



JOINT TOWN BOARD AND PLANNING COMMISSION WORK SESSION

October 12, 2020 - 5:30 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550 Zoom Meeting,
Click on the link [https://windsorgov.zoom.us/j/99435357897?](https://windsorgov.zoom.us/j/99435357897?pwd=UHRSZTdQeFVScmR6ZzFRSGxCU1c5dz0)
pwd=UHRSZTdQeFVScmR6ZzFRSGxCU1c5dz0 OR join by telephone at (888)
788-0099 or (877) 853-5247 - Webinar ID:994 3535 7897

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. Land Use Code Update - P. Hornbeck, Senior Planner
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: October 12, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From: Paul Hornbeck, Senior Planner
Re: Land Use Code Update
Item #: 1.

Background / Discussion:

Please refer to attached memo and other materials.

ATTACHMENTS:

- ▢ Memo
- ▢ Staff Powerpoint
- ▢ Exhibit A - Chapter 14 - Administration & Procedures
- ▢ Exhibit B - Chapter 16 - Zone Districts and Vehicle Access Standards
- ▢ Exhibit C - Chapter 17 - Subdivisions
- ▢ Exhibit D - Land Use Application Procedures Comparison
- ▢ Exhibit E - Comparison of Lot Standards



MEMORANDUM

Introduction

The Land Use Code (Code), currently Chapters 15-17 of the Municipal Code, regulates land use and development and includes regulations on zoning, subdivision, annexation, impact fees, signs, etc. Following completion of the Town's Comprehensive Plan in 2016, the Town hired a consultant to update the Code in order to better implement the Comprehensive Plan and to more appropriately reflect contemporary development practices through greater flexibility in land development. In 2018 it was determined the direction of the consultant was not consistent with the Town's vision and that staff would work to complete the update.

The purpose of this work session is to review proposed amendments to three sections of the Code: Administration & Procedures (Exhibit A), Zone Districts/Access Standards (Exhibit B), and Subdivision standards (Exhibit C). Note that updates to other Code sections will follow adoption of these sections. These proposed amendments have been discussed with Town Board and Planning Commission at numerous work sessions over the previous two years and the intent of tonight's work session is to inform new Town Board members of the proposed amendments, update other Town Board Members on progress made, and provide an opportunity for discussion prior to presenting an Ordinance for adoption.

Stakeholder Outreach

Staff has solicited and received input from members of the development community and worked to incorporate their input as well as input from Planning Commission and Town Board throughout numerous drafts of these Code amendments. Specific stakeholder outreach is summarized below:

- The Comprehensive Plan is the guiding document for these updates and featured extensive community outreach.
- The Town's consultant conducted interviews with stakeholders early in the process to receive feedback on needed code amendments.
- Early drafts of the code were sent to a group of developers/consultants that work most frequently in Windsor. Drafts were accompanied by memos outlining proposed changes.
- Later drafts of the code were sent to the full list of all developers/consultants that have worked in Windsor, again with summary memos.
- All developers/consultants were invited to a webinar presentation of proposed updates and Q&A held July 30, 2020.
- Input has been received by four consultants. Two consultants in particular have provided extensive input and numerous working meetings have been held with them to work through ideas, suggestions, concerns, etc. Input can be summarized as generally supportive of changes and numerous positive changes have resulted from their input. One area where two consultants wanted us to go further is in allowing smaller residential lot sizes than what is proposed. Minimum single-family lot size in the current code is 6,000 square feet. As covered later, lot sizes of 2,500 square feet – 4,000 square feet are proposed in certain zone districts. Based on

feedback from Planning Commission and Town Board, staff did not sense a desire for smaller minimum lot sizes than what is proposed.

- A Work Session was held with Planning Commission on May 20, 2020 to get their input. Town Board specifically asked for input on changes proposed to procedures and review bodies. The Commission was supportive of what's proposed.

ADMINISTRATION & PROCEDURES (CHAPTER 14)

Chapter 14 of the Municipal Code is currently unused and is proposed to house Administration and Procedures of the Land Use Code. Criteria on administration and procedures are currently located throughout the Code and consolidating into one location should aid in ease of use. Proposed updates are focused on adding clarity, ensuring due process, and streamlining processes where appropriate. Exhibit D provides a comparison of current and proposed review bodies, neighborhood meeting requirements, public hearing requirements, etc.

Public Hearing Requirements

Public hearings are required for certain land use applications for the purpose of providing due process and receiving public comment and testimony. To inform interested members of the community, public hearings before Planning Commission, Town Board, and Board of Adjustment/Appeals all require public notification in the form of newspaper ads, sign(s) posted on the property, and for most projects, a mailed notice to property owners within a certain radius. Updates to public hearing requirements are summarized below:

- Add public hearings and associated notification to Master Plans to better engage the community early in the process;
- Add public hearings and associated notification to Preliminary Subdivision Plats to engage interested residents earlier in the process;
- Add requirement for public notification for variances to property owners within 150' to ensure their input is received (no mailed notification currently required);
- Add requirement for public notification for right-of-way and easement vacations to abutting properties (no notification currently required); and
- Increase radius of mailed notification to 500' for all projects other than the two listed above.

