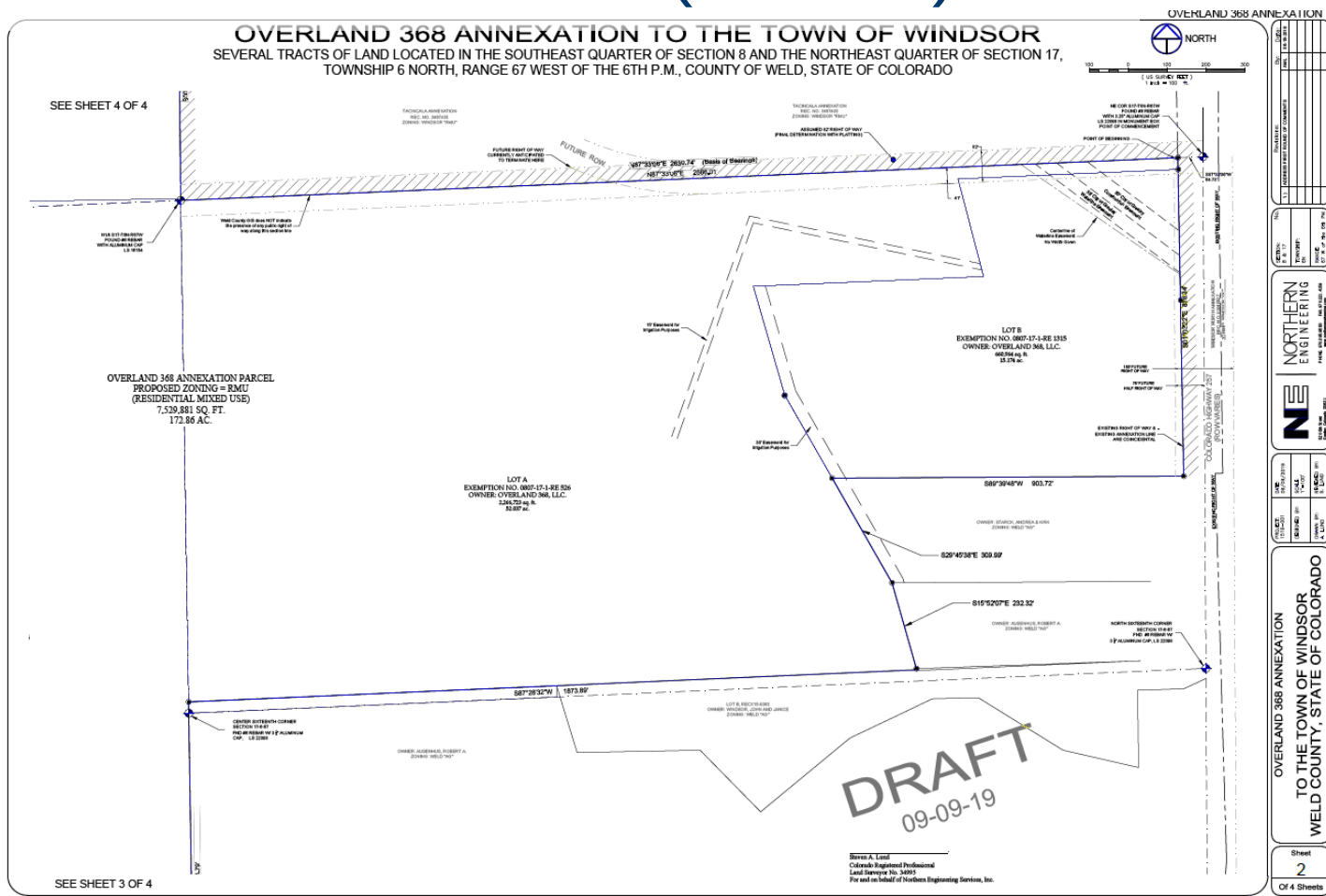
The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.

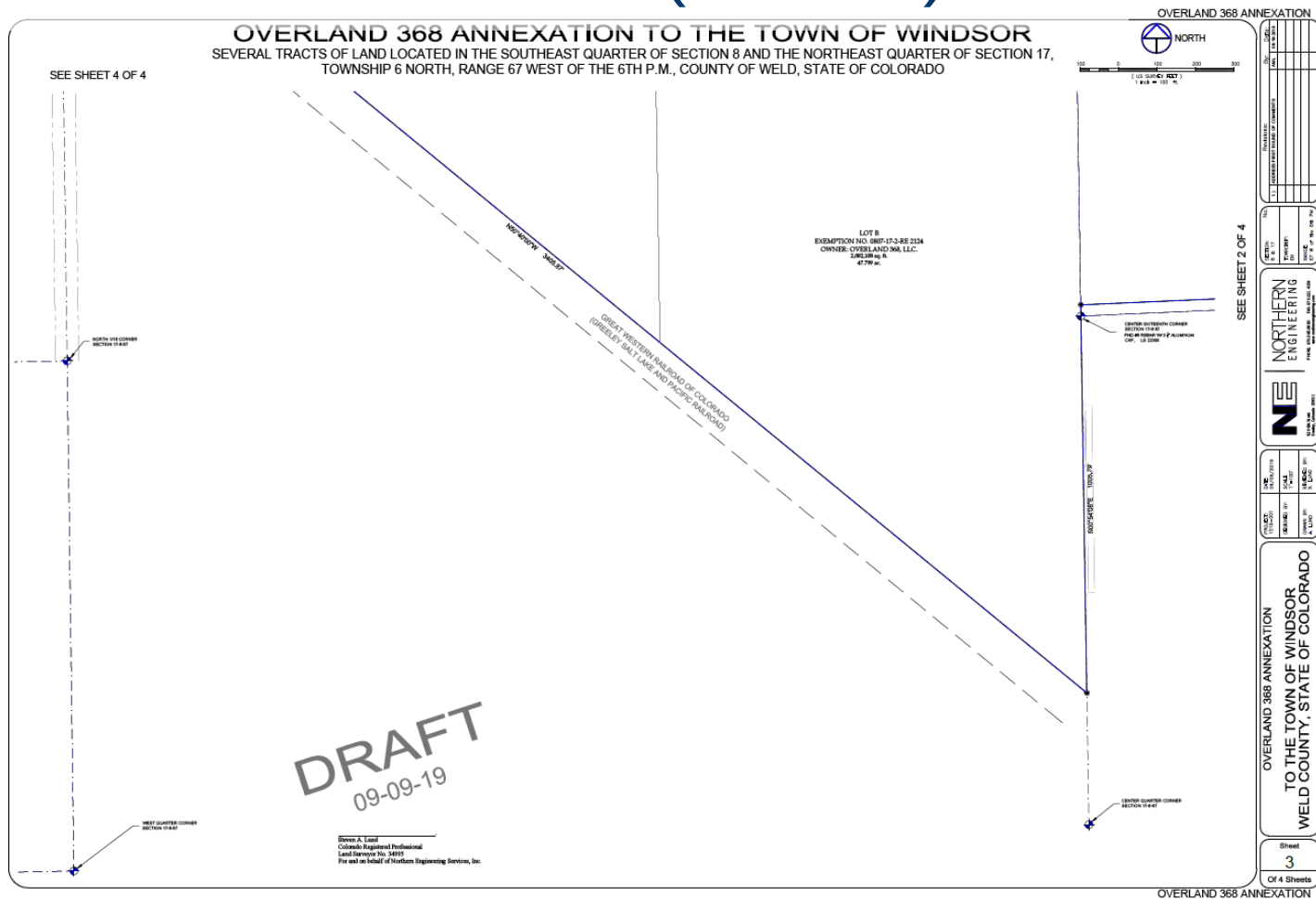
Site Vicinity Map

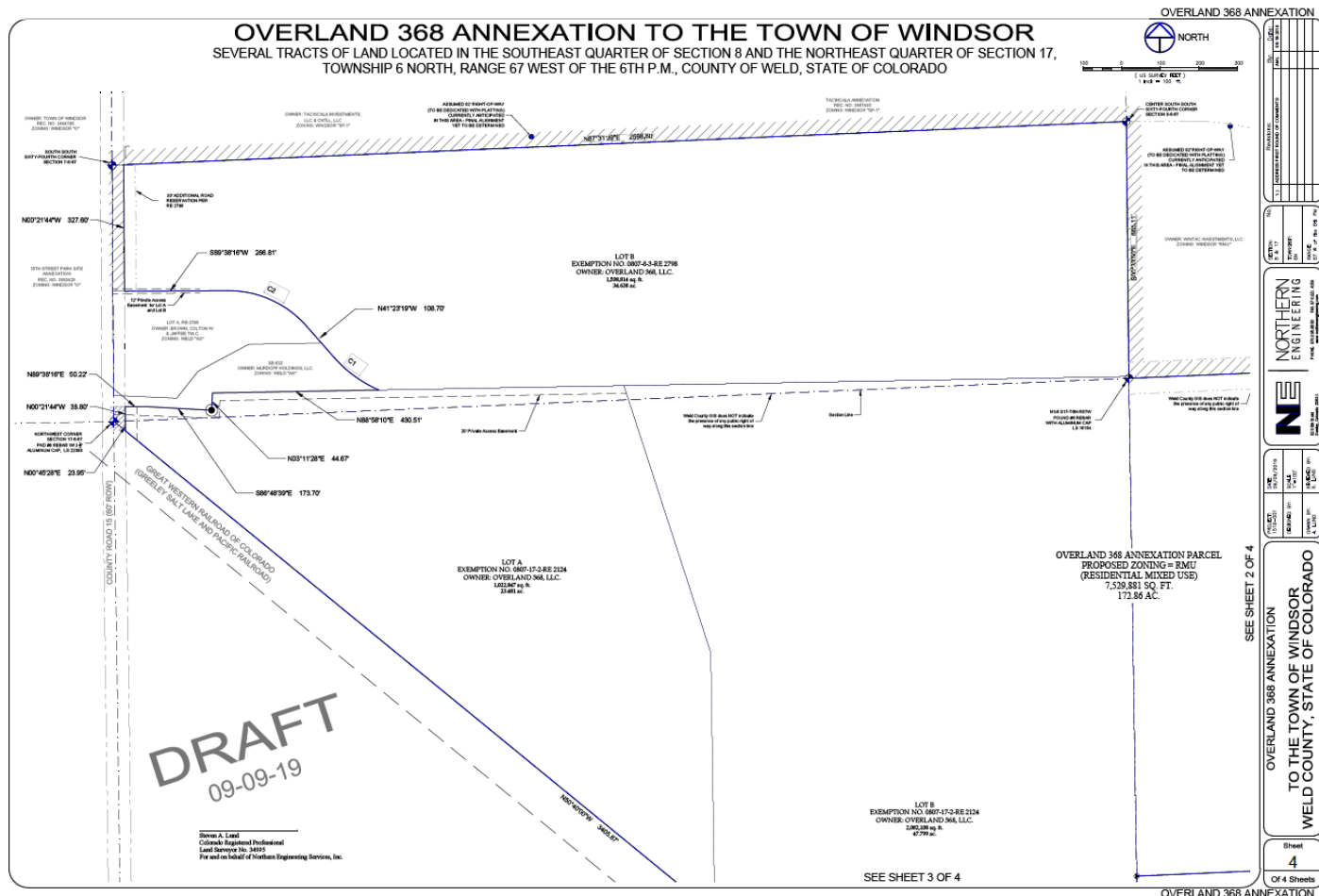


Land Use Plan



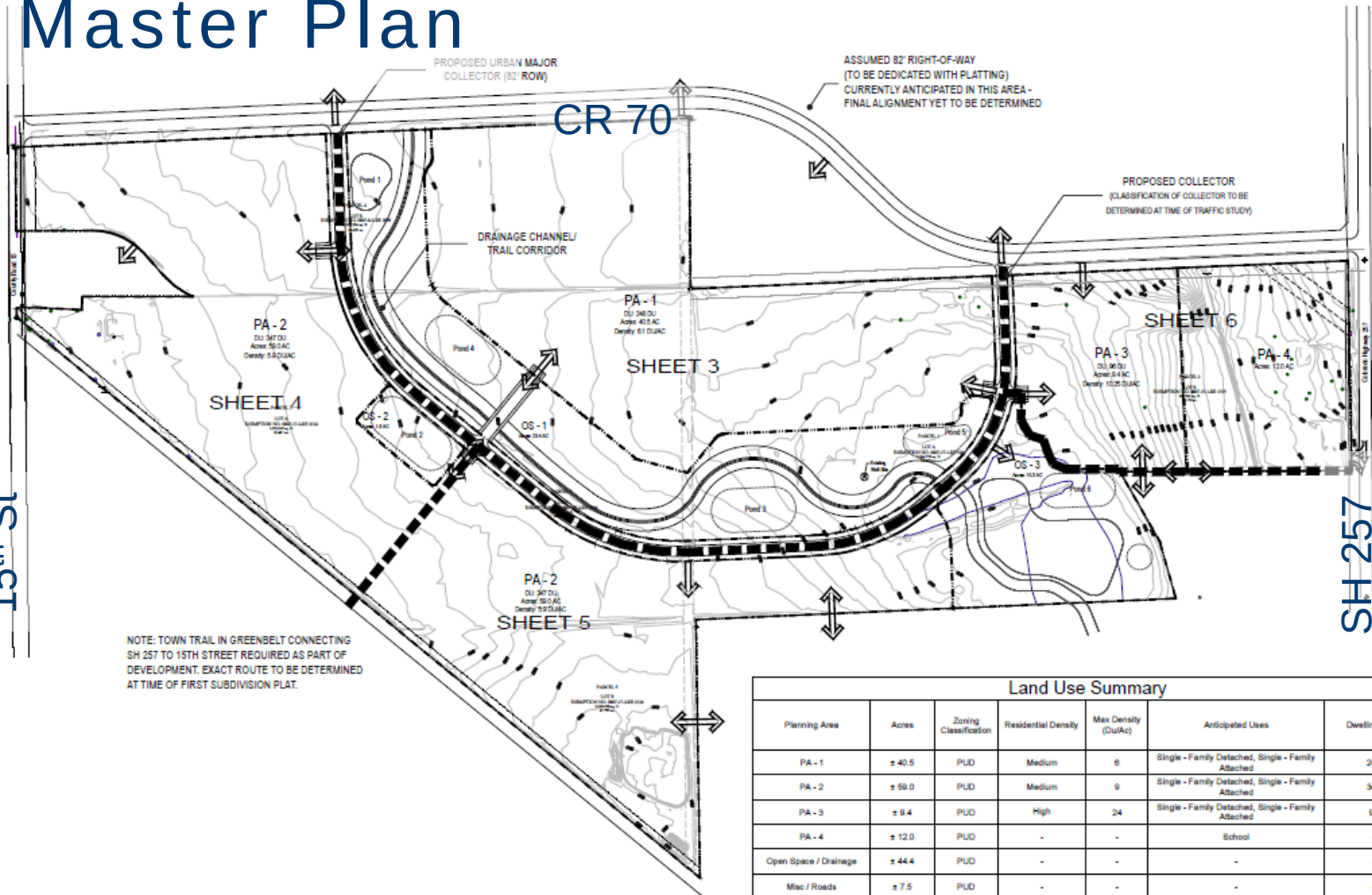






Master Plan

15th St



SH 257

Land Use Summary

Planning Area	Acres	Zoning Classification	Residential Density	Max Density (Du/Ac)	Anticipated Uses	Dwelling Units
PA - 1	± 40.5	PUD	Medium	6	Single - Family Detached, Single - Family Attached	248
PA - 2	± 59.0	PUD	Medium	9	Single - Family Detached, Single - Family Attached	347
PA - 3	± 9.4	PUD	High	24	Single - Family Detached, Single - Family Attached	96
PA - 4	± 12.0	PUD	-	-	School	-
Open Space / Drainage	± 44.4	PUD	-	-	-	-
Misc / Roads	± 7.5	PUD	-	-	-	-
Project Total	± 172.85					691

Illustrative Master Plan



OVERLAND 368, LLC

OVERLAND
WINDSOR, CO



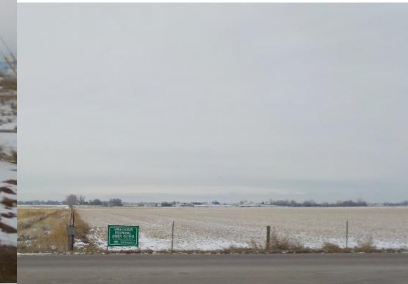
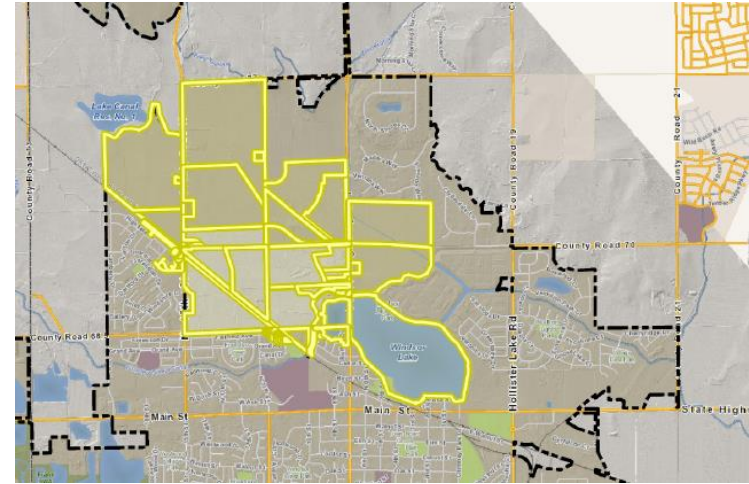
CONCEPTUAL LAND USE PLAN



Notification Area

Planning Commission and Town Board public hearing notifications:

- Legal ad ran for four consecutive weeks in newspaper:
 - February 7, 2020 – first week legal ad
 - February 14, 2020 – second week legal ad
 - February 21, 2020 - third week legal ad
 - February 28, 2020 – fourth week legal ad
- February 6, 2020 – two annexation signs posted on property
- February 6, 2020 – public hearing notice published to Town website
- February 10, 2020 - applicant mailed letters to surrounding property owners
- February 10, 2020 – staff mailed Certified Packets to relevant taxing districts





Findings

At their January 27, 2020 meeting, the Town Board adopted Resolution 2020-007 that declared these certain findings of fact and set hearing dates:

1. March 4, 2020 for Planning Commission
2. March 9, 2020 for Town Board



Relationship to Comprehensive Plan (1 of 3)

Chapter 5b – Growth Framework

Goal:

Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Staff comment: The Master Plan proposes development that is consistent in character with the community by providing a mix of housing types and open space. The Master Plan is fiscally and environmentally responsible by proposing compact development that has been shown to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per unit basis. Similarly, compact development has been shown to be more environmentally responsible as it takes less resources to construct and maintain, and it can also make alternative forms of transportation such as walking, biking, and transit more viable due the compact layout.

