



TOWN BOARD WORK SESSION

June 14, 2021 - 5:30 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

Please click this URL to join. <https://windsorgov.zoom.us/j/97844187917>

OR join by telephone at (888) 788-0099 or (877) 853-5247

Webinar ID:978 4418 7917

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

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

AGENDA

1. Sidewalk Food and Beverage Permit - I. McCargar, Town Attorney; S. Ballstadt, Planning Director; K. Frawley, Town Clerk
2. Future Meetings Agenda

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



MEMORANDUM

Date: June 14, 2021

To: Mayor and Town Board

Via: Shane Hale, Town Manager

From: Ian McCargar, Town Attorney, Scott Ballstadt, Planning Director, Karen Frawley, Town Clerk

Re: Sidewalk Food and Beverage Permit

Item #: 1.

Background / Discussion:

Staff has taken further steps toward administration of sidewalk and alleyway occupancy permits for retailers. The Town Attorney recently provided Town Board with a preview of suggested Code language that would allow consumption of alcoholic beverages within sidewalks and alleys in accordance with permits issued by the Town. The Code amendment would be a legislative step in support of the administrative processes being developed by staff.

Although these permits will not be limited to liquor-licensed premises, specific rules will be needed for liquor service in these Town-owned spaces. The Town Clerk's Office is prepared to work with liquor-licensed premises to satisfy the requirements of the Liquor Authority for expanding liquor service areas into sidewalks and alleyways. Town Clerk Karen Frawley will be on hand during the work session to provide you greater detail and to answer any questions you may have for her.

Planning Director Scott Ballstadt will walk Town Board through the permit process, and the standards proposed for sidewalk and alleyway occupancy permits. The Planning Department will be the first stop for all applicants, with a second stop at the Town Clerk's Office for liquor licensing approvals following conditional approval by the Planning Department.

ATTACHMENTS:

- ▣ Revocable Business Use of Right-of-way Permit



TOWN OF WINDSOR
REVOCABLE RIGHT-OF-WAY
OCCUPATION PERMIT

Permit No. _____

Submittal Date: _____

The Revocable Right-of-way Occupation Permit is for the placement of tables, chairs, shade structures and/or other items for sidewalk dining and/or retail sales in the public right-of-way.

Applicant: Please complete sections 1-4.

1. Applicant's Name: _____ Phone: _____
Email Address: _____
Address: _____
City/State/Zip: _____
Business Address (if different): _____

2. Schedule: Revocable Business Use of Right-of-Way Permits are intended to allow for occupation of the right-of-way on an on-going basis subject to annual renewal and inspection, however, THE TOWN RESERVES THE RIGHT TO REVOKE SUCH PERMITS should the right-of-way be needed for any other purpose or if the Permit area is not being maintained in compliance with all applicable Town rules and regulations.

Item to be placed in the sidewalk/alley/street/right-of-way:

- ☐ Tables/Chairs: Quantity (attach images, if available): _____ Size: _____
- ☐ Shade Structures (attach images, if available): Type: _____
Size: _____
Height/Pedestrian Clearance: _____ Quantity: _____
- ☐ Space Heaters (attach images, if available): Type: _____ Size: _____
- ☐ Fencing/Barriers (attach images, if available): If fencing or barriers are proposed to enclose a seating area, the fencing type, material, size and method of mounting shall be in accordance with the Town's Business Use of Right-of-Way Standards.
- ☐ Other (attach images, if available): _____

General Notes:

- Items must be placed solely within the applicant's property frontage or with written permission of respective property owner
- Items shall not extend into the travel lane of the street
- Items shall be placed in a manner that assures a continuous 6-foot wide pedestrian path
- Items must not block the flow of water within the gutter
- Items shall be mounted or anchored without causing any damage to Town property
- Space heaters shall be type approved for outdoor use, operated per manufacturer's recommendations, located at least 2-feet from any flammable object or material and approved by fire department
- The applicant and/or owner shall be responsible for removal of trash, refuse and any other discarded items as well as keeping the area clean

3. Applicant hereby agrees to add the Town of Windsor as additional insured to applicant's liability insurance policy and shall provide a Certificate of Liability Insurance with this application. A current copy of such certificate is also required to be submitted with subsequent annual renewals.