Review Body

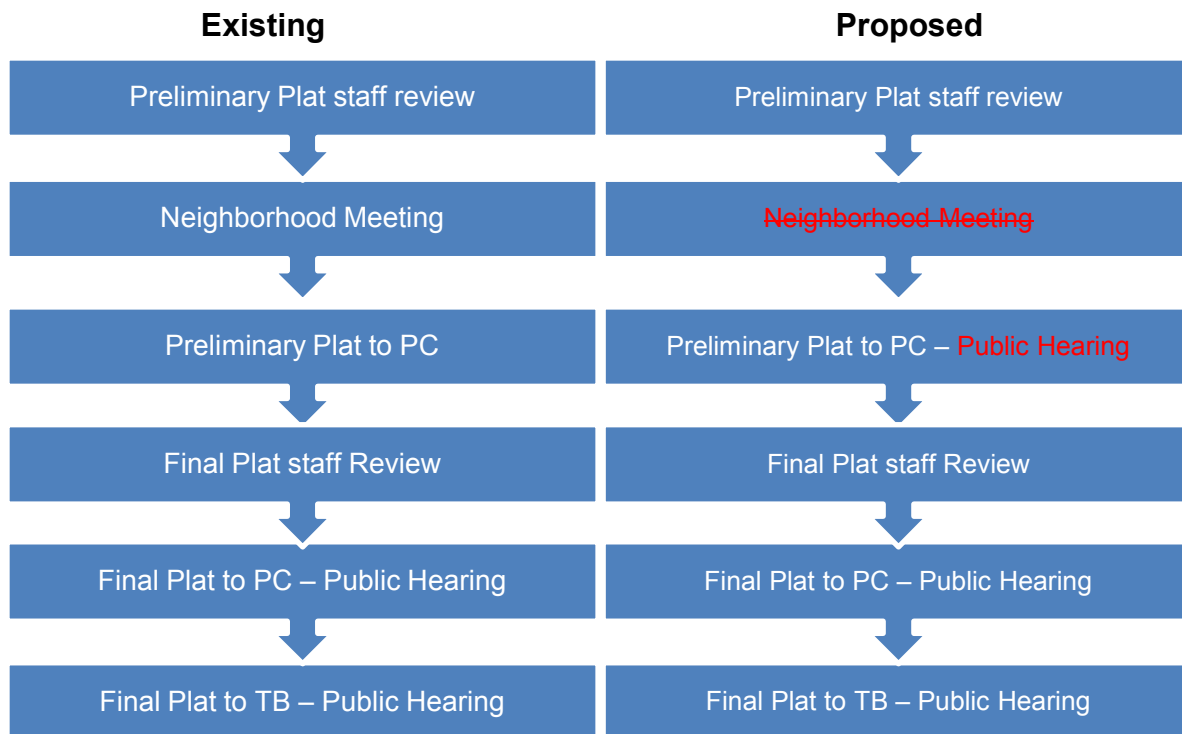
As has been discussed previously, a more streamlined development review process can be provided on certain land use applications when decision making authority is shifted from Town Board to Planning Commission and/or staff. The shift to more administrative approvals was a concept raised during review of The Brands project and was discussed in the context of "leveling the playing field" with City of Loveland review processes. Administrative approvals can also allow for more efficient use of staff time and save applicants time and money.

Currently, commercial-industrial site plans are reviewed administratively by staff, but multi-family site plans require two separate applications, including, preliminary site plan approval by Planning Commission, followed by final site plan approval by Town Board, based on a Planning Commission

recommendation. Commercial-industrial and multi-family site plans are both processes for uses which are allowed by the applicable zone district or “use-by-right.” Review of multi-family site plans is proposed to shift to staff to be consistent with how commercial/industrial site plans are handled. As with commercial-industrial site plans, information on multifamily site plans would be communicated to Town Board in meeting packet materials.

Earlier drafts of the code proposed shifting review authority on final major subdivision plats from Town Board to staff. Planning Commission would remain the decision-making authority on preliminary subdivision plats, but this meeting would become a public hearing to allow public input earlier in the process. After further consultation with the Town’s legal staff, it has been determined that eliminating the Town Board public hearing on the final plat would be problematic from a due process perspective; therefore, no changes to the existing code are proposed with the final subdivision public hearing process.

MAJOR SUBDIVISION REVIEW PROCESS



Another change in the current draft is the elimination of neighborhood meetings with major subdivision plats, which are being replaced by the public hearing mentioned above. The formal nature of public hearings has proven more successful in getting public input on the record and addressed by the applicant compared to the less structured nature of neighborhood meetings. Additionally, the ideal time for community input on projects is earlier in the life cycle of a project during annexation, zoning or rezoning, and master planning. Once those three items are in place, they define what will be allowed within a subdivision.

Scheduling

The following changes are proposed to scheduling of land use applications:

- Neighborhood Meetings would be required a minimum of 15 days prior to Planning Commission hearings, rather than the current 30 days.
- The code currently allows only 10 days for referral agency comment. This deadline has proven not to be adequate so it would be changed to 21 days. Since referrals are typically distributed with the first round of project review, this change is not anticipated to add any additional time to the overall review.
- Town Board has traditionally prioritized commercial/industrial projects, as seen in the qualified commercial/industrial site plan process, which allowed for administrative review of such applications. Since all site plan applications are proposed to be administratively reviewed, the draft code requires review deadlines for commercial/ industrial projects to be prioritized in order to continue this policy.

Minor Subdivision Eligibility

Changes to which projects are eligible for minor subdivision rather than major subdivision are shown below. The intent of the changes is to add clarity to when minor subdivisions are allowed and streamline reviews for simple projects that do not warrant the major subdivision process. Minor subdivisions are more streamlined since they do not require public hearings and separate preliminary and final reviews.

Minor Subdivisions	
Current	Proposed
1. To establish 5 or fewer lots: • in zones SF-1, SF-2, E-1, E-2, RMU • In zones other than SF-1, SF-2, E-1 or E-2 for an area being concurrently site planned when the dedication of new rights-of-way is not required • In RMU zones for an area being concurrently site planned for commercial and light industrial uses when the dedication of new rights-of-way is not required. 2. To change lot lines in an existing subdivision where no new lots are being created, no utilities are being extended, no new easements or rights-of-way are necessary	1. To establish 5 or fewer lots*: • in any zone • with or without concurrent site plan • may dedicate right-of-way 2. To establish any number of commercial or industrial lots with concurrent site plan 3. To consolidate previously platted lots 4. To adjust previously platted lot lines Easements may be dedicated or vacated on a minor subdivision plat; right-of-way can be dedicated concurrently with minor subdivision. *Provided the property was not the subject of a minor subdivision plat approval during the prior one year

Review criteria

The draft code provides review criteria specific to each type of land use application, something the current code does not include except for a limited number of application types such as a Conditional Use Grant. These criteria should help provide clarity to applicants, staff, and Planning Commission and Town Board.

Substantial Change

A new section has been added that prohibits resubmittal of a project, which was not approved within one year, unless there is a substantial change to the project or circumstances surrounding the project. A public hearing would be held by Town Board to determine if there has been substantial change.

Lapse of Approval

Proposed changes regarding lapses of approvals are intended to ensure projects are not left partially completed (e.g. missing documents) or that site specific approvals are acted upon within one year (similar to current site plan commencement deadlines). For example, if a subdivision plat has been approved but is not recorded in a timely manner, this may cause unnecessary delays for surrounding developments that rely on connecting roads, easements, etc. The draft code allows the decision maker on a project to approve extensions if good cause is shown.