Objective(s):

3. Develop new neighborhoods adjacent to the Town core.

Staff comment: The proposed development can be considered a part of the Town core, being approximately one mile north of downtown.



Relationship to Comprehensive Plan (2 of 3)

Chapter 5d – Residential Areas Framework Plan

Goal:

Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

Staff comment: The Master Plan and associated PUD standards will allow for a diverse style of housing types including multifamily dwellings and a variety of single family lot sizes ranging from 2,500 to 6,600 square feet. Such a range in lot sizes can help meet the needs of varying family sizes, lifestyles, and income levels.

Objective(s):

#1 Promote multi-modal connectivity to increase neighborhood access and resident mobility.

Staff comment: The Master Plan promotes multi-modal connectivity by providing trails, additional road connections such as WCR 70.

#4 Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Staff comment: As mentioned earlier, the Master Plan allows for a diverse style of housing types.



Relationship to Comprehensive Plan (3 of 3)

Chapter 7- Community Facilities and Infrastructure

Goal:

Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.

Objective(s):

Coordinate annexation and development with community service and utility providers to ensure adequate levels of service area extended to new growth areas and maintained in existing service areas.

Staff comment: Connection of WCR 70 from SH 257 to 15th Street and extension of water and sewer utilities are proposed with the Master Plan.



Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly the following:

- **Infrastructure** – As mentioned above, connection of WCR 70 from SH 257 to 15th Street and extension of water and sewer utilities are proposed with the Master Plan.
- **Quality of Life** – A 12-acre school site, open space, and a regional trail connection are proposed with the Master Plan.
- **Downtown** – The site is in close proximity (approximately 1 mile) to downtown and additional homes in the area may increase demand for investment and businesses downtown.



Annexation Records

Staff requests that the following be entered into the record:

- Application, petition and supplemental materials
- Any testimony received during the public hearing
- Staff memorandum and supporting documents
- Recommendation



Annexation Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the annexation and zoning designation subject to any outstanding Planning Commission and staff comments being addressed.



Master Plan Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Master Plan subject to any outstanding Planning Commission and staff comments being addressed.



Annexation & Master Plan Review Considerations

- Annexation is a discretionary act by Town Board
- Compliance with Annexation Act of 1965
- Consistency with Comprehensive Plan



MEMORANDUM

Date: March 4, 2020
To: Planning Commission
From: Paul Hornbeck, AICP, Senior Planner
Re: Public Hearing and Recommendation to Town Board –
Overland 368 PUD Rezoning Overlay – Zada Steidl, owner/ Eric
Steidl, applicant/ Julia Malisos and Todd Learner, WHA, Inc.
(William Hezmalhalch Architects), applicant's representatives
Item #: C.4 – C.5

Background / Discussion

The applicant, Mr. Eric Steidl, represented by Ms. Julia Malisos and Mr. Todd Learner of WHA (William Hezmalhalch Architects) has submitted a rezoning application to create a Planned Unit Development (PUD) zoning overlay on a 173-acre tract of land.

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town's Official Zoning District Map, and the development standards approved with the PUD will be applied to future land use applications within the PUD district. In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, to:

provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.

The PUD allows for more intense residential development than is allowed under the municipal code by providing for reduced lot sizes and reduced building setbacks. Despite the higher intensity allowed by the PUD, the overall density of the subject property will not exceed the four units per acre maximum allowed by the Single Family Residential designation on the Comprehensive Plan Land Use Map. The higher intensity development will allow for clustering density while preserving approximately 45 acres for open space and drainage and providing a 12-acre school site.

The PUD includes design standards that exceed standard zoning requirements with an intent of creating a high quality public realm and streetscape. Key requirements include open space standards, front porches on homes, garage placement that minimizes their visual impact, a variety of home models to avoid monotony, and staggered massing of homes to create visual interest.

Relationship to Land Use Code

Municipal Code Section 16-23-20(d) lists the following specific objectives of PUD zoning:

1. To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.
2. To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.
3. To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.
4. To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.
5. To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.
6. To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

Staff Comment: The proposed PUD district is consistent with the intent of the district.

Municipal Code Section 16-23-20 includes General Location and Planning Requirements for PUD zone districts:

(a) Relation to major transportation system. Planned development districts shall be so located with respect to major streets and highways or other transportation facilities as to be directly accessible without creating traffic on minor streets in residential areas outside such districts.

Staff Comment: The proposed PUD district will be directly accessible from WCR 70.

(b) Relation to public utilities and community facilities. Planned development districts shall be so located in relation to public utilities and community facilities and services, either existing or to be available by the time development reaches the stage where they will be required, that such facilities can be provided at reasonable public cost.

Staff Comment: Extension of public utilities will be the responsibility of the applicant, subject to potential reimbursement for oversizing which adds to the system capacity.

(c) Relation to general pattern of urban development. Planned development districts shall be planned and located in general compliance with the Comprehensive Development Plan and shall relate the major elements of the urban pattern, including housing, commercial facilities and principal places of employment, by physical proximity of major streets so as

to provide for the convenience and amenity of residents of the community and reduce general traffic congestion by a close relationship between origins and destinations.

Staff Comment: As outlined below, the proposed PUD district is in general compliance with the Comprehensive Plan. The location of the PUD is in close proximity to the core of Town and services.

Relationship to Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Chapter 5b – Growth Framework

Goal:

Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Staff comment: The type of more compact development proposed by the PUD has been shown to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per unit basis. Similarly, compact development has been shown to be more environmentally responsible, as it takes less resources to construct and maintain, and it can also make alternative forms of transportation such as walking, biking, and transit more viable due the compact layout.

Objective(s):

3. Develop new neighborhoods adjacent to the Town core.

Staff comment: The proposed development can be considered a part of the Town core, being approximately one mile north of downtown.

Chapter 5d – Residential Areas Framework Plan

Goal:

Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

Staff comment: The proposed PUD standards will allow for a diverse style of housing types including multifamily dwellings and a variety of single family lot sizes ranging from 2,500 to 6,600 square feet. Such a range in lot sizes can help meet the needs of varying family sizes, lifestyles, and income levels.

Objective(s):

1. Promote multi-modal connectivity to increase neighborhood access and resident mobility.

Staff comment: The proposed PUD promotes multi-modal connectivity by providing trails, additional road connections such as WCR 70, and a focus on pedestrian-friendly design.

2. Utilize conservation design and traditional neighborhood design for new residential growth areas and promote overall community livability.

Staff comment: The proposed PUD can be described as traditional neighborhood design with a focus on the public realm and streetscape. Key requirements include front porches, garage placement to minimize visual impact, a variety of home models to avoid monotony, and staggered massing of homes to create visual interest.

4. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Staff comment: As mentioned earlier, the proposed PUD standards will allow for a diverse style of housing types.

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly the following:

- **Infrastructure** – Connection of WCR 70 from SH 257 to 15th Street and extension of water and sewer utilities are proposed with the Master Plan.
- **Quality of Life** – A 12-acre school site, open space, and a regional trail connection are proposed with the Master Plan.
- **Downtown** – The site is in close proximity (approximately one mile) to downtown and additional homes in the area may increase demand for investment and businesses downtown.

Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- Legal ad for annexation and rezoning ran for four consecutive weeks in newspaper:
 - February 7, 2020 – first week legal ad
 - February 14, 2020 – second week legal ad
 - February 21, 2020 - third week legal ad
 - February 28, 2020 – fourth week legal ad
- February 6, 2020 – two development signs posted on property
- February 6, 2020 – public hearing notice published to Town website

- February 10, 2020 - applicant mailed letters to surrounding property owners

Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the PUD zoning overlay subject to any outstanding Planning Commission and staff comments being addressed.

Attachments

- PowerPoint Presentation
- PUD Document

cc: Zada Steidl, owner
Eric Steidl, applicant
Julia Malisos and Todd Learner, applicant's representatives



January 2, 2019

Mr. Paul Hornbeck
TOWN OF WINDSOR PLANNING AND ZONING
301 Walnut Street
Windsor, CO 80550

Subject: OVERLAND MASTER PLAN/PLANNED UNIT DEVELOPMENT Project #2017342

Dear Mr. Hornbeck,

Thank you for taking this annexation and rezoning under consideration. This proposal is pertaining to the future development of the Blue Sky Farm property (referred to herein as Overland).

Project Introduction:

Located on 173-acres of property located in the unincorporated Town of Windsor, Overland is envisioned to be a thoughtfully crafted community of up to 700 homes that will complement the small town culture of Windsor and embrace the active lifestyle of the Western Front.

The property is located northwest of Windsor Lake. It is less than one mile north of the town center bounded on the east by North 7th Street, on the west by 15th Street, on the south by The Great Western Railway, and agricultural lands to the north. Currently designated as an agricultural land use, the property is presently Blue Sky Farms which operates as a farming and livestock business.

Development is occurring around the Overland property which includes single family residential neighborhoods. This subject property is also within close proximity to local schools, some of which are within walking distance. Services and shopping opportunities are also a short distance, mainly located along Main Street. Existing recreation close to Overland includes the Windsor Recreational Center which offers a senior center and year round activities. With all of this existing infrastructure, it is believed that this property is ideally situated for a range of homeowners interested in conventional single-family homes as well as higher density detached and attached housing. The Overland project would like to contribute to the growing Town of Windsor, providing high quality architecture and thoughtful neighborhood design.

It is desired to annex this property into the Town of Windsor and to designate it as a Planned Unit Development (PUD) Overlay zone. Approving this project under the PUD Overlay zone would allow for the necessary flexibility to meet market demands and consumer preferences while providing a high quality residential community for a wide range of buyers.

Written Explanation of the Community Benefit

The Overland project is fundamentally consistent with the objectives cited in the Town of Windsor Municipal Code Section 16-23-10(d) for PUD Overlays as outlined below:

1. To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.

Overland will be designed to incorporate a mixture of home types and open spaces. To support market findings and provide an optimal community for potential buyers, a PUD is being proposed to grant flexibility beyond the Town of Windsor's residential development standards. Lot sizes will be different than what the current code allows for, so development standards within the PUD document have been created to address these deviations. The Overland community is intended to provide homes for a wide range of residents from young families to age-qualified populations. The existing infrastructure including the schools and the Windsor Recreational Center support the proposal of creating a residential community at this location. Due to rising home prices, buyers are seeing the value in higher density homes within diverse planned communities. These communities include recreation opportunities and enhances social activity. Open spaces are provided throughout Overland and not only address drainage needs, but promote opportunities for active and passive recreation.

2. To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.

Overland strives to provide a variety of home types that although different in lot size, complement each other, are well organized, and live harmoniously throughout the community. Open spaces are integrated and celebrated throughout Overland, with homes fronting and siding on to them. Not only does this integration of uses encourage people to use these open spaces, but it also creates more eyes on these areas allowing for greater inherent surveillance. The different home types will create diversity, but the overall Overland theme will harmonize the entire community.

3. To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.

This PUD Overlay has been developed to provide additional or revised development standards for portions of the site so that Overland can accomplish a diverse residential and open space community.

4. To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.

Overland proposes to have a large open space running throughout the community. This open space will serve as both as a recreation area and meet the drainage needs. Streetscapes will also be designed with thoughtful landscaping that will contribute to the community aesthetic and pedestrian experience. Particular focus will be put on the open spaces, community spine road, and the circulatory roads throughout the individual planning areas.

5. To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.

The standards have been designed to be contextually appropriate for the project vision, ensuring an appropriate degree of flexibility for Overland as it develops. All standards will comply with building and safety codes.

6. To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

The Overland PUD Overlay has been designed to ensure an appropriate level of design and site planning standards are used at the property. The PUD area does not abut any existing development, however, there is single family detached homes within close proximity.

We look forward to working with the Town of Windsor during the review and approval process for this application. Please contact me if you have any questions or if you need additional information.

Regards,

A handwritten signature in blue ink, appearing to be 'Julia Malisos', with a stylized, flowing script.

Julia Malisos, LEED AP
Principal, Planning/Community Design

JM/JM



Overland 368 Annexation – Rezoning

Paul Hornbeck, Senior Planner

Planning Commission March 4, 2020



Rezoning Request

Article V of Chapter 16 of the Municipal Code outlines the amendment procedures to established zoning districts:

Sec. 16-5-20. Rezoning Applications

Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of a parcel of land within the Town.