4. By signing this application, the Applicant verifies that they have read, understand, and agree to all of the Town's requirements for the permit, the attached Right-of-Way Occupation Standards, and to all applicable Town of Windsor ordinances, State laws, and Federal laws. The undersigned declares that all information provided on this form, to the best of their knowledge, true, accurate, and complete.

Applicant Name/Signature: _____ Date: _____

Town of Windsor USE ONLY

Approved by: _____ Expiration Date: _____

Business Use of Right-of-Way Standards

Vision

Outdoor dining, seating areas, and signage are integral to creating a vibrant and successful downtown. The Town of Windsor offers restaurants and businesses the option of utilizing the public sidewalk and alleyways in the right-of-way for these amenities. The material and design of the outdoor street amenities used to create these areas is important to establishing the image and utility for the area in which they are located. In addition, the safety and flow of pedestrian traffic is an important priority. These Business Use of Right-of-Way Standards are intended to ensure that business use of public sidewalks and alleyways is efficient, safe for pedestrians and attractive to the commercial area as a whole.

Outdoor amenities such as tables, chairs, awnings, umbrellas, planters, flower boxes, and lighting fixtures are allowed and encouraged. Tables, chairs, planters, extended awnings, canopies, umbrellas, trash receptacles and other street furniture within the Downtown Corridor must be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials per the Town of Windsor Downtown Corridor Plan.

Revocable Business Use of Right-of-Way Permit Required

A Revocable Business Use of Right-of-Way Permit is required for any permanent item placed within the public right-of-way. This permit is required regardless of any other approvals, such as building permits or right-of-way work permits. Every Revocable Business Use of Right-of-Way Permit is revocable by the Town in keeping with the provisions of the Town's Home Rule Charter.

Non-fixed objects such as tables, chairs, and A-frame signs placed in the public right-of-way during business hours only do not require a permit, but must comply with these design guidelines and placement must maintain at least 6 feet in width of unobstructed pedestrian space. Non-fixed objects must be fully removed from the public right-of-way outside of normal business hours.

Circulation Flow

All objects placed upon Town sidewalks must leave at least 6 feet in width of continuous unobstructed pedestrian space. This 6-foot wide path must be clear of obstructions caused by trees, tree wells, posts, hydrants, planters, street signs, bike racks, newspaper boxes, or any other infrastructure. No part of any permitted right-of-way occupation, including planters and A-frame signs, may extend into the 6-foot-unobstructed zone. In addition, at least 2 feet of area must be kept clear from the edge of curb to account for vehicle overhang in areas with diagonal parking.

Access for Persons With Disabilities

Applications for Business Use of Right-of-Way Permits shall depict and preserve a path for accessibility in accordance with all Americans with Disabilities Act (ADA) requirements. Business users of Town sidewalks shall make reasonable accommodation for persons with disabilities, in order that barriers to enjoyment of Town sidewalks by disabled persons within permitted areas are functionally eliminated.

Furniture and Fixtures

All furniture and fixtures such as tables and chairs must be of high quality, durable and attractive, must be consistent in color, style and type, and must be maintained to this standard. Furniture shall be commercial grade and manufactured for outdoor use. Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, utility boxes, bike racks, newspaper boxes, or any other street infrastructure at any time.

Planters

Planters are encouraged to provide visual interest and create a more attractive and welcoming atmosphere. All

planters must have live or artificial plants contained within them. If live plants within a planter die or decline, the plants must be replaced or the planter removed promptly from the public right-of-way. Planters not featuring winter-hardy plants must be removed from the public right-of-way during winter months.

A-Frame Signs

A-frame signs are allowed in the permitted encroachment area, but must not exceed 6 square feet on each panel and must comply with Section 15-17-130(5)c of the Windsor Municipal Code. Placement of A-Frame signs must maintain at least 6 feet in width of required unobstructed pedestrian space.

Awnings

Awnings must be attached to and supported from the wall of a building and held up by its own supports. Awnings attached to support posts and fixed to the ground are not permitted. The installation of all awnings requires a Town-approved building permit and shall comply with the Downtown Corridor Plan.

Umbrellas

Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements, making their use in outdoor dining areas desirable.