Lapse of Approval		
Application Type	Current	Proposed
Site Plan	Building Permit required within one year	Building Permit required within one year
Height Review, Conditional Use	None	Building Permit required within one year
Preliminary Major Subdivision	Lapse occurs if final plat is not submittal within one year of preliminary plat approval	Lapse occurs if final plat is not submitted within one year of preliminary plat approval
Final Major Subdivision, Minor Subdivision, Annexation, Master Plan, Vacation	None	Lapse occurs if applicant fails to submit any necessary documents (signed mylars, development agreements, etc.) or fees within 90 days of approval

ZONE DISTRICTS & ACCESS STANDARDS (CHAPTER 16)

The modifications proposed to zone districts are largely focused on creating more options and flexibility in development. The draft code creates a menu of options, rather than a single standard for all situations. Exhibit E provides a comparison of existing and proposed building lot standards (height, setback, etc.).

A summary of all proposed changes is as follows:

- Vehicular access standards outline how a building or site is accessed (parking lot, alley, front driveway, etc.), including more innovative solutions seen in newer development across the Front Range.

- Creates RMU-2 Zone – allows for smaller lot sizes when additional open space and enhanced design features such as detached sidewalks, recessed garages, etc., are provided. Note earlier drafts required a minimum amount of commercial development and a minimum diversity of housing types (e.g. single-family, townhomes, apartments, etc.). Those requirements have been removed after further consideration and stakeholder input.
- Overhauls SF-2 Zone – similar to RMU-2, but at a lower intensity and no commercial allowed
- 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 neighboring homes and/or new home additions
- Increased maximum building height from 35' to 40' in residential districts to allow for unique features, custom homes, etc. that are often limited by 35' height.
- 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

SUBDIVISION (CHAPTER 15)

The focus of updates to the Subdivision chapter are largely focused on the themes of open space, parks, and trails and connectivity of roads and pedestrian routes.

Connectivity

The Comprehensive Plan encourages a more connected network of both roads and pedestrian routes; however, the current code does not contain standards to implement this vision. The proposed standards address this by implementing maximum block lengths, limiting of dead-end or cul-de-sac streets, and requiring greater connectivity to adjacent properties.

Street Connectivity Standards				
	Zone Districts	Block Length	Connections to Adjacent Properties	Cul-de-sac Limits
Current	All	1500' max.	Every 1320' or less on average	600' maximum length
Proposed	LI, HI, ER	1320' max	Every 1320' or less	660' maximum
Proposed	RMU-1, SF-1, NC, GC, MF, PUD (non-residential)	880' max	Every 880' or less	600' maximum but should be avoided when feasible. When used the total number of lots on cul-de-sac streets, shall not exceed more than 10% of lots in subdivision unless an exception is granted in accordance with Sec. 17-1-10(g).
Proposed	CB, RMU-2, SF-2, PUD (residential)	660' max.	Every 660' or less	Prohibited unless exception granted (listed below). 600' maximum length when exception granted.

Exceptions to the above standards can be approved on the basis of unique physical conditions such as topography, existing buildings or development, conflicts with existing streets, to avoid inefficient street layout or inefficient use of land, or when necessary for unique land uses.

Open Space

Open space conservation is a theme throughout the Comprehensive Plan, but the current code does not generally require open space with development. The draft code addresses this by requiring 15-20% open space be set aside with most residential subdivisions. These open spaces would be owned and maintained by an HOA or metro district and would include greenbelts with trails. Most subdivisions would require 15% open space while more intense projects would require slightly more open space, 20%, to help offset the smaller lot sizes. These percentages are in-line with what recent subdivisions have provided. Although the code does not currently require open space with subdivisions, open space is generally provided in order to accommodate stormwater, easements, or serve as an amenity to residents. The focus on open space is in creating high-quality open space that benefits residents. Types of land that can count for open space include greenbelts for trails, natural areas, storm drainage areas designed in a naturalistic manner, and amenities like parks or pools.

Existing Subdivision Open Space	
Subdivision	Percent Open Space
Village East 1 st Filing	31%
Winter Farm 1 st Filing	15%
The Ridge at Harmony Road	20%

Pocket Parks

Pocket parks are small parks, typically around ½ acre in size, that are proposed in the draft code as a way to ensure homes in new developments are located within walking distance of recreational amenities. Pocket parks would be owned and maintained by an HOA or metro district.

In 2018 the Town decided to shift away from neighborhood parks (3-6 acres in size) with a focus on buildout of community parks (30 acres in size). With the shift away from neighborhood parks, small developer-built pocket parks are a way to continue to provide park access in close proximity to residents and encourage walkability within new neighborhoods. The intent is not for pocket parks to replace neighborhood parks, as they are much smaller in size and feature fewer amenities. The intent of pocket parks is to provide parks within a comfortable walking distance for most residents. As such, pocket parks would not be required when at least 75% of dwelling units are within 1/3 mile of an existing or planned park.

The changes to Chapter 16 of the Municipal Code that allow higher intensity development with smaller lot sizes will result in smaller front and rear yards. Pocket parks can ensure these more intense developments still provide usable green space within close proximity for residents to enjoy. Pocket parks would count towards the minimum open space requirement.

Neighborhood Trails

Town Trails are trails built in accordance with the Town's Trails Master Plan/ Transportation Master Plan and are maintained by the Town. There is currently no code requirement that new development provide connectivity to these Town Trails nor is there any requirement that trail connectivity be provided to parks, schools, or shopping areas. This update proposes requiring a new type of trails, called Neighborhood Trails, which would help ensure trail connections are provided to those locations within neighborhoods.

Neighborhood Trails were added in response to Town Board input and community desire for greater connectivity and has been refined from earlier code drafts. The refined language ensures corridors to/from parks, schools, and shopping areas are provided or preserved, and especially so in the case of connections to parks and schools in adjacent neighborhoods when the subject neighborhood does not have those facilities.