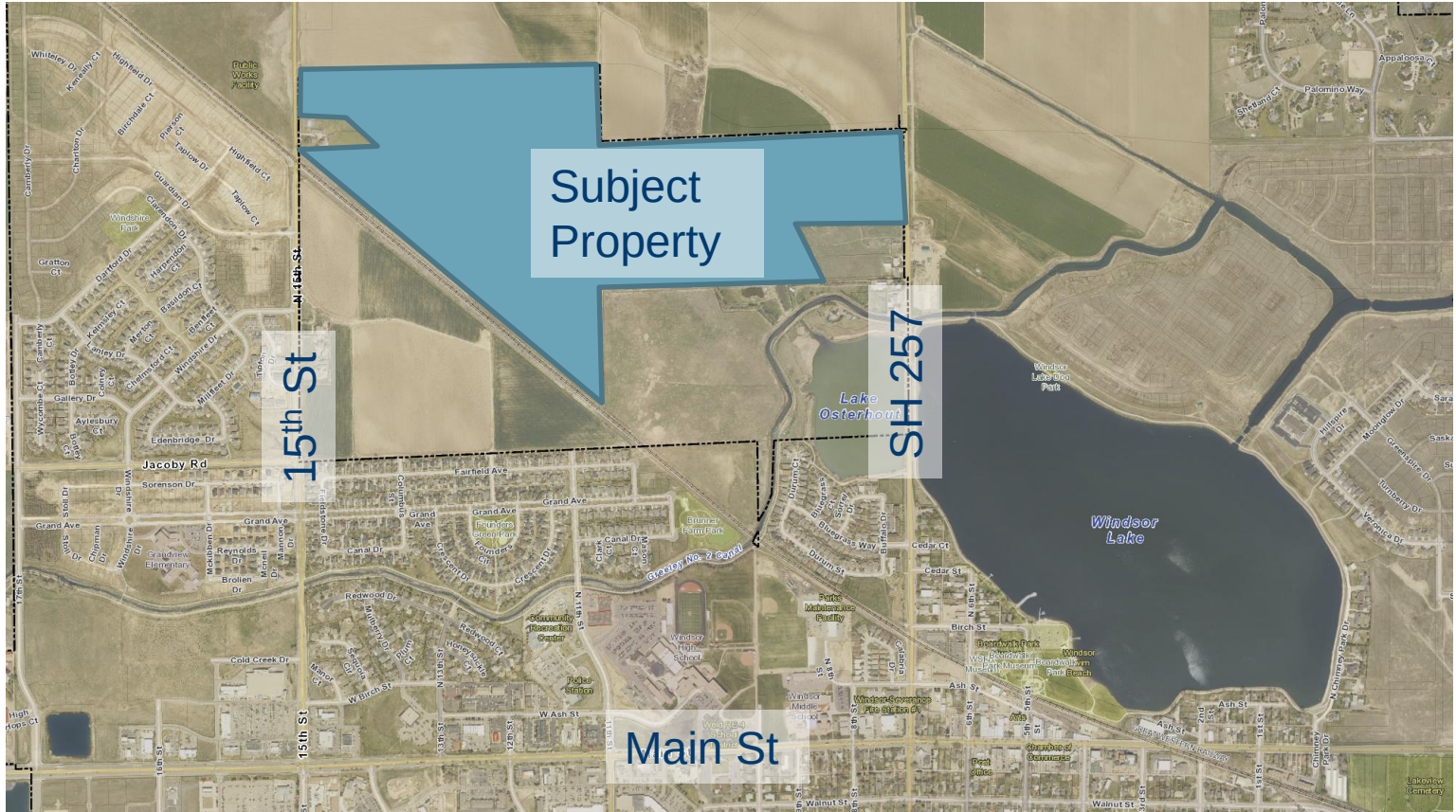


Planned Unit Development

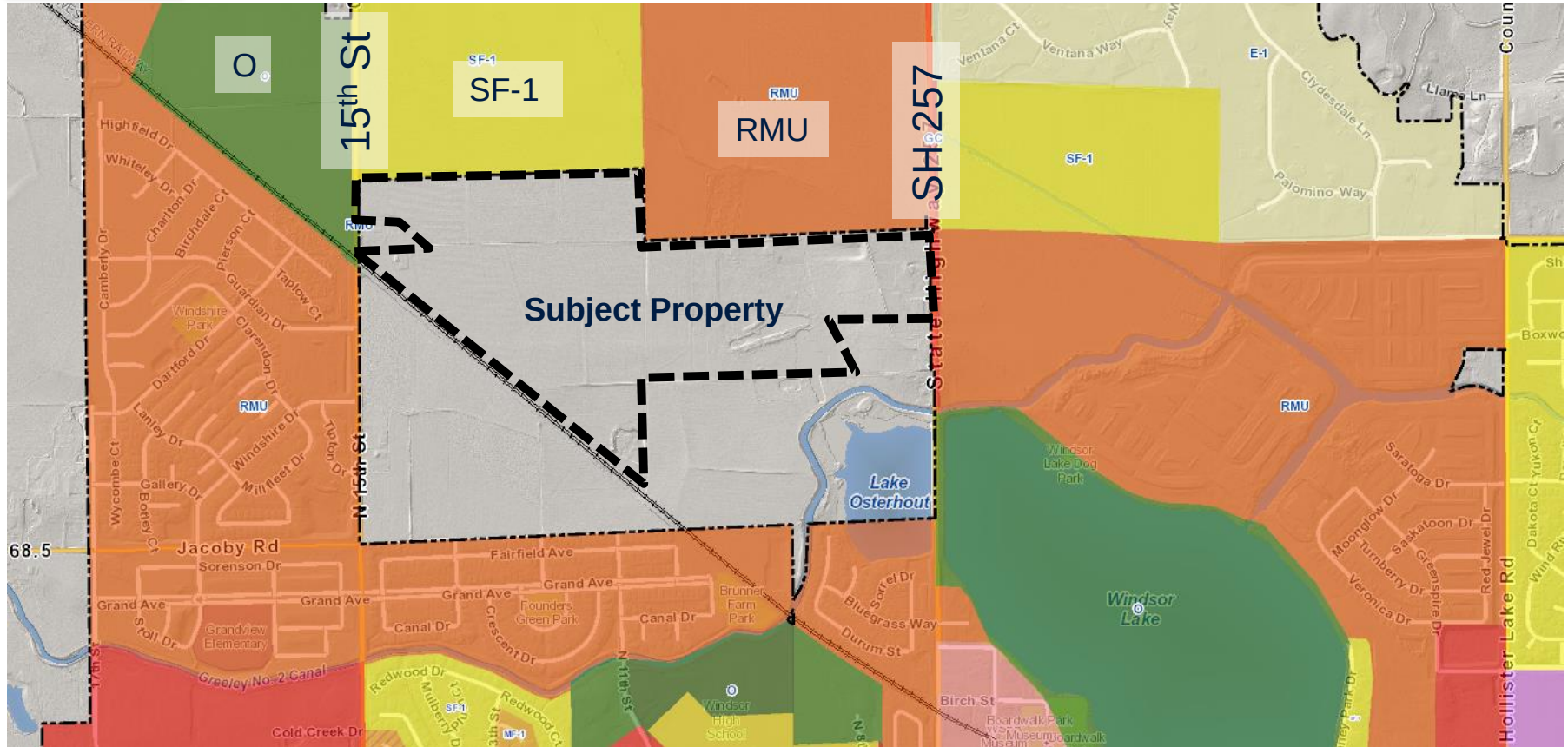
In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, intended:

“To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.”

Site Vicinity Map



Surrounding Zoning





OVERLAND 368 REZONING MAP

SEVERAL TRACTS OF LAND BEING REZONED TO PUD LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8 AND THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO



OTR: According to Olszewski, he was not very defect in his survey, but, in no event any way a commendable more than his case.

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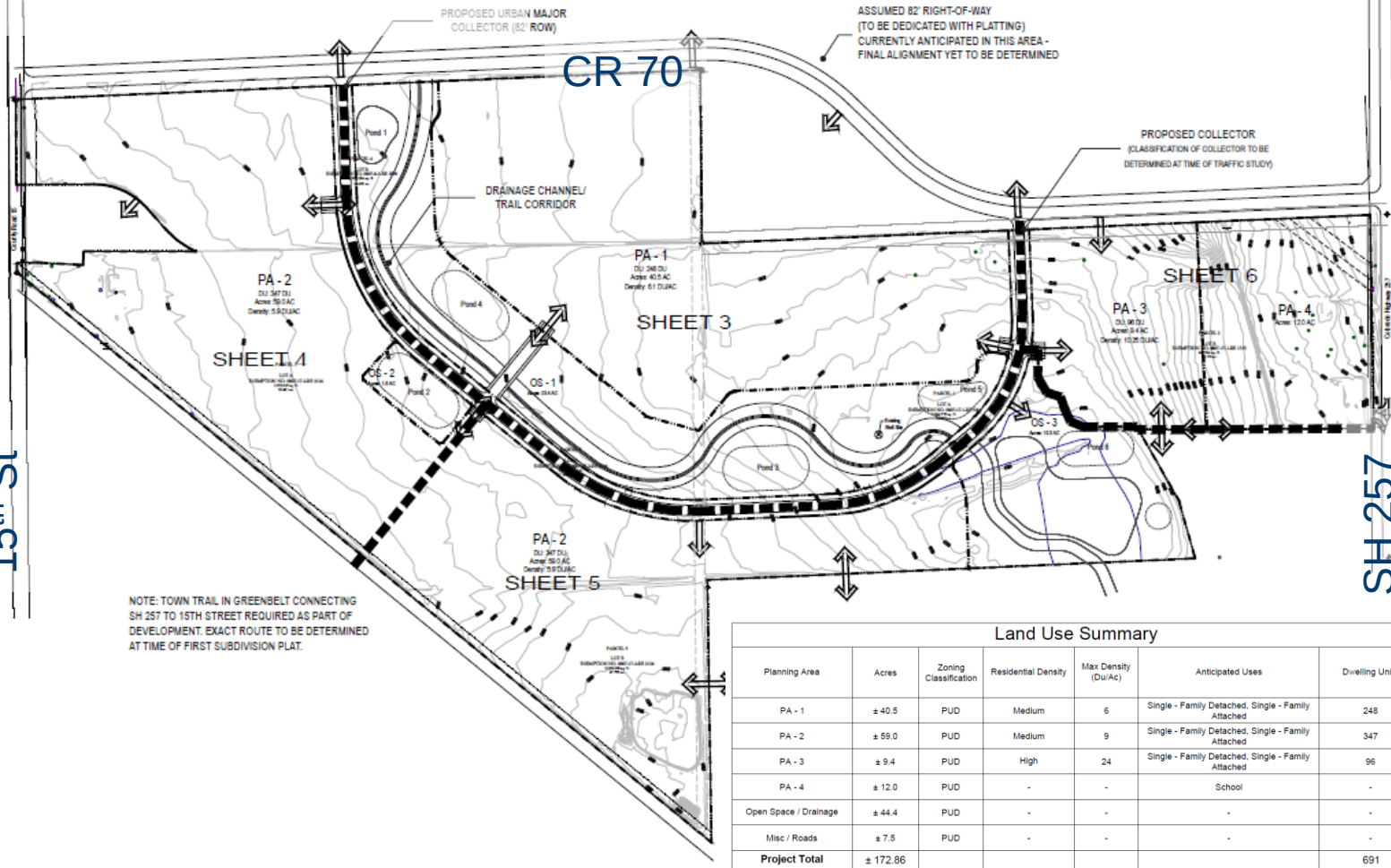
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2 of 14

Master Plan

15th St



SH 257

Land Use Summary

Planning Area	Acres	Zoning Classification	Residential Density	Max Density (Du/AC)	Anticipated Uses	Dwelling Units
PA - 1	± 40.5	PUD	Medium	6	Single - Family Detached, Single - Family Attached	248
PA - 2	± 59.0	PUD	Medium	9	Single - Family Detached, Single - Family Attached	347
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PA - 4	± 12.0	PUD	-	-	School	-
Open Space / Drainage	± 44.4	PUD	-	-	-	-
Misc / Roads	± 7.5	PUD	-	-	-	-
Project Total	± 172.86					691

Illustrative Master Plan



OVERLAND 368, LLC

OVERLAND
WINDSOR, CO

CONCEPTUAL LAND USE PLAN

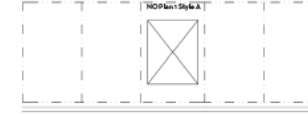
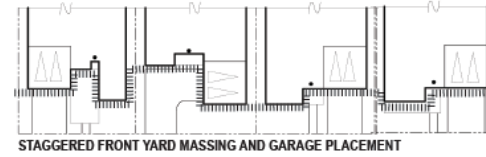




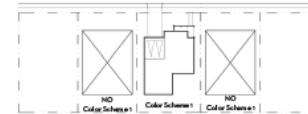
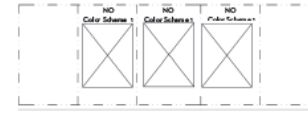
Excerpt of PUD Standards

Use	Development Area				Max. Height	Min. Setback for all Structures from Arterials (F)	Min. Setback for all Structures from Collectors (F)	Min. Front Yard Setback-Principal Structure (F)
	Permitted Max Density (A)	Min. Lot Area (Square Foot)	Min Lot Width	Min. On-Lot Open Space (B)				
(SFD) 60x110 (MDR)	4 DU/AC	6,600	60	40%	35'/45' (D)	20'	15'	15'
(SFD) 50x110 (MDR)	6 DU/AC	5,500	50	40%	35'/45' (D)	20'	15'	15'
(SFD) 40x80 AL (MDR)	9 DU/AC	3,200	40	30%	35'/45' (D)	20'	15'	15'
(SFD) 43x59 AL (MDR)	9 DU/AC	2,500	43	30%	35'/45' (D)	20'	10' (F)	10'/0' (F)
(MF) Multifamily Dwelling	24 DU/AC	N/A	N/A	N/A	35'/45' (D)	20'	10'/0' (F)	10'/0' (F)
Non-Residential	Per Code	Per Code	Per Code	Per Code	Per Code	Per Code	Per Code	Per Code

MDR=MEDIUM DENSITY RESIDENTIAL, SFD= SINGLE FAMILY DETACHED, MF= MULTIFAMILY AND IMPLIES ATTACHED RESIDENTIAL UNITS, AL= ALLEY LOADED HOMES AND IMPLIES GARAGE ACCESS IS TAKEN



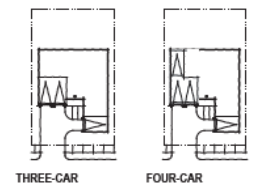
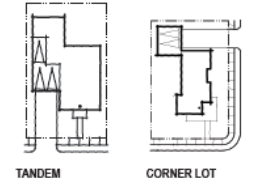
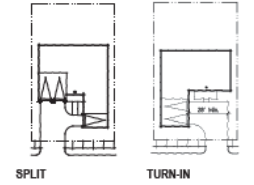
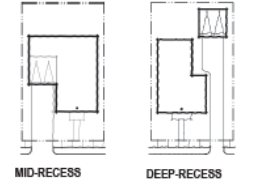
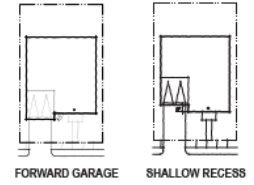
PLANE/ELEVATION STYLE PLOTTING



COLOR SCHEME PLOTTING



BUILDING ENVELOPE ORIENTATION





Relationship to Municipal Code (1 of 4)

Municipal Code Section 16-23-20(d) lists the following specific objectives of PUD zoning:

1. To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.
2. To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.
3. To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.



Relationship to Municipal Code (2 of 4)

4. To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.
5. To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.
6. To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

Staff Comment: The proposed PUD district is consistent with the intent of the district.



Relationship to Municipal Code (3 of 4)

Municipal Code Section 16-23-20 includes General Location and Planning Requirements for PUD zone districts:

(a) Relation to major transportation system. Planned development districts shall be so located with respect to major streets and highways or other transportation facilities as to be directly accessible without creating traffic on minor streets in residential areas outside such districts.

Staff Comment: The proposed PUD district will be directly accessible from WCR 70.

(b) Relation to public utilities and community facilities. Planned development districts shall be so located in relation to public utilities and community facilities and services, either existing or to be available by the time development reaches the stage where they will be required, that such facilities can be provided at reasonable public cost.

Staff Comment: Extension of public utilities will be the responsibility of the applicant, subject to potential reimbursement for oversizing, which adds to the system capacity.



Relationship to Municipal Code (4 of 4)

c) Relation to general pattern of urban development. Planned development districts shall be planned and located in general compliance with the Comprehensive Development Plan and shall relate the major elements of the urban pattern, including housing, commercial facilities and principal places of employment, by physical proximity of major streets so as to provide for the convenience and amenity of residents of the community and reduce general traffic congestion by a close relationship between origins and destinations.

Staff Comment: As outlined below, the proposed PUD district is in general compliance with the Comprehensive Plan. The location of the PUD is in close proximity to the core of Town and services.



Relationship to Comprehensive Plan (1 of 3)

Chapter 5b – Growth Framework

Goal:

Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Staff comment: The type of more compact development proposed by the PUD has been shown to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per unit basis. Similarly, compact development has been shown to be more environmentally responsible, as it takes less resources to construct and maintain, and it can also make alternative forms of transportation such as walking, biking, and transit more viable due the compact layout.

Objective(s):

3. Develop new neighborhoods adjacent to the Town core.

Staff comment: The proposed development can be considered a part of the Town core, being approximately one mile north of downtown.



Relationship to Comprehensive Plan (2 of 3)

Chapter 5d – Residential Areas Framework Plan

Goal:

Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

Staff comment: The proposed PUD standards will allow for a diverse style of housing types including multifamily dwellings and a variety of single family lot sizes ranging from 2,500 to 6,600 square feet. Such a range in lot sizes can help meet the needs of varying family sizes, lifestyles, and income levels.

Objective(s):

#1 Promote multi-modal connectivity to increase neighborhood access and resident mobility.

Staff comment: The proposed PUD promotes multi-modal connectivity by providing trails, additional road connections such as WCR 70, and a focus on pedestrian-friendly design.



Relationship to Comprehensive Plan (3 of 3)

Chapter 5d – Residential Areas Framework Plan

#2 Utilize conservation design and traditional neighborhood design for new residential growth areas and promote overall community livability.

Staff comment: The proposed PUD can be described as traditional neighborhood design with a focus on the public realm and streetscape. Key requirements include front porches, garage placement to minimize visual impact, a variety of home models to avoid monotony, and staggered massing of homes to create visual interest.

#4 Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Staff comment: As mentioned earlier, the Master Plan allows for a diverse style of housing types.



Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly the following:

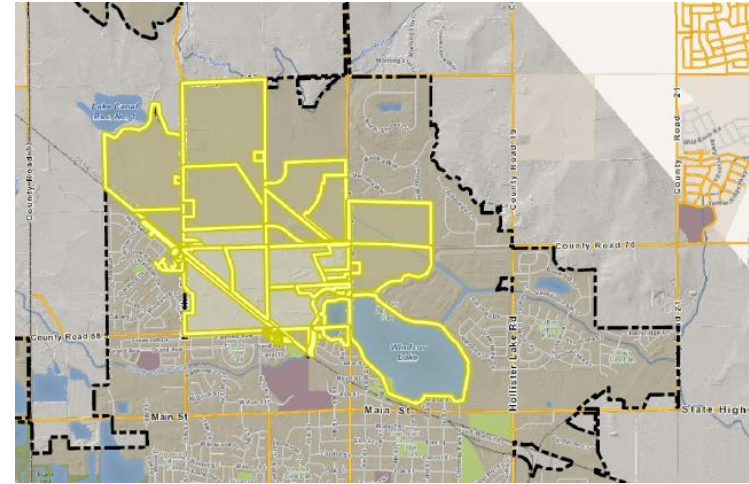
- **Infrastructure** – Connection of WCR 70 from SH 257 to 15th Street and extension of water and sewer utilities are proposed with the Master Plan.
- **Quality of Life** – A 12-acre school site, open space, and a regional trail connection are proposed with the Master Plan.
- **Downtown** – The site is in close proximity (approximately 1 mile) to downtown and additional homes in the area may increase demand for investment and businesses downtown.



Notification Area

Planning Commission and Town Board public hearing notifications:

- Legal ad ran for four consecutive weeks in newspaper:
 - February 7, 2020 – first week legal ad
 - February 14, 2020 – second week legal ad
 - February 21, 2020 - third week legal ad
 - February 28, 2020 – fourth week legal ad
- February 6, 2020 – two annexation signs posted on property
- February 6, 2020 – public hearing notice published to Town website
- February 10, 2020 - applicant mailed letters to surrounding property owners





Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the PUD zoning overlay subject to any outstanding Planning Commission and staff comments being addressed.



PUD Records

Staff requests that the following be entered into the record:

- Application, petition and supplemental materials
- Any testimony received during the public hearing
- Staff memorandum and supporting documents
- Recommendation



PUD Review Considerations

Sec. 16-23-20. - General location and planning requirements.

(a) Relation to major transportation system. Planned development districts shall be so located with respect to major streets and highways or other transportation facilities as to be directly accessible without creating traffic on minor streets in residential areas outside such districts.

(b) Relation to public utilities and community facilities. Planned development districts shall be so located in relation to public utilities and community facilities and services, either existing or to be available by the time development reaches the stage where they will be required, that such facilities can be provided at reasonable public cost.

(c) Relation to general pattern of urban development. Planned development districts shall be planned and located in general compliance with the Comprehensive Development Plan and shall relate the major elements of the urban pattern, including housing, commercial facilities and principal places of employment, by physical proximity of major streets so as to provide for the convenience and amenity of residents of the community and reduce general traffic congestion by a close relationship between origins and destinations.