- **Maintain Circulation Flow:** To ensure effective pedestrian circulation flow, the entire canopy of the open umbrella must leave 6 feet in width of unobstructed pedestrian space.
- **Minimum Height for Sidewalk Clearance:** When extended, the umbrella must measure at least 7 feet above sidewalk grade in order to provide adequate circulation space below. This measurement includes not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other ornamentation.
- **Maximum Height:** No part of an umbrella may exceed a height of 10 feet above sidewalk grade.

Railings

All railings shall require a Town-issued building permit for review of ingress and egress, hardware, and other code requirements.

- **Materials:** Railings must be constructed of architectural or decorative metals designed for outdoor use only. The use of chain-link, cyclone fencing, chicken wire, corrugated metal, or similar materials are not allowed. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, tires, tree stumps, food containers, pallets, vehicle parts, etc.) may not be used as components of an enclosure, unless otherwise permitted in these Business Use of Right-of-Way Standards. Materials shall be rigid and resist bending, breaking or damage by patrons or pedestrians.
- **Color:** Acceptable colors for railings include black, dark brown, dark green, and naturally dark metal colors.
- **Structure/Mounting:** A variety of styles and designs are acceptable for railing enclosures. Sectional railing (rigid fence segments that can be placed together to create a unified fencing appearance) is a desirable solution for outdoor seating areas as they are portable, but cannot be easily shifted by patrons or pedestrians. Railings may also be bolted to the sidewalk or installed in sleeves in the sidewalk. The location of sleeves must be coordinated with existing utilities prior to installation. Sleeves must be filled or plugged in a manner as to not cause a trip hazard when posts are removed.
- **Form:** No floor-type structure may be constructed over the sidewalk.
"Open" Appearance: Railings must be at least 50 percent open (see-through) in order to maintain the visual permeability of the streetscape.
Height: The maximum height of all railing enclosures must be 42 inches, not including the support posts or ornamental features. Posts or ornamental features must measure no more than 46 inches in height from sidewalk grade.
- **Access Openings:** Any access opening within the enclosure must meet ADA accessibility requirements. Opening widths will be determined by the Building Division based on the occupancy of the business establishment.



MEMORANDUM

Date: June 14, 2021
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From: Karen Frawley, Town Clerk
Re: Future Meeting Agenda
Item #: 2.

ATTACHMENTS:

- ▢ Future Meetings Agenda



FUTURE TOWN BOARD MEETINGS

June 21, 2021 5:30 p.m.	Town Board Work Session 7 th Street Multimodal and Walnut Street Bikeway Check in Larimer County Ranch Master Plan Update
June 28, 2021 5:30 p.m.	Town Board Work Session Downtown Parking Study Update
June 28, 2021 7:00 p.m.	Town Board Regular Meeting
July 5, 2021	Cancelled – Independence Day Holiday
July 12, 2021 5:00 p.m.	Town Board Work Session Zerby Playground Dedication (Main Park) Board-Manager-Attorney Monthly Meeting Feral Cat Ordinance Water Attorney Update
July 12, 2021 7:00 p.m.	Town Board Meeting
July 19, 2021 5:00 p.m.	Town Board Work Session (Windsor High School) Weld Re4 School District All Boards Annual Meeting
July 26, 2021 5:30 p.m.	Town Board Work Session Body Cam Recommendations Park Fee Study
July 26, 2021 7:00 p.m.	Town Board Meeting
August 2, 2021 5:30 p.m.	Town Board Work Session Presentation of COGCC Rulemaking Changes
August 9, 2021 5:30 p.m.	Town Board Work Session Board – Manager – Attorney Monthly Meeting
August 9, 2021 7:00 p.m.	Town Board Regular Meeting
August 16, 2021 5:30 p.m.	Town Board Work Session Poudre River Trail Corridor Authority Future Plans
August 23, 2021 5:30 p.m.	Town Board Work Session

August 23, 2021
7:00 p.m.

Town Board Regular Meeting

August 30, 2021

Cancelled – 5th Monday

Future Work Session Topics

- Broadband Update
- DDA Entertainment District
- Telecom Code (Pending FCC Rules)
- Regional Water Treatment Plant Site
- Proportional services and amenities for planned population
- Economic development/retail needs based on population levels (following retail assessment)
- Budget: Capital Improvement Plan – September 13th
- Budget: Capital Improvement Plant Follow-up Questions – September 27th
- Budget: Operating Budget Presentation – October 16th (Saturday)
- Budget: Follow-up Budget Items – October 25th
- Comprehensive Fee Update (October)