Double Frontage Lots

A double frontage lot is a lot with streets on both the front and rear. These lots can present maintenance challenges, as fencing is often installed in the rear yard with remnant property left between the street and fence. This arrangement can also make for aesthetically unappealing corridors when unmaintained areas and a mismatch of fencing line the corridor. The draft code limits double frontage lots and requires a landscape tract maintained by a metro district or HOA when they are used.

Public Improvement Security

The code currently requires a project applicant to provide security equal to 25% of the cost of all public improvements needed to serve a development (roads, utilities, etc.). The intent of this requirement is to ensure that necessary infrastructure is completed, installed in accordance with Town standards, and not left incomplete such that the Town would have to complete work if an applicant walks away due to financial difficulties or other circumstances. The 25% security is problematic because it does not provide enough of a financial guarantee should the Town have to complete a project. The draft code proposes to increase the security amount to 100% to ensure any incomplete work does not become a burden on the Town's finances.

Town Board directed staff to solicit input from developers on the proposed increase. One consultant responded that it's a large increase and suggested 75% might be sufficient.



Land Use Code Update

Paul Hornbeck, Senior Planner
Work Session- October 12, 2020

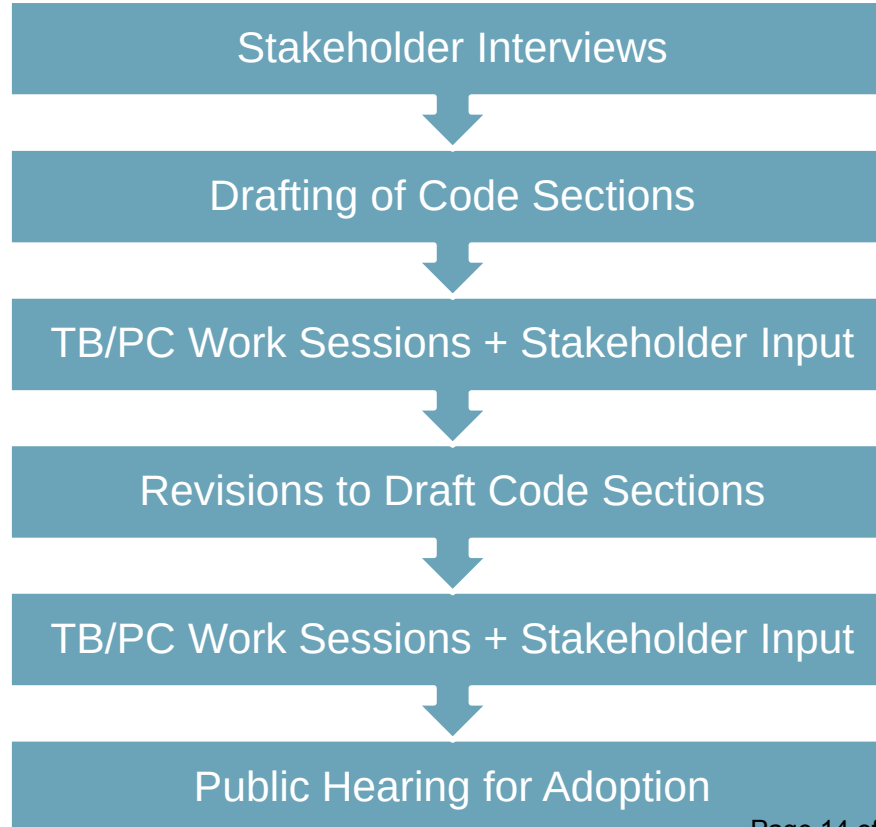


Code Update Goals

1. implementing the goals of the Comprehensive Plan;
2. better reflecting contemporary development trends;
3. adding flexibility, clarity, and ease of use; and
4. streamlining reviews where feasible.



Code Update Process





Stakeholder Outreach

- Comprehensive Plan - guiding document for these updates and featured extensive community outreach.
- Town's consultant conducted interviews with stakeholders
- Early drafts of the code were sent to a group of developers/consultants that work most frequently in Windsor. Drafts were accompanied by memos outlining proposed changes.
- Later drafts of the code were sent to the full list of all developers/consultants that have worked in Windsor, again with summary memos.
- All developers/consultants were invited to a webinar presentation of proposed updates and Q&A held July 30, 2020.
- Input has been received by four consultants. Two consultants in particular have provided extensive input and numerous working meetings have been held with them to work through ideas, suggestions, concerns, etc. A Work Session was held with Planning Commission on May 20, 2020



Procedure & Administration

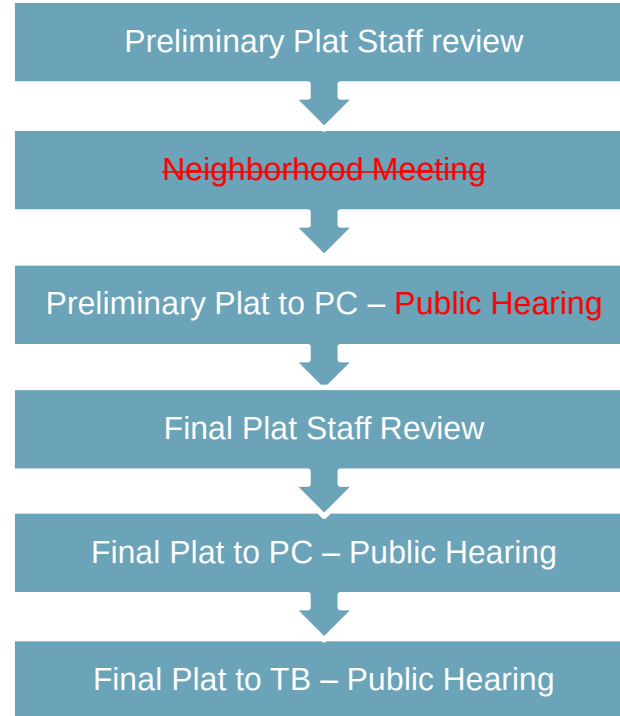
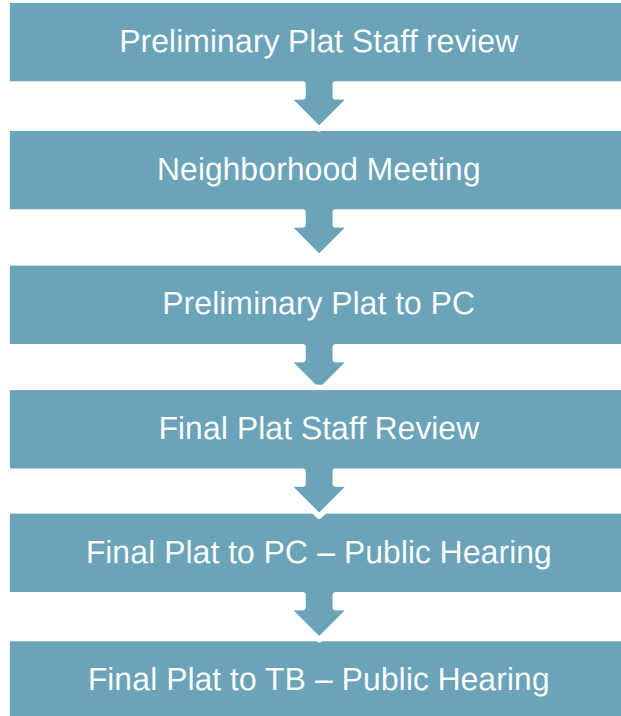