Section 16-23-20(d) Specific Objectives

1. To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.
2. To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.
3. To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.
4. To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.
5. To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.
6. To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.



MEMORANDUM

Date: March 4, 2020
To: Planning Commission
From: Paul Hornbeck, AICP, Senior Planner
Re: Public Hearing and Recommendation to Town Board – Land Use Code Update
Item #: C.6-C.7

Introduction

The enclosed ordinance is an update to various sections of Chapter 16 of the Municipal Code, and is a part of a larger overhaul of Chapters 15 through 17, collectively known as the Land Use Code. The primary focus of this ordinance is to update the Town's zoning districts and associated lot development standards. Work Sessions on the contents of this ordinance were held with Town Board and Planning Commission on March 25, 2019 and November 4, 2019. Staff has solicited input from the Windsor development community throughout the process and worked to incorporate their suggestions.

The intent of the Land Use Code update is to update existing zoning and subdivision regulations to more appropriately reflect contemporary development practices, while providing options and flexibility in land development, thereby implementing the goals and policies of the Comprehensive Plan. Major changes introduced by the enclosed ordinance are summarized as follows:

- Creates a menu of options for most zone districts based on lot size, building type, and type of vehicular access provided
- Vehicular access standards outline how a building or site is accessed (parking lot, alley, front driveway, etc.)
- Creates RMU-2 Zone – allows for smaller lot sizes when additional open space and enhanced design features such as detached sidewalks, recessed garages, minimum commercial component, etc., are provided.
- Overhauls SF-2 Zone – similar to RMU-2, but at a lower intensity
- Combines Low Density (E-1) and High Density (E-2) Estate Residential zone districts into a single Estate Residential (ER) zone district (septic still prohibited)
- Combines Multifamily (MF-1) and High Density Multifamily (MF-2) into a single Multifamily (MF) zone district.
- New Agriculture Holding zone district – allows agricultural use to continue on annexed properties until development occurs

- Residential rear setbacks – increased from 5' to 10' to allow greater buffer between homes and additions
- Exceptions to height and setback standards more clearly defined (e.g. patios, chimneys, etc.)
- Planned Unit Development – Updated standards for PUD zoning overlays to provide clear criteria for review.
- Parking surfaces – for single family/ duplex uses added a prohibition on parking on unpaved surfaces except for limited supplemental gravel parking
- Removed automobile sales/service from Central Business zone district to be consistent with the vision for downtown as a more pedestrian and retail oriented environment (note: there are no longer automobile uses in CB with the recent re-use of Dutch Bros coffee (previously auto sales) and the relocation of Pike's Auto outside of the CB zone district)
- Added definitions for new terms and for items lacking definitions

Please note there are portions of the ordinance which remain largely unchanged from current code requirements, particularly allowed uses and parking standards. A future update will address changes to these sections.

Recommendation

- Staff recommends that Planning Commission forward to Town Board a recommendation of approval of the enclosed ordinance.

Enclosures

PowerPoint Presentation
Ordinance



Land Use Code Update

Paul Hornbeck, Senior Planner

Planning Commission - March 4, 2020



“Menu” of Development Options

Table 16-17-20 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'	35'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	35'
	Rear	2,500	30'	65%	15'	10'	5'	10'	5'	35'
Standard Duplex	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	35'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	35'
	Rear	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	35'
Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	35'
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	35'
	Rear	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	35'
Townhouse	Rear, or Parking Court	1,400 ⁴	17'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'
Multiplex	Rear, or Parking Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'
Multifamily	Rear, Parking 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, or Institutional	Parking Court or Dispersed Parking Lot	5,000	50'	80%	20	15'	20'	20'	5'	55'

¹ No side setback required for attached units.

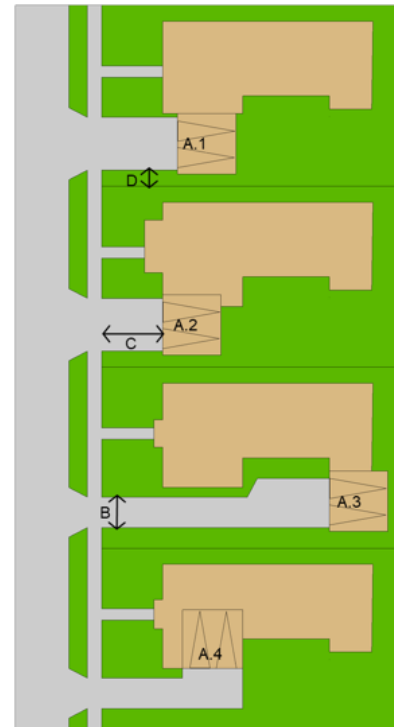


Vehicular Access Standards



Limited Access: recessed garage. New Windsor

Limited Access	
	Parking Location and Orientation: Garages shall either be: A.1 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 In the rear 50% of the lot; or A.4 Generally perpendicular to the street.
B	Maximum driveway width (within front setback): 18' – access for a single dwelling unit. 24' – access for two or more dwelling units. 28' – access for three or more dwelling units.
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.



RMU-2

- New zone
- Allows smaller residential lot sizes
- Additional requirements for parks, pedestrian oriented design, and minimum commercial acreage.





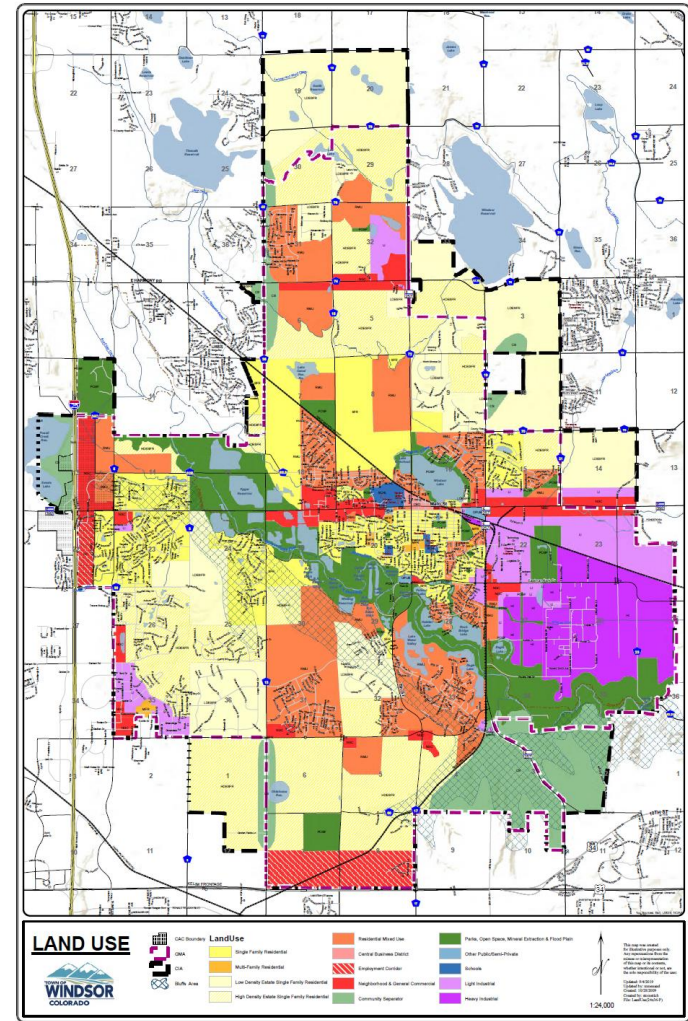
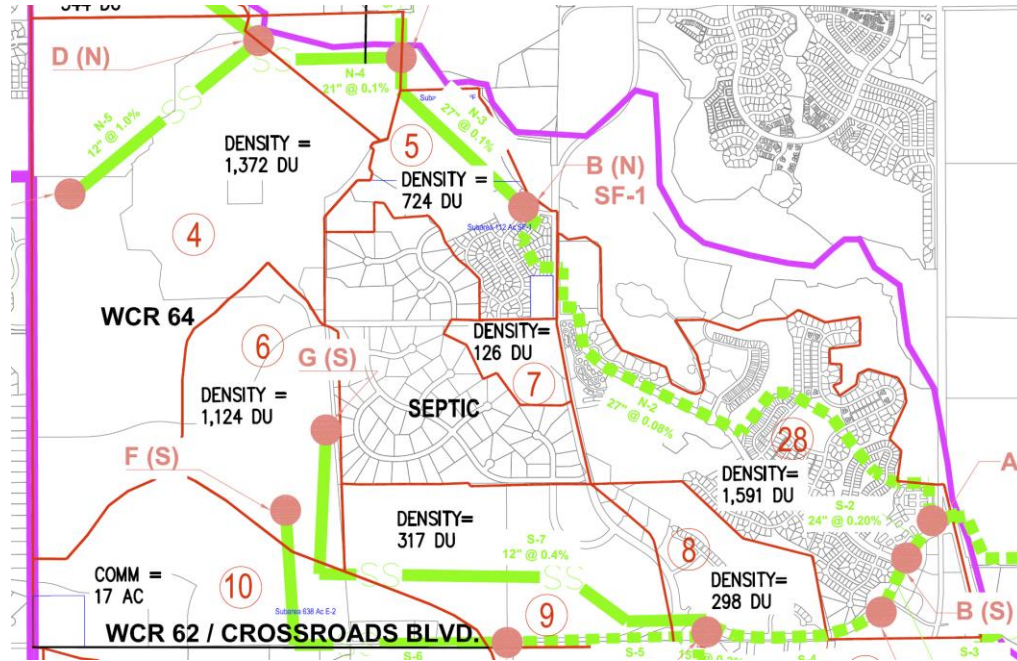
SF-2

Repurposed zone similar to RMU-2 but at a lower intensity without commercial or multifamily apartments.





Density



Estate Zones

Combine E-1 &
E-2 zones
(septic still
prohibited)





Multifamily Zones

Combine MF-1
& MF-2 zones





Agriculture Holding Zone

Allows
agricultural use
to continue on
annexed
properties until
development
occurs



Residential Rear Setbacks

Rear Setbacks

Zone District	Existing	Proposed
E-2	5'	10'
SF-1	5'	10'
SF-2	5'	10'
RMU	5'	10'





Height & Setback Exceptions

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.

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 10 feet above the building roof provided the features collectively cover no more than five percent of the surface area of the roof.
Elevator bulkheads and stairway enclosures	May extend up to 10 feet above the building roof provided the features collectively cover no more than twenty 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, "structure" shall not apply to public utility or street lighting appurtenances attached to them, and city-owned emergency communication facilities, including outdoor warning system and telecommunication structures necessary for the delivery of emergency services.
Rooftop mechanical equipment	May extend up to five feet above the building roof provided equipment complies with applicable screening requirements of the Code.
Roof-mounted solar energy system	On flat roofs, may extend up to five feet above the building roof
Utility poles, support structures, water towers, and fire towers	May extend up to 10 feet above the building roof provided the features cover no more than five percent of the horizontal surface area of the roof.



Planned Unit Development

Updated
standards for
PUD zoning
overlays to
provide clearer
criteria for
review.

(e) PUD Review Criteria. The following review criteria will be applied by staff, Planning Commission and Town Board to all PUD applications:

- (1) The proposed PUD provides a greater variety of housing types and densities, building design, employment, shopping, services, and public facilities than would otherwise be provided.
- (2) The proposed PUD protects unique or sensitive natural or cultural resources.
- (3) The proposed PUD provides open space amenities beyond the requirements of this Code.
- (4) The proposed PUD prioritizes pedestrian and bicycle facilities designed for user comfort and convenience, including but not limited to detached sidewalks on all streets.
 - (1) The proposed benefits of the PUD offset the proposed exceptions to the Zoning and Subdivision standards.
 - (1) Any exceptions to the Zoning and Subdivision standards are in the best interest of the public health, safety, and welfare.
- (7) The proposed PUD is in general conformance with the Comprehensive Plan.



Parking Surfaces

For single family/ duplex uses added a prohibition on parking on unpaved surfaces except for limited supplemental gravel parking



Downtown Automobile Sales/ Service

- Automobile sales/service removed from CB zone to be consistent with the vision for downtown as a more pedestrian and retail oriented environment
- Recent re-use of Dutch Bros coffee (previously auto sales) and the relocation of Pike's Auto outside of the CB zone district





Recommendation

Staff recommends that Planning Commission forward to Town Board a recommendation of approval of the enclosed ordinance.

TOWN OF WINDSOR

ORDINANCE NO. 2020-[##]

AN ORDINANCE REPEALING, AMENDING AND RE-ADOPTING CERTAIN PORTIONS OF CHAPTER 16 OF THE *WINDSOR MUNICIPAL CODE*

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, the purpose of which is to promote the public health, safety and welfare; and

WHEREAS, the Town has adopted the zoning regulations which are codified in Chapter 16 of the *Windsor Municipal Code* (“Zoning Code”), under which parcels of land are identified and classified for regulatory purposes; and

WHEREAS, the Planning Department has undertaken a complete revision to the Zoning Code in order to bring it up to date with current practices in the land planning field; and

WHEREAS, the Town Board has been presented with the various updates as the updates have been developed; and

WHEREAS, the Town Board has concluded that modernizing the Zoning Code as recommended by the Planning Department promotes the public health, safety and welfare; and

WHEREAS, by its approval of this Ordinance, the Town Board desires to comprehensively amend the Zoning Code as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Certain portions of Section 16-2-20 of the *Windsor Municipal Code* are hereby amended specifically as follows:

The definition, *Building Height*, is hereby repealed, amended and re-adopted to read as follows:

Building height means the vertical distance from ground level to the highest point of the roof surface. Ground level shall be a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the structure and a point six (6) feet from the building.

The definition, *Dwelling*, multifamily, is hereby repealed.

The definition, *Dwelling*, single-family detached, is hereby repealed.

The definition, *Offset*, is hereby repealed.

The definition, *Setback*, is hereby repealed, amended and re-adopted to read as follows:

Setback means the minimum required distances between lot lines and buildings, structures or signs. As further clarification refer to Figure 16-2-20(a) and the following:

- **Front setback** is measured from the front lot line. The front lot line is any lot line that abuts a public or private street right-of-way, excluding alleys. In the case of lots with more than one street frontage, the street to which the primary entrance of the principal building faces or to which the building is addressed shall be considered the principle front lot line. All front lot lines other than principal shall be considered secondary front lot lines.
- **Rear setback** is measured from the rear lot line. The rear lot line is the lot line that is opposite from the principle front lot line.
- **Side setback** is measured from side lot lines. Side lot lines are all lot lines that are not front or rear lot lines.
- **Perimeter Facing Setback** means the setback from lot lines at the perimeter of a development.
- Minimum setback requirements from existing oil and gas wells are established in Chapter 16, Article 11.



Figure 16-2-20(a)

The following definitions shall be added to Section 16-2-20, as amended herein, in alphabetical order within the pattern of alphabetical order for all remaining definitions:

Artist Studio means an establishment used for the display or sale of art works and typically also includes an area for the creation of art works or for instruction in art work creation. An artist studio may also be included in a live/work dwelling.

Cultural and Public Service means civic uses offering education, arts, and cultural attractions, services or exhibits such as libraries, museums, or art centers.

Brewery, winery, distillery (minor) means any establishment where not more than 100,000 barrels of malt liquors, or not more than 45,000 gallons of wine or spiritous liquors are manufactured in a one-year period and licensed pursuant to the provisions of Title 44, Article 3, C.R.S.

Brewery, winery,, distillery (major) means any establishment of where more than 100,000 barrels of malt liquors or more than 45,000 gallons of wine or spiritous liquors are manufactured in a one-year period and licensed pursuant to the provisions of Title 44, Article 3, C.R.S.

Building Type means the type of building described by its primary land use, including but not limited to Single Family Dwelling, Standard Duplex, Over-

Under Duplex, Townhouse, Multiplex, Multifamily Building, Commercial, Industrial, Institutional, and Mixed Use.

Decision maker means the person, board, or other entity authorized by this Code to approve or disprove an application.

Duplex means a building that contains two separate single-family dwelling units that do not share living areas. A standard duplex has side-by-side units with a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). The units in an over-under duplex are located on different floors (the units may be accessed via separate outside entrances or through a common foyer area).

Industry, Artisan means uses confined to the interior of buildings that involve the making or fabrication of products either by hand or with minimal automation, which may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in residential or commercial zoning districts.

Industry, Light means uses within buildings less than 20,000 square feet in size that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with no outside storage; or wholesale uses. For illustrative purposes, light industry uses include:

1. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Communications facilities, except wireless telecommunications facilities;
3. Data centers, server farms, telephone exchange buildings, and telecom hotels;
4. Food production and packaging other than meat and seafood processing and restaurants;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel;
8. Printing and publishing, except copy centers (which are commercial and personal services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);
9. Research and development, scientific testing, and product testing;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
12. Packaging of products.

Industry, Medium means uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. For illustrative purposes, medium industry uses include:

1. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Offices of general contractors, specialty subcontractors, or tradesmen which include:
 - a. Bay door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles; or
 - c. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
3. Communications facilities, except wireless telecommunications facilities;
4. Data centers, server farms, telephone exchange buildings, and telecom hotels;
5. Food production and packaging other than meat and seafood processing and restaurants;
6. Furniture making or refinishing;
7. Manufacture of textiles or apparel;
8. Screen printing of apparel;
9. Printing and publishing, except copy centers (which are commercial and personal services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);
10. Wholesale trade, durable and non-durable, including lumber, except:
 - a. Farm products;
 - b. Combustible or hazardous materials, and
 - c. Wholesale clubs that are open to the public for membership;
11. Research and development, scientific testing, and product testing;
12. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
14. Packaging of products.