Public Hearing Requirements

1. Add requirement for public notification with Master Plans
2. Add requirement for public notification with Preliminary Subdivision Plats
3. Add requirement for public notification for variances to property owners within 150'
4. Add requirement for public notification for right-of-way and easement vacations to abutting properties (no notification currently required)
5. Increase notification radius to 500' all projects other than those noted above



Subdivision Review





Scheduling

1. Neighborhood Meetings - 15 days prior to Planning Commission rather than the current 30 days.
2. Referral agency comment period – 21 days rather than current 10 days
3. Commercial/industrial projects - review deadlines for commercial/industrial projects to be prioritized

Minor Subdivision Eligibility

Minor Subdivisions	
Current	Proposed
1. To establish 5 or fewer lots: a. in zones SF-1, SF-2, E-1, E-2, RMU b. In zones other than SF-1, SF-2, E-1 or E-2 for an area being concurrently site planned when the dedication of new rights-of-way is not required c. In RMU zones for an area being concurrently site planned for commercial and light industrial uses when the dedication of new rights-of-way is not required. 2. To change lot lines in an existing subdivision where no new lots are being created, no utilities are being extended, no new easements or rights-of-way are necessary	1. To establish 5 or fewer lots*: a. in any zone b. with or without concurrent site plan c. may dedicate right-of-way 2. To establish any number of commercial or industrial pad sites with concurrent site plan 3. To consolidate previously platted lots 4. To adjust previously platted lot lines Easements may be dedicated or vacated on a minor subdivision plat; right-of-way can be dedicated concurrently with minor subdivision. *Provided the property was not the subject of a minor subdivision plat approval during the prior one year



Review Criteria

Summary of Minor and Major Subdivisions Review Criteria

1. Complies with the Comprehensive , Land Use Code, the applicable Master Plan, and all other applicable adopted plans or policies
2. No undue or unnecessary burdens on the existing public infrastructure and public improvements
3. Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
4. Transportation/ utility improvements per adopted codes, studies, etc.
5. The proposal shall demonstrate compatibility with adjacent uses.
6. A Final Major Subdivision shall be in substantial compliance with the Preliminary Major Subdivision.



Substantial Change

- If an application is denied, the code does not currently place any limits on reapplying
- Updates to the code seek to avoid repeated resubmittals of project within a one-year period unless there is a substantial change in the project or related circumstances
- Town Board would be the decision maker in determining if substantial change has occurred



Lapse of Approval

Application Type	Current	Proposed
Site Plan	Building Permit required within one year	Building Permit required within one year
Height Review	None	Building Permit required within one year
Conditional Use	None	Building Permit required within one year
Preliminary Subdivision	Lapse occurs if final plat is not submittal within one year of preliminary plat approval	Lapse occurs if final plat is not submitted within one year of preliminary plat approval
Final Subdivision	None	Lapse occurs if applicant fails to submit any necessary documents (signed mylars, development agreements, etc.) or fees within 90 days of approval
Minor Subdivision	None	Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval
Annexation	None	Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval
Master Plan	None	Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval
Vacations	None	Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval



“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'

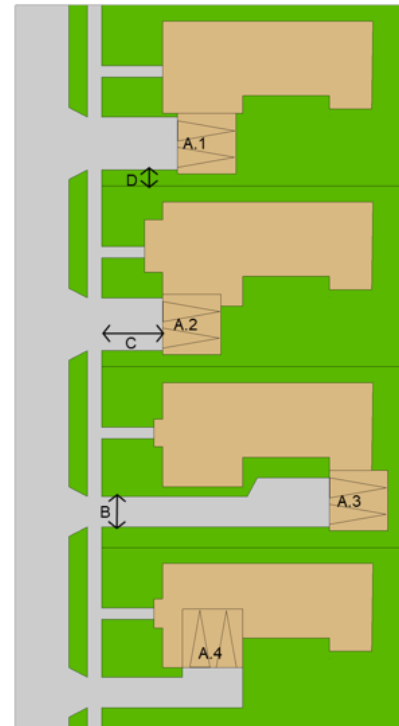
¹ No side setback required for attached units

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.



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



Estate Zones

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



Multifamily Zones

Combine MF-1
& MF-2 zones



Agriculture Holding Zone

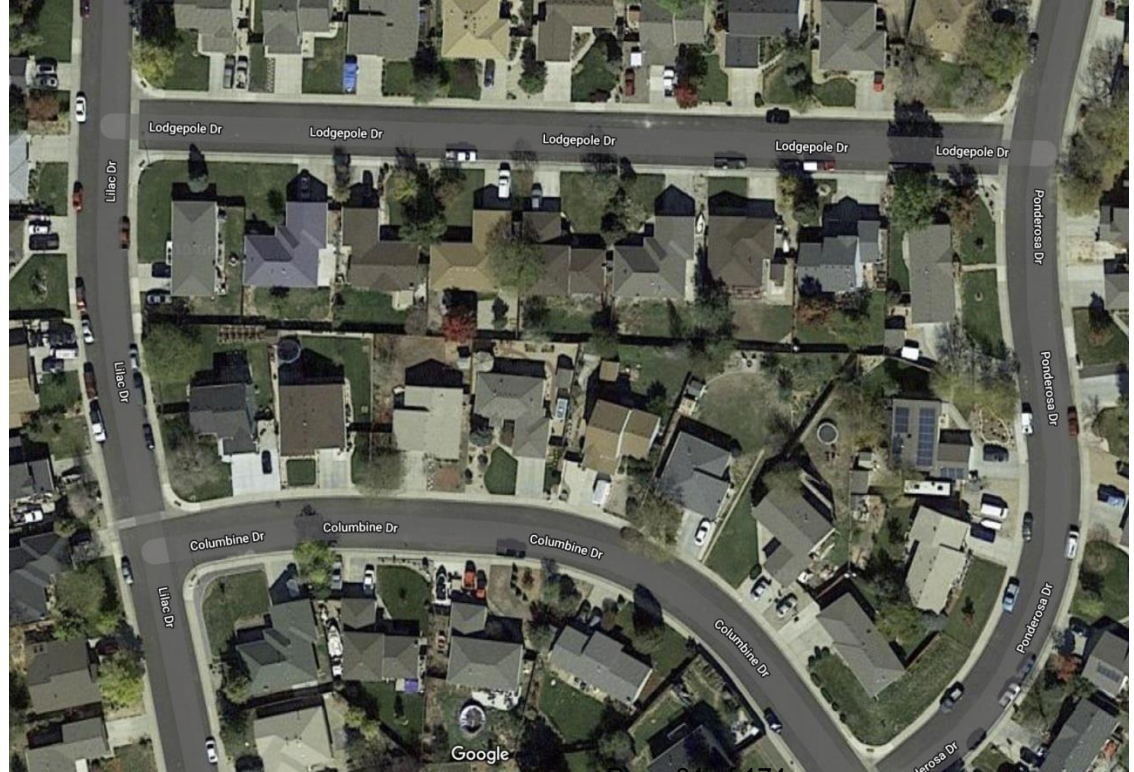
Allows
agricultural use
to continue on
annexed
properties until
development
occurs



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.
Decks	May encroach into a secondary front setback provided they are located behind a solid fence which is at least 5' in height.
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 the 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 collectively 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

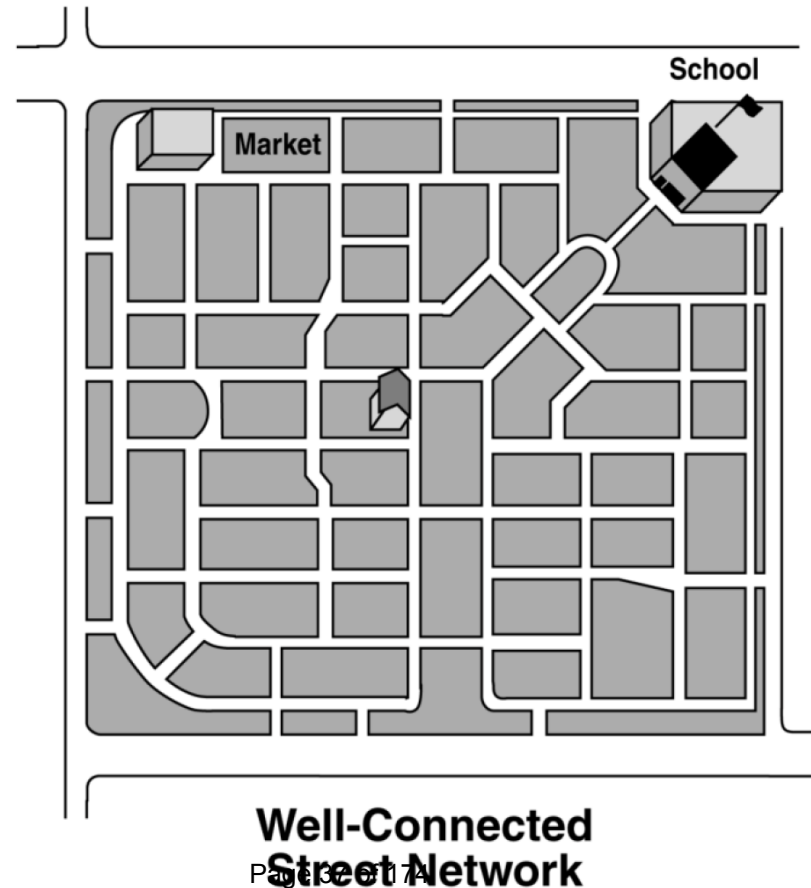
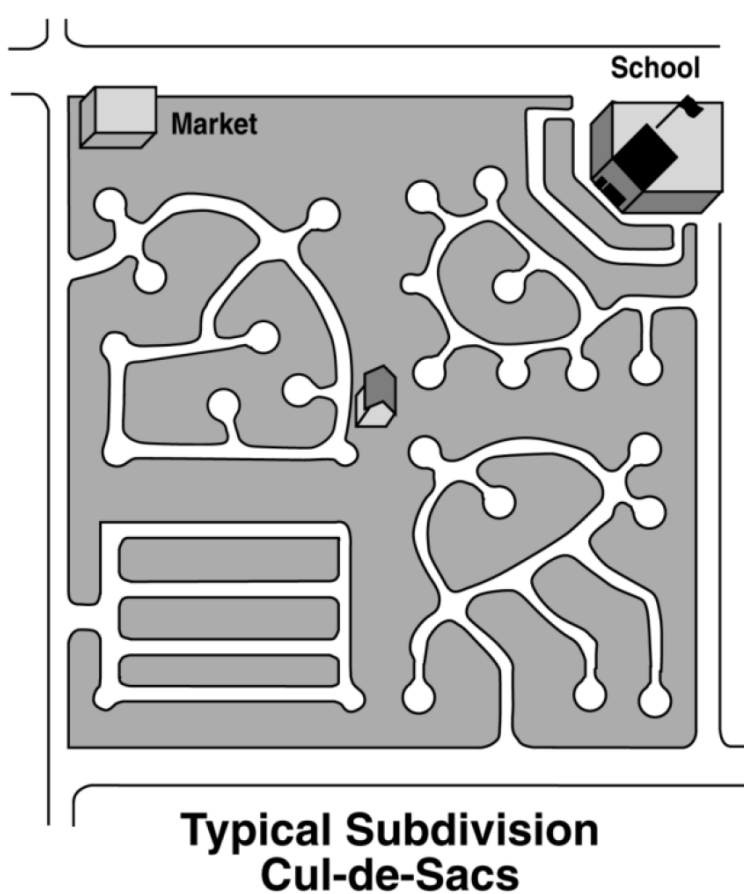
- Automobile sales/service removed from CB zone to be consistent with the vision for downtown as a more pedestrian and retail oriented environment
- Recent re-use of Dutch Bros coffee (previously auto sales) and the relocation of Pike's Auto outside of the CB zone district