Industry, Heavy means industrial uses that are not specifically defined elsewhere in this Code that can be described in one of the following four ways:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Chapter or this definition, that involve:

- a. A material risk of significant environmental contamination, explosion, or fire;
 - b. Perceptible ground vibration at the property line;
 - c. Excessive noise or dust emissions at the property line and downwind;
 - d. Significant outdoor installations of processing equipment;
 - e. Outside emission of objectionable odors;
 - f. 12 or more trips by semi-trailer trucks per day; or
 - g. An outside storage area that is larger than the area of the first floor of buildings on the same lot; Large-scale outdoor storage of inputs or products;
2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or
3. Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act. For illustrative purposes, heavy industrial uses include (if they meet the thresholds of this definition), but are not limited to:
- a. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
 - b. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);
 - c. Portland cement plants;
 - d. Sawmills and pulp mills;
 - e. Incinerators with the capacity to charge more than 250 tons of refuse per day;
 - f. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
 - g. Fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input;
 - h. Fabrication of motor vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
 - i. Drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents;
 - j. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
 - k. Hot mix asphalt plants; and
 - l. Meat processing involving butchering of large animal carcasses

Live-Work Unit means a building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit. The workspace is secondary or accessory to the primary residential use.

Lot width means the horizontal distance between side lot lines at the required front setback. When a lot has more than one front lot line, the required lot width shall be measured along the narrowest front lot line.

Motor vehicle means any self-propelled vehicle for transportation of persons or goods including motorcycles, passenger cars, vans, light trucks, heavy trucks, recreational vehicles, buses, boats, and heavy equipment. The definition shall also include trailers towed by motor vehicles.

Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.

Mixed use dwelling means a dwelling within a *mixed use building*.

Multifamily Building means a building that includes three or more dwelling units, but not a multiplex or townhouse. *Multifamily building* includes independent living facilities.

Multiplex means a building that is designed to look like a single-family dwelling, which includes three to five individual dwelling units.

Natural Area means land and water that has substantially retained its natural character or land and water that, although altered in character, is important as habitats for plant, animal, or marine life, for the study of its natural, historical, scientific, or paleontological features, or for the enjoyment of its natural features.

Personal Services means an establishment that provides repair, care, maintenance or customizing of apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, shoe repair, dry cleaning outlets, alterations, tanning salons, weight reduction centers, small appliance or household article repair shops.

Public open space, park, or playground means a noncommercial, not-for-profit facility intended for outdoor passive or active recreation.

Recreation/ Entertainment - Indoors means uses that provide recreational, entertainment, or amusement activities indoors (except sexually-oriented businesses, and bars, taverns, or nightclubs), including, but not limited to:

1. Bowling alleys;

2. Escape rooms;
3. Game arcades (e.g., video games, skeeball, and comparable amusement machines);
4. Indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment);
5. Indoor skating rinks (ice or roller);
6. Laser tag;
7. Local area network (“LAN”) gaming centers;
8. Pool/billiard rooms;
9. Shooting arcades (but excluding indoor archery or firearms ranges);
10. Indoor archery ranges; and
11. Recreation Centers.

Single family dwelling means a dwelling unit that is not attached to any other dwelling, excluding *Accessory Dwelling Units*.

Townhouse means a building containing three or more dwelling units, which are attached to each other by party walls without openings and each with its own front and rear yards.

Vehicle Fueling—General means an establishment providing sales of vehicle fuel with more than eight fuel dispensers and with no more than 25% of dispensers serving primarily diesel vehicles. The use may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drive trains.

Vehicle Fueling—Heavy means an establishment providing sales of vehicle fuel with more than 25% of dispensers serving primarily diesel vehicles.

Vehicle Fueling—Limited means an establishment providing sales of vehicle fuel with eight or fewer fuel dispensers and with no dispensers serving primarily diesel vehicles. The use may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drive trains.

Section 3. Section 16-10-30 of the *Windsor Municipal Code* shall be repealed, amended and re-adopted to read as follows:

Sec. 16-10-30. – Parking and Access Requirements.

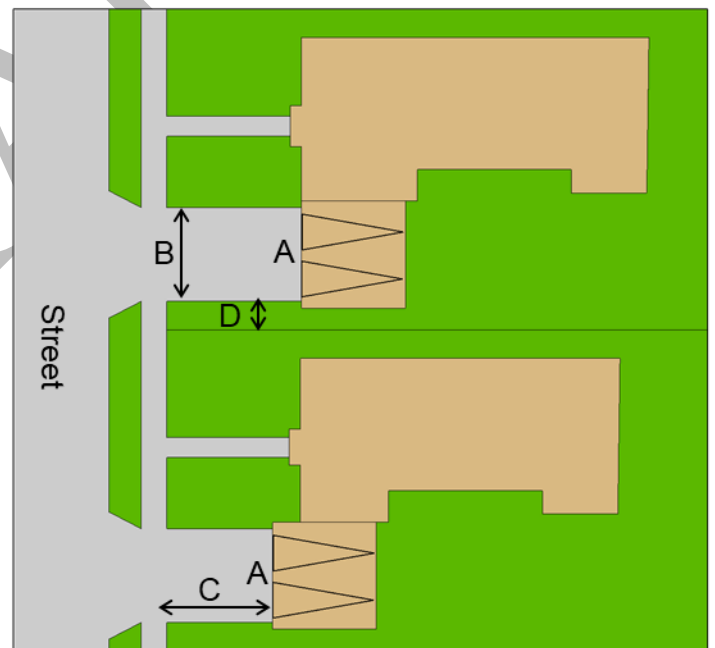
(a) Vehicular Access.

- (1) Vehicular Access types required for specified zones and building types in this Code shall be provided in accordance with Table 16-10-30(a), which are supplemental to the Design Criteria and Construction Specifications.

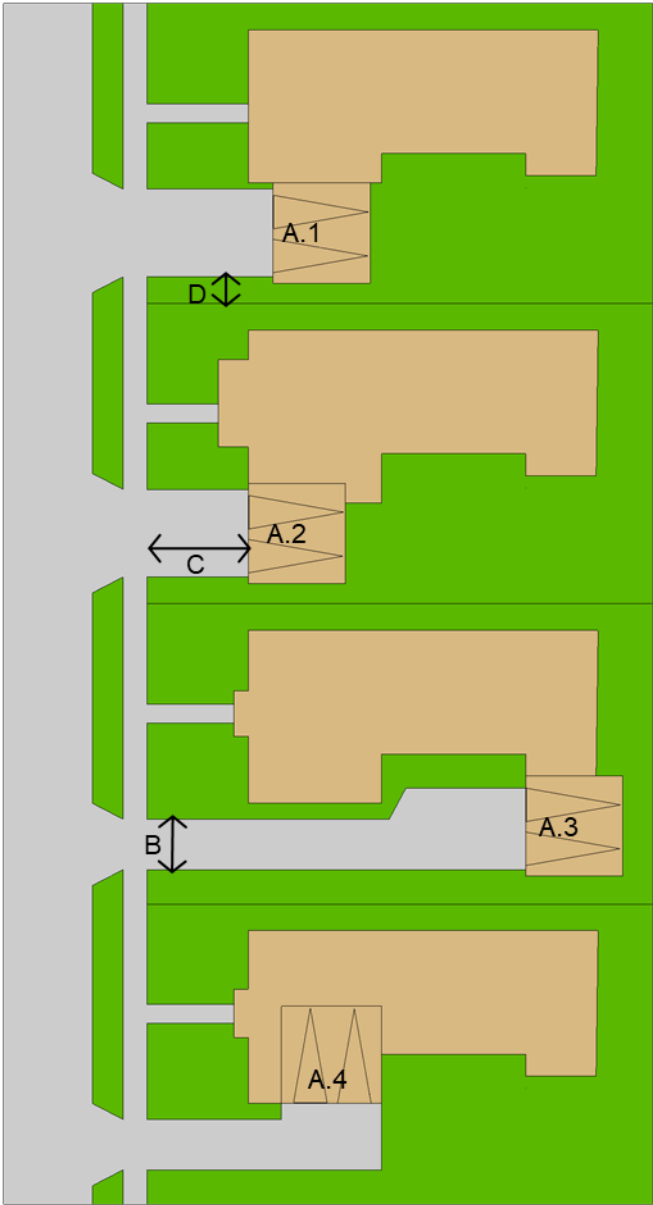
Table-16-10-30(a): Vehicle Access Standards

Standard Access

A	Parking Location and Orientation: 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.

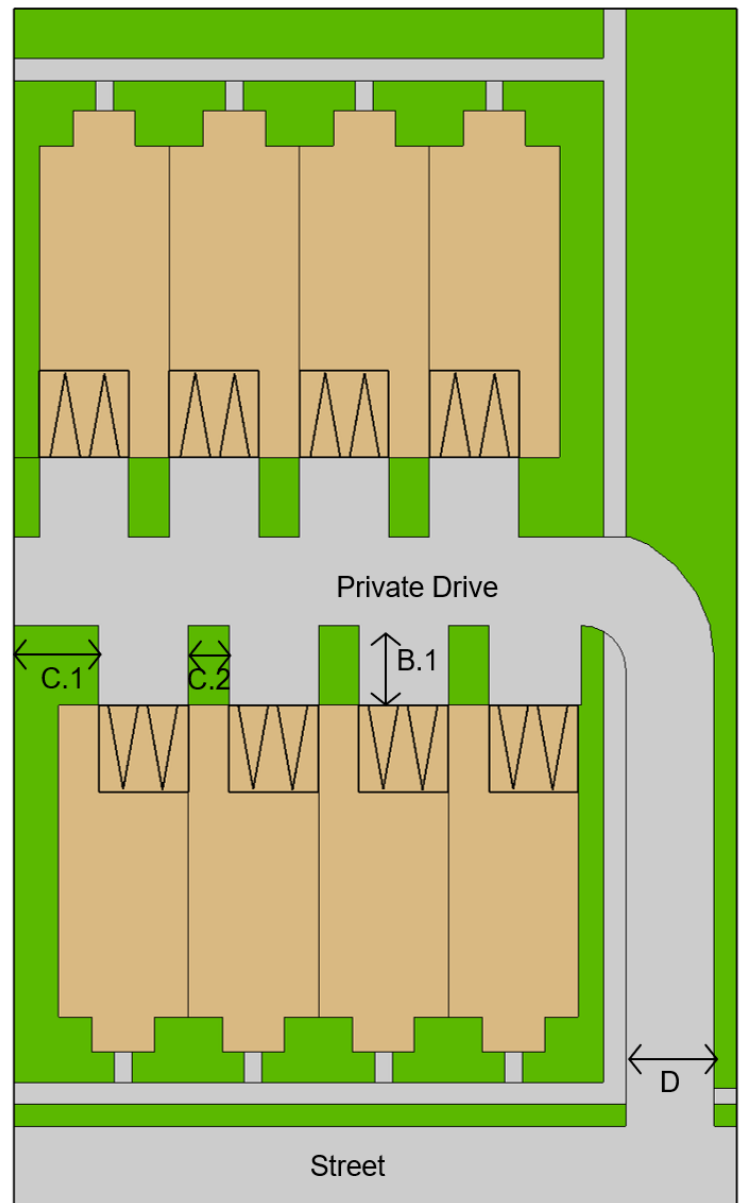
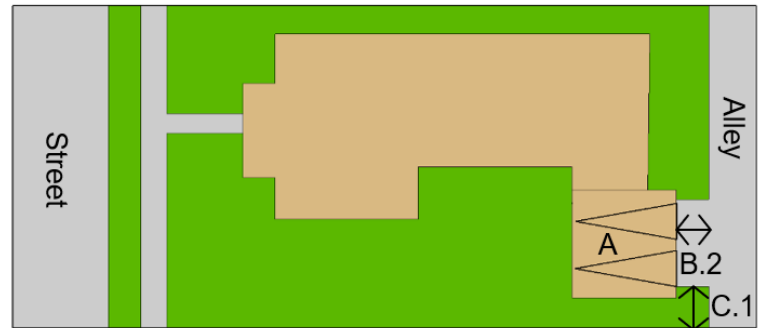


Limited Access

A.1 A.2 A.3 A.4	Parking Location and Orientation: Garages shall either be: Setback at least 5' from the front of the house; 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; In the rear 50% of the lot; or Generally perpendicular to the street.	 The diagram illustrates four scenarios for garage placement (A.1, A.2, A.3, A.4) relative to a house and a street. A.1 shows a garage set back from the front of the house. A.2 shows a garage set back from a front porch. A.3 shows a garage in the rear of the lot. A.4 shows a garage generally perpendicular to the street. Dimensions D, C, and B are indicated for specific setbacks.
B	Maximum driveway width (within front setback): 18' – access for a single dwelling unit. 24' – access for two or more dwelling units. 28' – access for three or more dwelling units.	
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.	

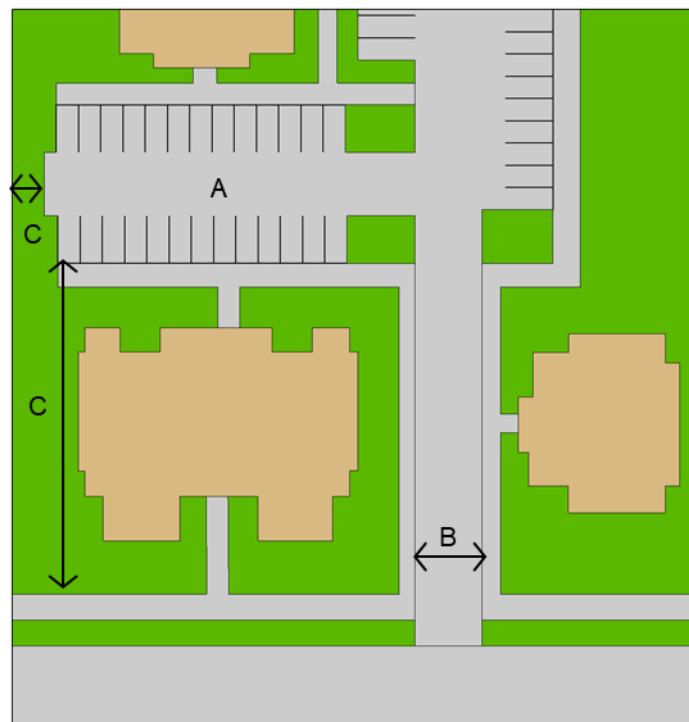
Rear Access

A	Parking Location and Orientation: Garage facing and accessed from adjacent rear alley or private drive.
B.1	Driveway Length: 0' permitted for townhomes accessed from a private drive with a minimum width of 26'.
B.2	In all other instances, driveways shall be exactly 5' or a minimum of 20'.
C.1	Vehicle Use Area Setback 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)



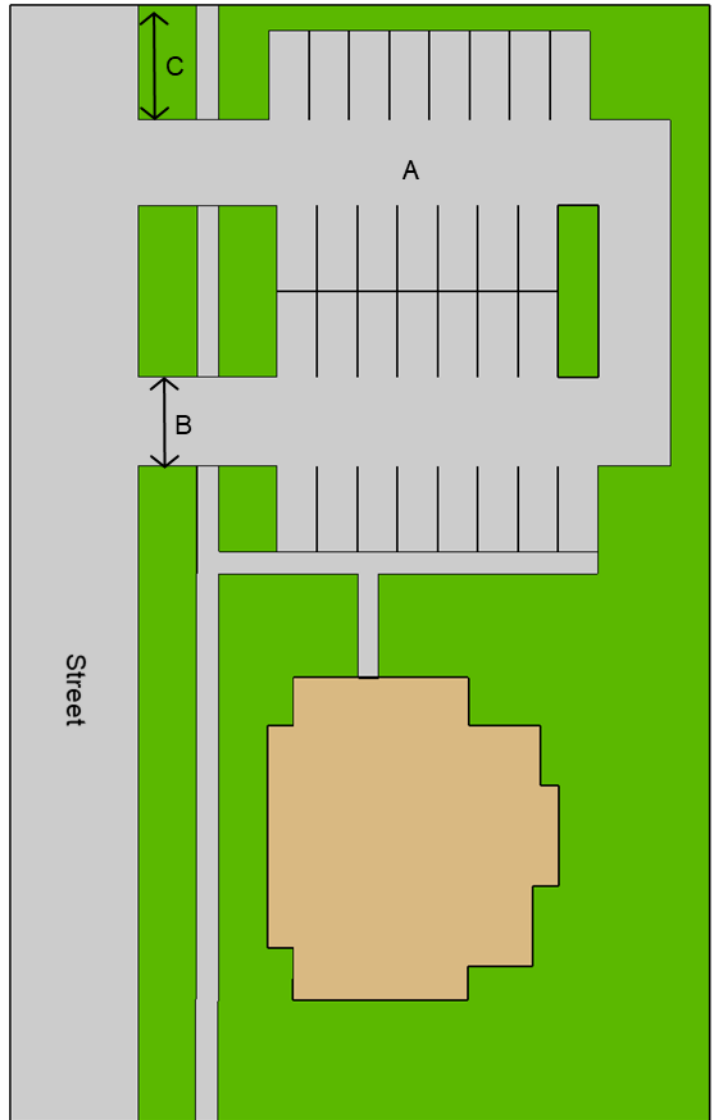
Parking Court

A	Parking Location and Orientation: Garages and/or surface parking oriented to the interior of the lot and predominately screened from the street by placement of building(s).
B	Maximum driveway width (within front setback): 28' generally. 36' allowed for high volume driveways.
C	Vehicle Use Area Setback 5' from adjacent properties (unless cross access is provided); and 40' from street right-of-way (excludes access from street to vehicle use area)



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



Dispersed Parking Lot

Parking Location and Orientation:

- A.1** Parking areas and drive aisles shall be setback a minimum of 40' 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. 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.
- A.4** 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 access is provided.	

- (2) The Vehicular Access type General Parking is not permitted within Commercial Corridors.
- (3) Alternative Compliance. Upon request by the applicant, the decision maker may approve an alternative access type not shown in Table 16-10-30(a). Driveway width is not eligible for alternative compliance. The following review criteria shall be used by the decision maker to evaluate alternative compliance requests:
 - (A) 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 standard for which alternative compliance is requested.
 - (B) 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.
 - (C) 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.
- (b) **Parking Requirements for Buildings and Uses Outside of Downtown Parking District.** Off-street parking space shall be provided for buildings and uses outside of the Downtown Development Authority boundary as follows:
 - (1) **Applicability.** Provision of parking space shall be required for any new use or expanded use by the addition of primary floor area or other expansion of building use or property use generating new parking demand.

- (2) **Location.** Parking areas shall be provided upon the same lot containing the use for which they are required or on separate lots or structures located within a one-thousand-foot radius of the lot containing the use for which they are required. A Town-approved parking agreement is required for all off-site parking. This agreement shall be recorded with the County Clerk and Recorder, and shall be a covenant running with the land upon which parking is provided. All shared parking lots must be paved. All shared parking lots and shared parking structures shall have sidewalk connections to the subject property.

(3) **Surfacing Materials.**

- (A) **Generally.** Parking and driveway areas, primary access to parking facilities, and other vehicular use areas for all uses and in all zone districts except as permitted below shall be surfaced with concrete or asphalt.

- (B) **Industrial Zones.** Uses in industrial zones shall comply with surface material requirements, except that company-owned vehicles with a valid state license plate may be parked upon unpaved surfaces, subject to the following:

- i. Identified and approved on a Site Plan.
- ii. Surfacing shall be aggregates or recycled asphalt meeting CDOT Class 5 or 6 aggregate base course gradation, or any subsequent amendments thereto.
- iii. Perpetual maintenance is required to limit fugitive dust, tracking of mud onto roadways, and other nuisances.
- iv. Screened from view from roadways.

- (C) **Single family residential and duplex uses.** Residential driveway surfaces shall be concrete or asphalt with a concrete approach in accordance with the Town of Windsor Design Criteria and Construction Specifications. Additional supplemental parking shall only occur on approved surfaces and is prohibited on landscaped or lawn areas. Approved surfaces include concrete, asphalt, or approved permeable paving such as gravel in conformance with Town standards. Gravel parking surfaces shall be limited to the following:

- i. Shall only be for supplemental parking adjacent to the primary concrete driveway, and does not create additional driveway access;
- ii. Shall not exceed 12' in width and shall comply with driveway standards contained in this Section.
- iii. Shall transition to a concrete or asphalt surface for the entire distance within right-of-way or for a minimum distance of 10' prior street access, whichever is greater; and
- iv. Shall maintain minimum landscape requirements
- v. Shall not track gravel or mud into the street.

(D) **Natural Areas.** Parking and driveway areas, primary access to parking facilities, and other vehicular use areas for natural areas owned and operated by the Town or other governmental entity shall be surfaced with concrete, asphalt, or gravel. Parking shall be prohibited on all other surfaces. When gravel drives are used, a paved apron is required for the first 20 feet adjacent to the street.

(E) **Permeable Paving.** Permeable paving designed to allow stormwater infiltration shall be considered on a case by case basis and must be approved by the Community Development Director.

- (4) **Screening.** Every off-street parking area, other than that provided for a single-family residence, shall provide a planting screen, landscaped fence or wall at least four (4) feet in height along any side abutting or fronting on a residential district. Plans for such screening shall be submitted to the Planning Department for approval before installation.
- (5) **Standard dimension.** Each individual parking space shall be at least nine (9) feet wide by twenty (20) feet long and, if covered, shall have a minimum height clearance of seven (7) feet.
- (6) **Determination of need.** The number of parking spaces required shall be based upon the anticipated parking demand of individual uses and shall be as designated for specific uses and situations as follows:

Use	Parking Requirement
Single-family residence	2 spaces per dwelling unit
Multifamily dwelling residence*:	
1 bedroom or studio	1.5 parking spaces
2 bedroom	1.75 parking spaces
3 bedroom	2.0 parking spaces
4+bedroom	3.0 parking spaces
Public assembly facilities, provided for seated audiences (churches, theaters, auditoriums, etc.)	1 space for every three seats

Elementary schools (If the elementary school includes an auditorium, the auditorium requirement above shall govern if it is greater.)	2 spaces for every classroom
Junior and senior high schools	Auditorium requirement above or 1 space for every 5 students of maximum occupant capacity
Hospitals	1 space for every 2 beds
Clinics	5 spaces for every practitioner on the staff
Industrial uses	1 space for every 2 employees
Commercial office	1 space for every 300 square buildings feet of Gross Leasable Area (GLA)
Retail stores, customer service establishments, shopping centers and other similar uses	1 space for every 250 square feet of GLA
Eating and drinking establishments	1 space for every 200 square feet of GLA, plus 1 space for every 2 employees, computed on the maximum service capacity
Hotel or motel	1 space for every room to be rented, plus 1 space for every 2 employees, computed on the maximum service capacity

*Multifamily development shall receive a credit towards the requirements of this sub-section on one (1) parking space for every twenty-five (25) feet of the subject lot's frontage on a public street which is designed to accommodate on-street parking. Such credit shall not exceed 10% of the total required parking of any one development.

(c) **Downtown Parking District Requirements.** The Downtown Parking District (District) is hereby defined as the area falling within the boundaries of the Windsor Downtown Development Authority, as the boundaries currently exist and as may later be amended pursuant to the statutory powers of the Windsor Downtown Development Authority. Within the District, off-street parking spaces shall be provided as follows:

(1) A change of use is not required to provide new or additional parking except when a residential use is converted to a non-residential use. In such cases parking must be provided on-site in accordance with Section 16-10-30(c)(12).

(2) Building additions under one thousand (1,000) square feet and/or the provision of outdoor seating are not required to provide new or additional parking. This exemption shall be applied on a cumulative basis to each property within the District, and one thousand (1,000) square feet shall be the total exemption for any

and all construction, expansion or modification projects within the property, whenever occurring. Mixed-use projects containing residential units may add up to one thousand (1,000) square feet of commercial use and up to two (2) residential units without adding parking.

(3) New buildings and additions to existing buildings of between one thousand one (1,001) and twenty thousand (20,000) square feet will require two (2) parking spaces per one thousand (1,000) square feet of new or additional floor area.

(4) New buildings and additions to existing buildings of over 20,000 square feet shall submit a Parking Management Plan ("Plan") at the time of application. The Plan shall outline the project's total parking demand, shared parking agreements, parking management strategies, and transportation demand management programs. The Planning Commission shall convene a public hearing to review the Plan and shall determine if the proposed parking is appropriate for the specific situation, subject to a maximum of two (2) parking spaces per 500 square feet.

(5) The area measured for purposes of this sub-section (b) shall include the entire Gross Leasable Area of a building, as defined by Section 16-2-20.

(6) On-site parking requirements may be provided on another lot or structure containing shared parking availability within one thousand (1,000) feet of the subject property, subject to the following:

A. Up to eighty percent (80%) of the on-site parking requirement may be provided on an off-site lot or structure for new buildings up to five thousand (5,000) square feet and additions containing one thousand one (1,001) to five thousand (5,000) square feet.

B. Up to fifty percent (50%) of the on-site parking requirement may be provided on an off-site lot or structure for new buildings between five thousand one (5,001) and ten thousand (10,000) square feet and additions containing five thousand one (5,001) and ten thousand (10,000) square feet.

C. Up to twenty-five percent (25%) of the on-site parking requirement may be provided on an off-site lot for new buildings between ten thousand one (10,001) to twenty thousand (20,000) square feet and additions containing ten thousand one (10,001) to twenty thousand (20,000) square feet.

A Town-approved parking agreement is required for all off-site parking. The Town-approved parking agreement shall be recorded with the County Clerk and Recorder, and shall be a covenant running with the land upon which parking is provided. All shared parking lots must be paved. All shared parking lots and shared parking structures shall have sidewalk connections to the subject property.

(7) For every twenty-five (25) feet of the subject lot's public street frontage, building additions between one thousand one (1,001) and twenty thousand (20,000) square feet shall receive a credit of one (1) parking space against the requirements of this sub-section (c).

(8) Improved lots containing on-site parking ratios exceeding two (2) spaces per one thousand (1,000) square feet are permitted to remove on-site parking spaces in excess of that ratio ("Excess Parking Spaces"), so long as an on-site parking ratio of no less than two (2) spaces per one thousand (1,000) square feet is maintained. Remaining Excess Parking Spaces may be applied toward new buildings or building additions. New building construction or building additions may be built over Excess Parking Spaces, and are eligible for the provision of required parking spaces in accordance with sub-section (5) for any new square footage added.

(9) Surfacing Materials.

(A) **Generally.** Parking and driveway areas, primary access to parking facilities, and other vehicular use areas for all uses and in all zone districts except as permitted below shall be surfaced with concrete or asphalt.

(B) **Single family residential and duplex uses.** Residential driveway surfaces shall be concrete or asphalt with a concrete approach in accordance with the Town of Windsor Design Criteria and Construction Specifications. Additional supplemental parking shall only occur on approved surfaces and is prohibited on landscaped or lawn areas. Approved surfaces include concrete, asphalt, or approved permeable paving such as gravel in conformance with Town standards. Gravel parking surfaces shall be limited to the following:

- i. Shall only be for supplemental parking adjacent to the primary concrete driveway, and does not create additional driveway access;
- ii. Shall not exceed 12' in width and shall comply with driveway standards contained in this Section.
- iii. Shall transition to a concrete or asphalt surface for the entire distance within right-of-way or for a minimum distance of 10' prior street access, whichever is greater; and
- iv. Shall maintain minimum landscape requirements
- v. Shall not track gravel or mud into the street.

(C) **Natural Areas.** Parking and driveway areas, primary access to parking facilities, and other vehicular use areas for natural areas owned and operated by the Town or other governmental entity shall be surfaced with concrete, asphalt, or gravel. Parking shall be prohibited on all other surfaces. When gravel drives are used, a paved apron is required for the first 20 feet adjacent to the street.

(D) **Permeable Paving.** Permeable paving designed to allow stormwater infiltration shall be considered on a case by case basis and must be approved by the Community Development Director.

(10) **Screening.** Every off-street parking area, other than that provided for a single-family residence, shall provide a planting screen, landscaped fence or wall at least four (4) feet in height along any side abutting or fronting on a residential district. Plans for such screening shall be submitted to the Planning Department for approval before installation.

(11) **Standard dimension.** Each individual parking space shall be at least nine (9) feet wide by twenty (20) feet long and, if covered, shall have a minimum height clearance of seven (7) feet.

(12) **Residential Parking Determination of need.** The following table will be used for new residential units when building additions are (a) larger than two thousand (2,000) square feet and/or (b) add more than two (2) new residential units:

Residential Use Type	Required Parking
1-bedroom unit	Minimum: 1 space per unit
2-bedroom unit	Minimum: 2 spaces per unit
3-or-more-bedroom unit	Minimum: 2.0 spaces per unit
Additional guest-parking [See Note]	1 space per 8 dwelling units in addition to the minimum off-street parking spaces.

Note to Table: On-street parking spaces abutting the property line(s) of the primary building containing housing units may apply a ratio of one (1) space per twenty-five (25) feet of the subject lot's street frontage for streets within the District toward the guest-parking requirement.

Section 4. Article I of Chapter 16 of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted to read as follows:

ARTICLE I – Zone Districts

Sec. 16-1-10. – Establishment of Zone Districts

Zoning districts are established by Table 16-1-10 and as shown on the Official Zoning District Map of the Town. Previous zoning districts are hereby reclassified to the zoning districts established by Ordinance Number 2020-[[#]] as shown in Table 16-1-10.

Table 16-1-10 Zoning Districts Established			
Zoning Districts Established by Ord. 2020-##		Previous Zoning Districts	
ER	Estate Residential	E-1	Low Density Estate Residential
		E-2	High Density Estate Residential
SF-1	Single Family Detached	SF-1	Single Family Detached
SF-2	Single Family Attached	SF-2	Single Family Attached
MF	Multifamily	MF-1	Multifamily
		MF-2	High Density Multifamily
RMU-1	Residential Mixed Use One	RMU	Residential Mixed Use
RMU-2	Residential Mixed Use Two	n/a	n/a
MH	Mobile Home	PD-MHP	Planned Mobile Home Park Development
NC	Neighborhood Commercial	NC	Neighborhood Commercial
CB	Central Business	CB	Central Business
GC	General Commercial	GC	General Commercial
LI	Limited Industrial	IL	Limited Industrial
HI	Heavy Industrial	IH	Heavy Industrial
ROL	Recreation & Open Lands	O	Recreation & Open Space
AH	Agriculture Holding	n/a	n/a
PUD	Planned Unit Development	PUD	Planned Unit Development

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 feet from the property line.
Structural projections such as cantilevered bay windows, balconies, chimneys, eaves, or other non-foundational overhangs or projections	May encroach into side setbacks up to 2'. May encroach into front or rear setbacks up to 3'
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.** In residential zoning districts, the applicant has the option to use the average of existing front setbacks of buildings located on the same and facing block as a proposed development pursuant to the following:

- (1) Contextual setbacks can only be applied where more than 50 percent of the lots on the same block face, on the same side of the street, are developed with dwellings.
- (2) Lots with similar uses as the use proposed 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) **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.

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 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 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.

(d) Modification of Building Height Regulations.

- (1) Purpose. The purpose of this Sub-section (d) is to establish a process to review proposals for buildings or structures exceeding the maximum building height allowed by the provisions of this Section or other ordinances, rules or regulations of the Town. The intent of this Sub-section (d) is to encourage creativity and diversity of architecture and site design within a context of harmonious neighborhood planning and coherent environmental design, to protect access to sunlight and to preserve desirable views. Any building or structure proposed to exceed the maximum building height limitation in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be subject to review and recommendation by the Planning Commission, and thereafter to approval or disapproval by the Town Board pursuant to the provisions of this Sub-section (d).
- (2) Standards for review. Any building or structure proposed to be greater than the maximum building height limitation in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, must satisfy the following review criteria:

- (A) Views. A building or structure shall not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community. Techniques to preserve views may include, but are not limited to, reducing building or structure mass, changing the orientation of buildings or other structures and increasing open space setbacks.
- (B) Light and shadow. Any building or structure proposed to be greater than the maximum building height limitation in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting of shadows on adjacent property sufficient to preclude the functional use of solar energy technology; creating glare, such as reflecting sunlight or artificial lighting at night, that contributes to the accumulation of snow and ice during the winter on adjacent property; and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing building or structure mass, or redesigning a building or structure's shape.
- (C) Privacy. Any building or structure proposed to be greater than the maximum building height limitation in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas and public parks. Techniques to improve the level of privacy in a neighborhood may include, but are not limited to, providing landscaping, fencing and open space, and changing building or structure orientation away from adjacent residential development.
- (D) Neighborhood scale. Any building or structure proposed to be greater than the maximum building height limitation in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be compatible with the scale of the neighborhoods in which it is situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.
- (3) Submittal requirements. All development plans proposing building or structure heights proposed to exceed the maximum building height limitation in the respective zoning district pursuant to this Section or by other ordinances, rules or regulations of the Town shall, at a minimum, include the following information, unless such information is waived by the Director:
- (A) A shadow analysis that indicates on the project development site plan the location of all shadows cast by the building or structure (with

associated dates of the year) which demonstrates compliance with Subsection 16-1-20(d)(2)(B).

(B) A visual analysis that:

1. Identifies the extent to which existing views may be blocked;
2. Depicts in graphic form views before and after the project, utilizing photographs of the area and neutral drawings derived from at least two (2) points from which the proposal will be commonly viewed; and
3. Indicates the points of observation on an inset map or plan of the area.

(C) A summary of the key conclusions of the shadow and visual analysis, as well as steps to be taken to comply with the review standards set forth above.

- (4) Notice and public hearing. Prior to consideration of any proposal for modification under this Section, a public hearing shall be held before both the Planning Commission and the Town Board in accordance with the provisions of this Code. The proponent of the height modification shall have the burden of proof with respect to each of the criteria set forth in sub-section (2) above, Standards for Review.

Sec. 16-1-30. – Estate Residential (ER) Zone District

(a) **Purpose.** The purpose of the ER zone district is:

1. To establish and preserve low-density single-family residential neighborhoods with urban level services that, in general, are located in a rural setting.
2. To provide an estate transition from higher urban densities in the Town to outlying rural densities and preserve environmentally sensitive areas.
3. To provide for generous building setbacks and lot frontages that ensure significant space between dwellings, resulting in an estate residential appearance within developed neighborhoods.

(b) **General Development Standards.** Development in the Estate Residential zones shall adhere to the standards contained in Table 16-1-30(b). Reduced Lot sizes are allowed in accordance with Section 16-1-30(c).

Table 16-1-30(b): ER District Lot Development Standards	
Vehicular Access	
Residential Uses	Standard, Limited, or Rear
Non-Residential Uses	Any
Lot Standards	
Minimum Lot Area (acres)	1
Minimum Lot Area (with existing septic system)	2.5
Minimum Lot Width	45'
Maximum Lot Coverage	65%
Minimum Setbacks – General	
Front	20'
Side	20'
Rear	10'
Minimum Setbacks – Accessory Buildings Housing Large Domestic Animals	
Front	35'
Side	35'
Rear	35'
Maximum Building Height	
Height	35'

- (c) **Conservation Design.** To encourage the clustering of homes to preserve open space within the ER District, reduced minimum lot sizes may be granted which will allow more than one (1) dwelling unit per acre. The criteria for granting the reduced lot sizes within a master plan or a subdivision plat are as follows:
- (1) The applicant shall demonstrate adequate utility capacity is available to serve the development.
 - (2) Minimum lot sizes shall be based on the percentage of open space provided in accordance with Table 16-1-30.