Subdivision Standards

Connectivity



Connectivity

Street Connectivity Standards				
	Zone Districts	Block Length	Connections to Adjacent Properties	Cul-de-sac Limits
Current	All	1500' max.	Every 1320' or less on average	600' maximum length
Proposed	LI, HI, ER	1320' max	Every 1320' or less	660' maximum
Proposed	RMU-1, SF-1, NC, GC, MF, PUD (non-residential)	880' max	Every 880' or less	660' maximum but should be avoided when feasible. When used the total number of lots on cul-de-sac streets, shall not exceed more than 10% of lots in subdivision unless an exception is granted in accordance with Sec. 17-1-10(g).
Proposed	CB, RMU-2, SF-2, PUD (residential)	660' max.	Every 660' or less	Prohibited except for exceptions (listed below) 660' maximum length when exception granted.



Open Space



Greenbelt



Natural Habitat



Pocket Park



Stormwater facilities



Other Amenities



Town Park



Open Space

<i>Existing Subdivision Open Space</i>	
<i>Subdivision</i>	<i>Percent Open Space</i>
Village East 1 st Filing	31%
Winter Farm 1 st Filing	15%
The Ridge at Harmony Road	20%

<i>Proposed Open Space Requirements</i>	
<i>Zone District</i>	<i>Percent Open Space</i>
ER	0%
RMU-1, SF-1	15%
RMU-2, SF-2, MF	20%

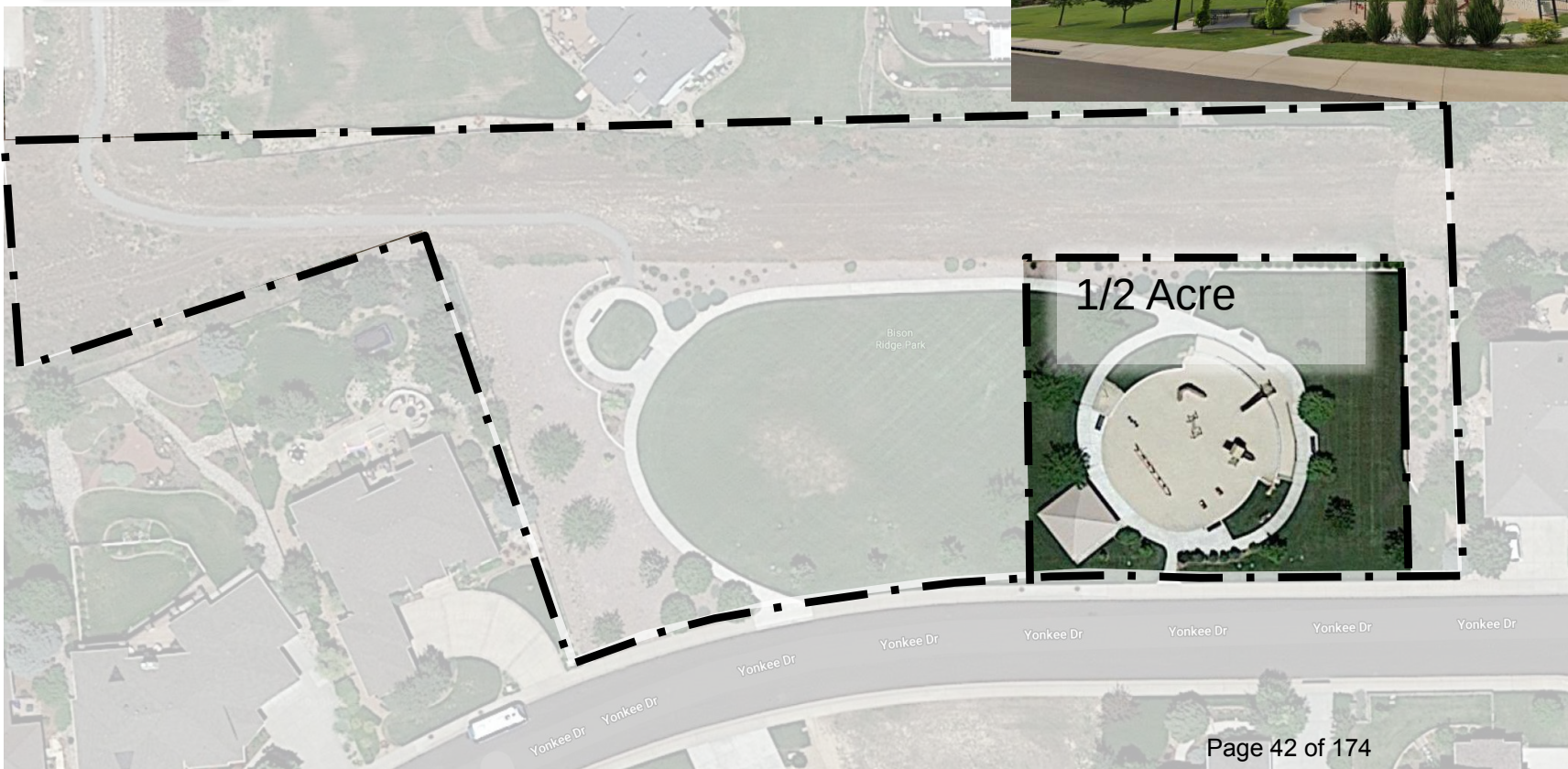
Pocket Parks

Zone District	Pocket Park Requirements
ER	50 square feet per dwelling unit Required for conservation subdivisions only
SF-1	50 square feet per dwelling unit
SF-2	75 square feet per dwelling unit
RMU-1	50 square feet per dwelling unit
RMU-2	75 square feet per dwelling unit
MF	75 square feet per dwelling unit





Pocket Parks



Neighborhood Trails





Neighborhood Trails



Double Frontage Lots





Public Improvement Security

<i>Municipality</i>	<i>Percentage of Public Improvement Security</i>
Fort Collins	100%
Greeley	125%
Longmont	100%
Loveland	100%
Windsor	25% (current) 100% (proposed)

Chapter 14 – Land Use Code Administration & Procedures

Article I – General Administration

14-1-10.- Title

Chapters 14, 15, 16, 17, 18, collectively known as the Town of Windsor Land Use Code, establish the regulations and standards governing the use and development of land within the Town of Windsor. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are *Town* standards for site design, landscaping, parking and public infrastructure.