Table 16-1-30(c) Conservation Subdivision	
Amount of Open Space and/or Recreation Uses	Minimum Lot Size
Less than 20%	43,560
Equal to or greater than 20%	20,000
Equal to or greater than 30%	15,000
Equal to or greater than 40%	10,000
Equal to or greater than 50%	6,000

- (3) Open space shall be permanently protected as designated open space through designation on the subdivision plat and restrictive covenants.
- (4) Designated open space shall be retained in a natural, undisturbed state, except for as required for active management or restoration according to a conservation agreement and management plan written by a qualified natural resource professional and except as listed below:
 - (A) Agricultural cultivation and pastures for properties historically used as such
 - (B) Passive (non-motorized) trails and recreational uses.
 - (C) Stormwater facilities designed in accordance with the principles of Low Impact Design.
 - (D) Other uses subject to approval of the Town Board which are demonstrated to not negatively impact the natural and/or cultural amenities preserved in the open space.
- (5) The following shall not qualify as designated open space:
 - (A) Individual building lots.
 - (B) Roads, access drives, or parking lots unless specifically designed to access the open space.
 - (C) Utility facilities.
 - (D) Any area that is less than 100 feet in width.
 - (E) Areas within 100 feet of oil and gas facilities, including plugged and abandoned facilities.

- (6) **Ownership and Management.** All Open Space shall require documentation that outlines the ongoing maintenance plans, as well as administrative and financial management of the space according to these standards. Open space shall be maintained in perpetuity either by the Property Owner, a Property Owner's Association, Metropolitan District, or other legal entity approved by the Town.

(d) **Uses permitted by right.** 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.

1. Single-family dwellings.
2. Public parks and recreation areas.
3. Public and private schools
4. Places of assembly (small)
5. Golf courses.

Sec. 16-1-40. – Single Family (SF-1) Zone District

- (a) **Purpose.** The purpose of the SF-1 zone district is to establish and preserve low-density single family residential areas, with ample open areas and connections to nearby employment or commercial activity centers.
- (b) **Lot Development Standards.** Development in the SF-1 zone district shall adhere to the standards contained in Table 16-1-40(b).

Table 16-1-40(b): SF-1 District Lot Development Standards	
Vehicular Access Types Permitted	
Residential Uses	Standard, Limited, Rear
Non-Residential Uses	Any
Lot Standards	
Minimum Lot Area (square feet)	6,000
Minimum Lot Width	45'
Maximum Lot Coverage	60%

Minimum Setbacks	
Front	20'
Side	5'
Rear	10'
Rear Abutting Alley	5'
Maximum Building Height	
Height	35'

(c) Use regulations. A building or lot may be used for the following uses 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. All single-family dwellings, including manufactured homes, which otherwise meet the minimum standards set forth in Section 16-11-70 of this Chapter.
- b. Public parks and recreation areas.
- c. Public and private schools.
- d. Places of assembly (small).

(2) Permitted accessory uses.

- a. Private garages, carports and paved parking areas.
- b. Private residential and private group outdoor recreational facilities, including, by way of example but not of limitation, swimming pools and tennis courts.
- c. Home occupations, subject to the provisions of Section 16-10-20 of this Chapter.
- d. Service buildings and facilities normally incidental to the use of a public park or recreation area.
- e. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Article VII of this Chapter:
- a. Child care centers.
 - b. Nursing and rest homes.
 - c. Private commercial outdoor recreational facilities.
 - d. Public administrative offices and service buildings.
 - e. Public utility installations, including transmission lines and substations.
 - f. Oil and gas facilities pursuant to the conditional use regulations contained in Article VII pertaining thereto.
 - g. Small group living facilities pursuant to the conditional use regulations contained in Article VII pertaining thereto.
 - h. Any use which is compatible for inclusion within this District and which meets the standards and requirements of conditional use grants as set forth in Article VII.
 - i. Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials as defined in this Chapter.

Sec. 16-1-50 Single-Family Attached Residential (SF-2) District

(a) Purpose. The purpose the SF-2 zone district is:

1. To establish and preserve compact, pedestrian oriented residential neighborhoods with a variety of housing types and densities.
2. To provide for a gradual transition from single-family residential to multifamily or commercial uses.

(b) Lot Development Standards. Development in the SF-2 zone district shall adhere to the standards contained in Table 16-1-50(b) based on Building Types, as defined in Section 16-2-20 and Vehicular Access Types, as described in Sec. 16-10-30 (a).

Table 16-1-50(b): SF-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'	35'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	35'
	Rear	2,500	30'	65%	15'	10'	5'	10'	5'	35'
Standard Duplex	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	35'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	35'
	Rear	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	35'
Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	35'
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	35'
	Rear	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	35'
Townhouse	Rear, or Parking Court	1,400 ⁴	17'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'
Multiplex	Rear, or Parking Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'
Non-residential	Any	20,000	100'	80%	20	15'	20'	20'	10'	40'

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

(c) Master Plan. In addition to the Master Plan requirements of Chapter 15, prior to approval of a subdivision plat, a Master Plan is required and shall depict the approximate location and acreage of all land uses and building types. Building types

and land uses shall be allowed only in accordance with an approved Master Plan. The Master Plan shall be recorded with the county Clerk and Recorder.

(d) Land Use Allocation. In order to create a mixed neighborhood with a variety of housing types, developments larger than 10 gross acres in size shall designate on an approved Master Plan a minimum of 15% of the development's gross acreage to at least two different residential building types. For the purpose of this requirement, Over-Under and Standard Duplexes shall be considered one building type. Land designated to meet the requirements of this Section shall be considered buildable and shall not include any of the following:

1. Open spaces;
2. Drainage controls;
3. Water quality controls;
4. Roadways other than those providing direct access to individual lots; or
5. Significant encumbrance by easements or agreements that render a large portion of the property unusable or highly restrict usage.

(e) Roadway Design. All local streets serving residential areas shall include a detached sidewalk in accordance with the Residential Parkway street parameters contained in the Design Criteria and Construction Specifications.

(f) 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. Single family dwellings
- b. Duplexes, including standard and over-under duplexes.
- c. Townhouses
- d. Multiplex dwellings
- e. Cottage dwellings
- f. Public parks and recreation areas.
- g. Public and private schools.
- h. Places of assembly (small).

(2) Permitted accessory uses. Any accessory use permitted in the Single-Family Residential District.

(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Article VII:

- a. Any conditional use permitted in the Single-Family Residential District.
- b. Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.
- c. Small group living facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.
- d. Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

Sec. 16-1-60 Multifamily Residential (MF) District

(a) Purpose. The purpose of the MF zone district is to establish and preserve residential districts that are appropriate for multifamily housing. The MF district is intended to be conveniently located near collector and arterial streets, with access to major employment and activity centers, and public amenities or complementary uses and activities such as schools, parks, and open space.

(b) Lot Development Standards. Development within the MF zone district shall adhere to the standards contained in Table 16-1-60(b) based on Building Types, as defined in Section 16-2-20 and Vehicular Access Types, as described in Sec. 16-10-30 (a).

Table 16-1-60(b) MF 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	
Standard Duplex	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	35'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	35'
	Rear	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	35'

Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	35'
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	35'
	Rear	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	35'
Townhouse	Rear, or Parking Court	1,400 ⁴	17'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'
Multiplex	Rear, or Parking Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'
Multifamily Building	Rear, Parking Court, or Dispersed Parking Lot	1,400 ⁶	100'	80% ⁵	20'	15'	½ of building height	½ of building height	5'	55'
Non-Residential	Any	20,000	50'	80%	20'	15'	20'	20'	5'	55'

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

(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. Multifamily dwellings of two (2) or more units.
- b. Public parks and recreation areas.
- c. Places of assembly (small).

(2) Permitted accessory uses.

- a. Private garages, carports and paved parking areas.
- b. Signs, subject to the provisions of Article IX of this Chapter.
- c. Private residential and private group outdoor recreational facilities.

d. Service buildings and facilities normally incidental to the use of a public park or recreation area.

e. Any other structures or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Article VII of this Chapter:

a. Private commercial outdoor recreational facilities.

b. Oil and gas facilities pursuant to the conditional use regulations contained in Article VII pertaining thereto.

c. Small group living facilities pursuant to the conditional use regulations contained in Article VII pertaining thereto.

d. Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

Sec. 16-1-70 - Residential Mixed Use One (RMU-1) District

(a) Purpose. The purpose of the RMU-1 zone district is to establish and preserve neighborhoods that allow for 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 with the RMU-1 zone district shall adhere to the standards contained in Table 16-1-70 on Building Types, as defined in Section 16-2-20 and Vehicular Access Types, as described in Sec. 16-10-30 (a).

Table 16-1-70 RMU-1 Lot Development Standards

Building Type	Vehicular Access	Lot Standards		Minimum Setbacks			Rear Abutting Alley	Building Height
		Min. Size (square feet)	Maximum Lot Coverage	Front	Side	Rear		
Single Family Dwelling	Any	6,000	65%	20'	5'	10'	5'	35'
Duplex, Standard or Over-Under	Any	4,500 ¹	65%	20'	5'	10'	5'	35'

Townhouse	Any	2,400 ²	80% ³	20'	5' 0' ⁴	10'	5'	35'
Multifamily Building	Any	1,400 ²	80%	20'	½ of building height	½ of building height	n/a	35'
Commercial, Mixed Use, or Institutional	Any	20,000	80%	25'	20'	20'	5'	35'
Industrial	Any	20,000	80%	30'	20'/30' ⁵	20'/30' ⁵	5'	35'

¹ Per Unit

² Refers to overall maximum development density on a per unit basis; however this is no minimum lot size per individual unit

³ Refers to overall site; no maximum lot coverage for individual lots or units

⁴ 5' setback required except when interior common wall is used

⁵ 30' required when abutting a residential zoning district or residential property

(c) **Master Plan.** In addition to the Master Plan requirements of Chapter 15, prior to approval of a subdivision plat, a Master Plan is required and shall depict the approximate location and acreage of all land uses. Building types and land uses shall be allowed only in accordance with an approved Master Plan. The Master Plan shall be recorded with the county Clerk and Recorder.

(d) **Land Use Allocation.** No more than 25% of the gross land area of an RMU-1 development may be designated for commercial or industrial uses.

(e) **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. The following uses shall be permitted in the RMU-1 zoning district:

a. Any principal, accessory or conditional use permitted in any residential district, provided that such use, as proposed to be located, scaled and operated, meets the intent of the RMU-1 zoning district as defined in Section 16-16-10 above;

b. Recreational and open space uses;

c. Office buildings and facilities required for the operation, administration and maintenance of the RMU-1 development;

- d. Fully enclosed light industrial uses such as research and development facilities; light manufacturing and assembly facilities; electronics manufacturing facilities; printing and publishing firms; public and semipublic utility offices and installations, etc.; and
- e. Convenience centers, including retail stores and customer service establishments, subject to the following conditions:
 - i. Convenience centers shall be designed to serve as integral parts of the development plans of RMU-1 zoning districts, with the principal functions of convenience centers being to serve the residents of the development;
 - ii. By reason of their location, construction, method of operation, signs, lighting, parking arrangements or other characteristics, convenience centers shall not cause adverse effects to the residential uses which are located either within or adjacent to the RMU-1 zoning district, and, likewise, the convenience centers shall not create traffic congestion problems or traffic hazards for either vehicular traffic or pedestrians; and
 - iii. Convenience stores and shops may be located within multiple-use buildings or a multiple-use building complex which contains residential dwelling units, administrative offices, recreational uses or common facilities which are designed to be used primarily by the residents of the development.
- f. Mixed Use Buildings
- g. Seasonal sales and farmers markets, subject to the provision of Article XXXII of this Chapter.
- h. Mobile food vending as an accessory use as set forth in Section 16-10-110.

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) based on Building Types, as

defined in Sec. 16-2-20 and Vehicular Access Types, as described in Sec. 16-10-30 (a).

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'	35'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	35'
	Rear	2,500	30'	65%	15'	10'	5'	10'	5'	35'
Standard Duplex	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	35'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	35'
	Rear	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	35'
Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	35'
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	35'
	Rear	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	35'
Townhouse	Rear, or Parking Court	1,400 ⁴	17'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'
Multiplex	Rear, or Parking Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'
Multifamily	Rear, Parking 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,	Parking Court or	5,000	50'	80%	20	15'	20'	20'	5'	55'

or Institutional	Dispersed Parking Lot									
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										

(c) Master Plan. In addition to the Master Plan requirements of Chapter 15, 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 only 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 40 acres in size shall be eligible for RMU-2 zoning.

(e) Land Use Allocation. In order to create a mixed use neighborhood with a variety of housing types and commercial services, developments shall designate on an approved master plan minimum acreage for specific land use categories as follows:

(1) A minimum of 20 percent of gross development area shall be allocated on an approved master plan to residential uses other than single family dwellings.

(2) A minimum of the following acreage of commercial land use shall be allocated on an approved master plan based on the overall development size:

(A) Five (5) acres for overall developments less than 200 acres;

(B) Ten (10) acres for overall developments over 200 acres.

(3) A maximum of 25% percent of gross development may be allocated on an approved Master Plan to commercial or industrial uses.

(4) 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.

(5) 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 16-1-80(e)(2) if in the judgment of the decision maker, commercial development is not currently viable or not likely to be viable within 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) 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.

(g) Neighborhood Center. A Neighborhood Center is a mixed-use or commercial center of a RMU-2 community which may be designated on the applicable Master Plan subject to the following:

1. Shall not exceed 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 tables conflict, Table 16-1-80(g) shall apply.
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	

(h) 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
- 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 Article VII of this Chapter:

- a. Outdoor theater.
- b. Oil and gas facilities pursuant to the conditional use regulations contained in Article VII pertaining thereto.
- c. Small group living facilities pursuant to the conditional use regulations contained in Article VII pertaining thereto.
- d. Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

(3) **Permitted Accessory Uses.**

- a. Accessory Dwelling
- b. Accessory Home Occupation
- c. Day Care - In-home
- d. Mobile food vending as set forth in Section 16-10-110.

Sec. 16-1-90 Mobile Home (MH) District

- (a) **Purpose.** The purpose of the MH zone district is to establish and preserve mobile home parks to provide lower cost housing with ample open spaces and connections to nearby employment or commercial activity centers.
- (b) **Lot Development Standards.** Development within the MH zone district shall adhere to the standards contained in Table 16-1-90(b).

Table 16-1-90(b): MH District Lot Development Standards	
Vehicular Access Types Permitted	
Residential Uses	Standard, Limited, Rear
Non-Residential Uses	Any
Lot Standards	
Minimum Overall Development Site Size	5 acres
Minimum Lot Area (square feet)	3,000
Minimum Lot or Pad Site Width	30'
Maximum Lot Coverage	50%
Minimum Setbacks	
Front	10'
Side	5'
Rear	10'
Perimeter facing	20'
Maximum Building Height	
Height	35'
Maximum Density	
Units Per Acre	8 units/ acre

(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. Mobile home dwelling units as defined in Section 16-2-20 of this Chapter.
 - b. Single-family dwellings for occupancy by the mobile home park owner, manager or caretaker.
 - c. Places of assembly (small).

- d. Common uses and uses accessory to mobile home dwelling units, including recreation facilities for the use of residents of the park only, management offices, laundry rooms, tenant storage lockers, parking areas and garbage and trash disposal facilities.

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).

Table 16-1-100(b): NC District Lot Development Standards	
Vehicular Access Types Permitted	
Parking Court or 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.
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 provision of Article XXXII of this Chapter.

(e) Places of assembly (small).

(f) Other similar uses as defined in Section 16-2-20 of this Chapter.

(2) Permitted accessory uses.

- (a) Garages for storage of vehicles used in conjunction with the operation of a business.
 - (b) Off-street parking and loading areas.
 - (c) Signs, subject to the provisions of Article IX of this Chapter.
 - (d) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business.
 - (e) Any other structure 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 Section 16-10-110.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Article VII of this Chapter:
- (a) Gasoline service stations.
 - (b) Public utility installations.
 - (c) Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.
 - (d) Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

Sec. 16-1-110. - Central Business (CB) District

(a) Intent. 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).

Table 16-1-110(b): CB District Lot Development Standards	
Vehicular Access Types Permitted	
Parking Court, 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'

(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) One-family residential dwellings subject to the regulations set forth in Section 16-11-70.
 - (p) Plumbing and heating contractors.
 - (q) Other similar uses as defined in Section 16-2-20 of this Chapter.
 - (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 Article IX of this Chapter.
 - (c) Mobile food vending as set forth in Section 16-10-110.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Article VII of this Chapter:
- (a) Commercial parking facilities.
 - (b) Gasoline service stations.
 - (c) Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.

(d) Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

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).

Table 16-1-120(b): GC District Lot Development Standards	
Vehicular Access Types Permitted	
Parking Court or 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'
Rear	20'
Maximum Building Height	
Height	55'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	

(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 Section 16-2-20 of this Chapter.

(2) Permitted accessory uses:

- a. Any accessory use permitted in the Central Business CB District.
- b. Mobile food vending as set forth in Section 16-10-110.
- c. Accessory outdoor storage:

- i. 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.
 - ii. 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.
 - iii. Shall not displace any off-street parking spaces depicted on the approved site plan for the premises.
 - iv. 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.
 - v. If site constraints preclude items in storage from being fully concealed as required in sub-section (D) 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 Chapter.
- d. Outdoor display of merchandise for sale on-site:
- i. Outdoor display of merchandise shall be incidental to the primary retail use.
 - ii. Merchandise on outdoor display shall consist only of inventory offered for sale within the principal building on the premises.
 - iii. 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.

iv. Outdoor merchandise display shall not displace any off-street parking spaces depicted on the approved site plan.

e. Seasonal sales:

- i. Outdoor display of merchandise for seasonal sales shall be located in the site plan-approved parking area for the premises.
- ii. 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.
- iii. 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 as provided in Article VII of this Chapter:

- a. Outdoor theater.
- b. Non-accessory signs.
- c. Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.
- d. Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

Sec. 16-1-130. - Limited Industrial (LI) Zone

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

- 1. Establish and preserve areas for a variety of low to moderate intensity industrial and commercial uses including manufacturing, and warehousing distribution with limited outdoor storage.

2. Minimize potential conflicts between heavy truck traffic and passenger vehicle, bicycle, and pedestrian traffic by providing convenient access to rail corridors, arterial roadways and state highways.
3. Promote economic vitality.

(b) Lot Development Standards. Development within the LI zone district shall adhere to the standards contained in Table 16-1-130(b).

Table 16-1-130(b): LI District Lot Development Standards	
Vehicular Access Types Permitted	
General Parking Lot, Dispersed Parking Lot, or Parking Court	
Lot Standards	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width	100' ¹
Maximum Lot Coverage	n/a
Minimum Setbacks	
Front	30'
Side/ Side Adjacent to residential use or zone	20'/ 30'
Rear/ Rear Adjacent to residential use or zone	20'/ 30'
Building Height	
Maximum Height	75'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	

(c) Use Regulations.

(1) 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. In addition to the site plan requirement, proposed users shall submit evidence satisfactory to the Town that the proposed use will comply in all respects with the Performance Standards for Industrial Zones as set forth in this Chapter.

(2) Uses by right. Subject to the requirements set forth in Subsection (a) above, the following uses shall be permitted in the Limited Industrial (LI) District:

- (A) Manufacture of electronic instruments.
- (B) Preparation of food products.

- (C) Pharmaceutical manufacturing.
- (D) Research and scientific laboratories.
- (E) Manufacturing, assembly, processing and fabrication plants.
- (F) Transportation terminals.
- (G) General warehousing.
- (H) Enclosed storage facilities.
- (I) Printing and publishing houses.
- (J) Automobile body repair shops.
- (K) Plumbing and heating contractors.
- (L) Painting and decorating contractors.
- (M) Electrical contractors.
- (N) Glazing, insulation, carpentry and masonry contractors.
- (O) Public utility offices and installations.
- (P) Places of assembly (small).
- (Q) Places of assembly (large).
- (R) Any use otherwise permitted in the General Commercial GC District.
- (S) Other similar uses as defined in Section 16-2-20 of this Chapter.

(3) Accessory uses. Assuming approval of designated uses by right as aforesaid, the following shall be permitted accessory uses in the Limited Industrial I-L District:

- (A) Office, power supply and other such uses normally auxiliary to the principal industrial use.
- (B) Parking and service areas.

(C) Accessory signs as otherwise regulated by this Code or the laws of the State.

(D) Residential quarters for guards and caretakers.

(E) Accessory outdoor storage that is normally auxiliary to the principal industrial use of the property. The total square footage of accessory outdoor storage in the Limited Industrial (LI) District shall not exceed sixty-five percent (65%) of the total square footage of the property. Any such storage located adjacent to a public or private street shall utilize screen walls, earth berms, landscaping, opaque fencing and/or a combination thereof to completely screen the storage, and no such storage shall be visible above or between said methods of screening. Chain-link fencing with slats shall not be considered adequate opaque fencing. Additionally, such outdoor storage areas may be surfaced with aggregates or recycled asphalt meeting CDOT Class 5 or 6 aggregate base course gradation, or any subsequent amendments thereto. Such surface materials shall require a plan for perpetual maintenance and dust abatement to be approved by the Engineering Department. However, all areas which are designed to be used for parking of vehicles and all interior drives connecting such parking areas shall be paved with asphalt or concrete. For the purposes of this Section, portions of the aggregate surface outdoor storage area may be utilized for parking of company-owned vehicles with a valid state license plate upon identification and Town approval of a site plan application. Such areas for parking of company-owned vehicles as identified on the approved site plan shall not be included in the calculation of outdoor storage for the site.

(F) Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right, conditioned upon the approval of such accessory use pursuant to the site plan requirements set forth herein.

(G) Mobile food vending as set forth in Section 16-10-110.

(4) Conditional uses:

(1) Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.

(2) Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

(5) Set forth below is a listing of addresses for parcels of land which shall be deemed exempt from the requirements and limitations set forth in Section

16-1-130(c)(3)(E) above. Such exemption shall be deemed to run with the land identified below:

- (1) 7250 Greenridge Road;
- (2) 4477 Greenfield Drive;
- (3) 780 Garden Drive; and
- (4) 620 Technology Circle.

Sec. 16-1-140. - Heavy Industrial (HI) District

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

1. Establish and preserve areas suitable for heavy industrial use, including those that might impact surrounding neighborhoods and businesses.
2. Ensure appropriate separation from neighborhoods and businesses which may be negatively impacted by heavy industrial uses.
3. Minimize potential conflicts between heavy truck traffic and passenger vehicle, bicycle, and pedestrian traffic by providing convenient access to rail corridors, arterial roadways and state highways.
4. Promote economic vitality.

(b) - Lot Development Standards. Development within the HI zone district shall adhere to the standards contained in Table 16-1-140(b).

Table 16-1-140(b): HI District Lot Development Standards	
Vehicular Access Types Permitted	
General Parking Lot, Dispersed Parking Lot, or Parking Court General Parking Lot prohibited within Commercial Corridors	
Lot Standards	
Minimum Lot Area (square feet)	60,000
Minimum Lot Width	200' ¹
Maximum Lot Coverage	n/a
Minimum Setbacks	
Front	30'

Side/ Side Adjacent to Residential Use or Zone	20'/30'
Rear/ Rear Adjacent to Residential Use or Zone	20'/30'
Maximum Building Height	
Height	75'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	

(c) Use Regulations.

(1) 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. In addition to the site plan requirement, proposed users shall submit evidence satisfactory to the Town that the proposed use will comply in all respects with the performance standards for industrial zones as set forth in this Chapter. The proposed user shall be responsible for all costs incurred by the Town in the evaluation and analysis of the evidence presented by the user of compliance with the performance standards for industrial zones. This shall include, but shall not be limited to, costs incurred for services rendered by the respective health department of either Weld County or Larimer County or similar public or private agencies.

(2) Uses by right. Subject to the requirements set forth in Subsection (a) above, the following uses shall be permitted in the Heavy Industrial HI District:

- (A) Petrochemical industries.
- (B) Rubber refining industries.
- (C) Primary metal and related industries.
- (D) Trucking operations.
- (E) Slaughterhouses.
- (F) Foundries.
- (G) Automobile, farm equipment and machinery sales.
- (H) Places of assembly (small).
- (I) Places of assembly (large).

- (J) Any use otherwise permitted in a Limited Industrial LI Zoning District.
 - (K) Any use otherwise permitted in a General Commercial GC Zoning District.
 - (L) Other similar uses as defined in Section 16-2-20 of this Chapter.
- (3) Accessory uses. Assuming approval of designated uses by right as aforesaid, the following shall be permitted accessory uses in the Heavy Industrial HI District:
- (A) Office, power supply and other such uses normally auxiliary to the principal industrial use.
 - (B) Parking and service areas.
 - (C) Accessory signs as otherwise regulated by this Code or state laws.
 - (D) Residential quarters for guards or caretakers.
 - (E) Accessory outdoor storage that is normally auxiliary to the principal industrial use of the property. Such outdoor storage areas may be surfaced with aggregates or recycled asphalt meeting CDOT Class 5 or 6 aggregate base course gradation, or any subsequent amendments thereto. Such surface materials shall require a plan for perpetual maintenance and dust abatement to be approved by the Engineering Department. However, all areas which are designed to be used for parking of vehicles and all interior drives connecting such parking areas shall be paved with asphalt or concrete.
 - (F) Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right, conditioned upon the approval of such accessory use pursuant to the site plan requirements set forth herein.
 - (G) Mobile food vending as set forth in Section 16-10-110.
- (4) Conditional uses.
- (A) Kennels.
 - (B) Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.
 - (C) Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.
 - (D) Adult businesses.

Sec. 16-1-150. - Recreation and Open Lands (ROL) District

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

- (1) Preserve certain large open land areas, which by reason of topographical features or proximity to natural drainage courses are unsuitable for intense development.
- (2) To preserve designated open space that is managed to preserve the natural environment and protect native flora and fauna.
- (3) Provide recreational opportunities.

(b) Lot Development Standards. Development within the ROL zone district shall adhere to the standards contained in Table 16-1-150(b).

Table 16-1-150(b): ROL District Lot Development Standards	
Vehicular Access Types Permitted	
Any	
Lot Standards	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width	n/a
Maximum Lot Coverage	n/a
Minimum Setbacks	
Front	20'
Side	20'
Rear	20'
Minimum Setbacks - Buildings Housing Domestic Animals	
Front	35'
Side	35'
Rear	35'
Maximum Building Height	
Height	45'

(c) 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) Principal uses permitted by right.

- (A) Public parks and recreation areas.
- (B) Public schools.
- (C) Public, private, commercial and private group outdoor recreational facilities.
- (D) Other similar uses as defined in Section 16-2-20 of this Chapter.

(2) Permitted accessory uses.

- (A) Service buildings and facilities normally incidental to the use of a public park and recreation area.
- (B) Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Article VII of this Chapter:

- (A) Public administrative offices and services buildings.
- (B) Public utility installations, including transmission lines and substations.
- (C) Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.
- (D) Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.
- (E) Open or surface mining operations for the development or extraction of solid materials.

Sec. 16-1-160. - Agriculture Holding (AH) District

(a) Purpose. The purpose of the AH zone district is to provide a zoning designation for properties which have been annexed to the Town and at the time of annexation are:

- (1) Either being used for agricultural purposes and/or have no specific future land use proposed at the time of annexation; and
- (2) Are in a transitional stage with regard to the property's ultimate development.

(b) 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) Principal uses permitted by right.

(a) Agriculture

(b) Single-family dwellings

(2) Permitted accessory uses.

Service buildings and facilities normally incidental to agricultural uses.

(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Article VII of this Chapter:

(A) Public utility installations, including transmission lines and substations.

(B) Oil and gas facilities pursuant to the conditional use regulations contained in Article VII of this Chapter pertaining thereto.

(C) Subject to the applicable requirements of Section 16-7-70 of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

(D) Open or surface mining operations for the development or extraction of solid materials.

(c) Restriction on Subdivision. No property zoned AH shall be subdivided for the purpose of allowing further land development. Subdivision for the purpose of development shall require appropriate zoning other than AH.

(d) Lot Development Standards. Development within the AH zone district shall adhere to the standards contained in Table 16-1-160(d).

Table 16-1-160(d): AH District Lot Development Standards	
Vehicular Access Types Permitted	
Any	
Lot Standards	
Minimum Lot Area (acres)	n/a
Minimum Lot Width	n/a
Maximum Lot Coverage	n/a
Minimum Setbacks – General	
Front	20'
Side	20'

Rear	20'
Minimum Setbacks - Buildings Housing Domestic Animals	
Front	35'
Side	35'
Rear	35'
Maximum Building Height	
Height	35'

Sec. 16-1-170. - Planned Unit Development (PUD) District

(a) Intent. The Planned Unit Development Overlay District (PUD) is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. § 24- 67-101, *et. seq.*). The PUD is an overlay zone district that supplements the underlying standard zone district. A PUD is expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. The intent and purpose of this district is:

- (1) To permit and encourage innovative design and high quality, master planned developments on large parcels of land.
- (2) To allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood.
- (3) To permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community.

(b) Permitted Uses. Uses permitted in the PUD shall be those uses permitted in the underlying standard zone district for the property. An applicant for a PUD may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PUD development or add uses necessary to meet the foregoing statement of Intent for PUDs.

(c) PUD Restrictions and General Requirements. Properties utilizing the PUD shall be subject to the following:

- (1) All PUD applications shall include a gross land area of not less than forty (40) acres.
- (2) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern unless explicitly otherwise approved in the PUD.

- (3) No PUD may be approved by the Town without the written consent of the landowner whose property is included within the PUD.
- (4) A proposed PUD shall be in conformance with an approved Master Plan or a Master Plan shall be concurrently submitted and reviewed.

(d) Minimum Standards. The following standards are considered minimum standards and are not eligible for modification:

- (1) Town standards for bicycle and pedestrian facilities.
- (2) Street connectivity standards.
- (3) Subdivision open space standards.
- (4) Density. Overall density shall be in accordance with the Comprehensive Plan Land Use Map and Town sanitary sewer capacity determinations.

(e) PUD Review Criteria. The following review criteria will be applied by staff, Planning Commission and Town Board to all PUD applications:

- (1) The proposed PUD provides a greater variety of housing types and densities, building design, employment, shopping, services, and public facilities than would otherwise be provided.
- (2) The proposed PUD protects unique or sensitive natural or cultural resources.
- (3) The proposed PUD provides open space amenities beyond the requirements of this Code.
- (4) The proposed PUD prioritizes pedestrian and bicycle facilities designed for user comfort and convenience, including but not limited to detached sidewalks on all streets.
- (5) The proposed benefits of the PUD offset the proposed exceptions to the Zoning and Subdivision standards.
- (6) Any exceptions to the Zoning and Subdivision standards are in the best interest of the public health, safety, and welfare.
- (7) The proposed PUD is in general conformance with the Comprehensive Plan.

(f) Amendments to Approved PUD.

- (1) Minor changes to an approved PUD may be authorized administratively by the Director of Planning. Such changes may be authorized without additional public

hearings and shall be reviewed on the basis of conformance with the Town's Comprehensive Plan and this Code. The Director of Planning may refer the decision regarding proposed changes to an approved PUD to the Planning Commission and, if so referred, the decision by the Planning Commission shall constitute a final decision which may be appealed to the Town Board pursuant to the provisions of this Code.

- (2) Major changes to an approved PUD shall be treated as a new PUD application under the provisions of this Article. Major changes to an approved PUD shall be reviewed in the same manner as the review process required for approval of a PUD and shall demonstrate proof of a material change of circumstances that renders the prior approval inconsistent with the objectives of the Article.

Major changes shall be defined as meeting any one or more of the following:

- (A) A change in the land uses allowed under the PUD;
 - (B) A change in the character of the development which would result in a change in the outward appearance of the development as a whole, or increase impacts on the surrounding area;
 - (C) An increase in the impacts to traffic and/or public utilities;
 - (D) A change which would result in the development no longer meeting the standards of this Chapter under which the project was approved;
 - (E) An increase in the approved gross leasable floor areas of commercial or industrial developments;
 - (F) An increase in the approved number of residential dwelling units;
 - (G) Removal of a recreational amenity; or
 - (H) A modification to any dimensional standard.
- (3) In order for the Town to consider a proposed PUD amendment, the applicant shall provide written approval of the proposed amendment by not less than seventy-five percent (75%) of the owners of not less than seventy-five percent (75%) of the land area for PUD plans approved after the effective date of this Article. The applicant may submit at the time of initial PUD application, and the Town may (but shall not be required to) approve, a provision which permits less than seventy-five percent (75%) of the owners of not less than seventy-five percent (75%) of the land area in a PUD to approve of a proposed PUD amendment. In no event shall an amendment be permitted which has less than fifty-one percent (51%) of the owners of less than fifty-one percent (51%) of the land area giving written approval for the proposed amendment.

(g) Development Control Committee.

- (1) **Internal Governance.** Developer shall be responsible for the creation of a private internal development control committee (DCC) for any PUD development to review site plan and building permit applications for new buildings within the subdivision.
- (2) **Applicability.** Any person or entity applying to the Town for approval of a site plan or building permit to construct a new building, excluding accessory buildings, shall be subject to review and written recommendation by the DCC to the Town.
- (3) **Review.** The DCC shall review the application and forward to the Planning Department a recommendation of approval or denial based solely with the applicable lot development standards contained within the PUD.
- (4) **Private Covenants.** The DCC may review and enforce private covenants, conditions, and restrictions, but such review shall be separate from and independent from the recommendation to the Town.
- (5) **Timely Review.** The DCC shall review all such applications in a timely manner in accordance with established schedules.
- (6) **DCC Composition.** Among other potential members, the DCC may include: the developer or designee of the subdivision, an outside architect or design professional, a property owner within the subdivision.
- (7) **Waivers.** The Director may waive the requirement for the establishment of the DCC or review by the DCC if it is determined it is unnecessary to implement the requirements of the zone district.

Section 5. The following Sections within Chapter 16 of the *Windsor Municipal Code* shall be re-numbered as indicated in this Section below:

Sec. 16-10-50 (Building Height Regulations) repealed and renamed to Reserved

Sec. 16-11-50 (Building Location) repealed and renamed to Reserved

Existing Articles XII through XXV shall each be repealed and renamed Reserved

Introduced, passed on first reading and ordered published this 9th day of March, 2020.

TOWN OF WINDSOR, COLORADO

Kristie Melendez, Mayor

ATTEST:

Krystal Eucker, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this 23rd day of March, 2020.

TOWN OF WINDSOR, COLORADO

Kristie Melendez, Mayor

ATTEST:

Krystal Eucker, Town Clerk

[Seal]

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