14-1-20.- Short Title

Chapters 14, 15, 16, 17, 18 shall be known and may be cited as the *Town of Windsor Land Use Code*. Within these Chapters the *Town Land Use Code* shall simply be referred to as “this Code” or “Land Use Code.”

14-1-30.- Authority

- (a) This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, *et seq.* and Title 31, Article 23, *et seq.* of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- (b) Whenever a section of the Colorado Revised Statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

14-1-40 Jurisdiction

- (a) This Code shall be effective throughout the Town’s corporate boundaries. The Town’s planning jurisdiction includes all land within the Town, and where applicable, the land within three miles of the Town’s boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the Town’s corporate boundaries.
- (b) A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town offices.

14-1-50 Purpose

The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' goals as identified in the Town's Comprehensive Plan. This Code is designed to:

- (a) Encourage the most appropriate use of land through the Town;
- (b) Encourage innovative, quality site design, architecture and landscaping;
- (c) Encourage new developments to relate to Town's historic development pattern;
- (d) Promote compact, well-defined, sustainable neighborhoods that enhance Town's character;
- (e) Create livable neighborhoods that foster a sense of community;
- (f) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- (g) Provide a variety of lot sizes and housing types;
- (h) Protect sensitive natural and historic areas and Town's environmental quality;
- (i) Integrate a high-quality natural environment into the developed portions of the community;
- (j) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- (k) Provide protection from geologic, flood and fire hazards and other dangers; and
- (l) Promote the health, safety, and general welfare of Town residents.

14-1-60 Interpretation

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

14-1-70 Applicability

- (a) The provisions of this Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and

proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.

- (b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- (c) Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
- (d) This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines.

14-1-80 Relationship to Existing Ordinances

All ordinances or resolutions or motions of the Town Board or parts thereof in conflict with this Code are to the extent of such conflict hereby superseded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

14-1-90 Relationship to Comprehensive Plan

It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

14-1-100 Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Town Board hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

14-1-110 Effective Date

The provisions of this Code became effective **effective date** and were originally adopted on **date**

of adoption. Development plans approved under previous regulations that received vested property rights through a site-specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site-specific development plan

Article II – Procedures

14-2-10 General – All Applications

(a) Applications and Fees.

- (1) **General.** Applications shall be processed in accordance with Table 14-2-10(a) and this Chapter.

Application Type	Code Section	Neighbor-hood meeting	Concept Review Meeting	Decision Maker				
				Staff	PC	TB	BoA	Vote
Annexation	14-2-##	☒	☐	R	R*	D*		
Appeal of Staff Decision	14-2-##		☐	Refer to section 14-2-##				
Appeal of Code Interpretation	14-2-##			D			A	
Code Amendment	14-2-##			R	R*	D*		
Comprehensive Plan Amendment – Land Use Map	14-2-##			R	D*			
Conditional Use Permit	14-2-##		☐	R	R*	D*		
Conditional Use Permit Oil & Gas, Gravel Mining	14-2-##	☒	☐	R	R*	D*		
Height Review	14-2-##		☐	R	R*	D*		
Home Occupation Registration	14-2-##			D			A	
Master Plan	14-2-##	☒	☐	R	R*	D*		
Rezoning	14-2-##	☒	☐	R	R*	D*		
Sign Permit	14-2-##			D			A*	
Site Plan – Major	14-2-##		☐	D		A*		
Site Plan – Minor	14-2-##		☐	D		A*		
Subdivision, Major – Final Plat	14-2-##		☐	R	R*	D*		
Subdivision, Major - Preliminary Plat	14-2-##		☐	R	D*	A*		
Subdivision – Minor	14-2-##		☐	D		A*		

Substantial Change Hearing	14-2-##		☐	R	R*	D*		
Vacation of ROW or Town Easement	14-2-##			R		D*		
Variance	14-2-##		☐	R			D*	
Variance, Minor	14-2-##		☐	D			A	
☒ = Required ☐ = May be required by Director PC = Planning Commission TB = Town Board BoA = Board of Adjustment				R = Recommendation D= Decision Maker * = Public hearing required A = Appeal of Decision S = Super Majority Vote Required M = Majority Vote				

- (2) **Required Information.** Applicants shall submit the information required for a subject application or development in accordance with the application and submittal standards maintained by the Director.
- (3) **Modification.** The Director may modify submittal requirements where the director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly support such modification.
- (4) **Supplement.** The Director may require further submittals or information, provided that the supplement is reasonably required to evaluate compliance with this code or with the comprehensive plan.
- (5) **Fees.** The initial non-refundable application fee shall be determined by the type of application submitted pursuant to a fee schedule set by Town Board. These fees may be amended from time to time by Town Board by Resolution.

(b) **Withdrawal of an Application**

- (1) The applicant may request a withdrawal of an application in writing. After withdrawal, the town will take no further action on the application.
- (2) If an application is withdrawn, the applicant may resubmit the application, which shall be treated as a new application for purposes of review, scheduling, and payment of application fees.
- (3) A request for withdrawal of an application from a noticed agenda is subject to the discretion of the decision-making body.
- (4) An application will be considered withdrawn if the applicant fails to attend a hearing before the decision-making body. The applicant may petition that body

for reinstatement of the application within seven days of the date of the missed hearing, and the decision-making body may reinstate the application for good cause shown.

- (c) **Inactive Applications.** If the applicant fails to submit requested additional or revised application materials within 180 days of the request, the director may declare the application withdrawn.
- (d) **Lapse of Approval.** Approvals of the following development applications shall automatically lapse, be null and void and have no further force and effect, in the following circumstances:
 - (1) For Site Plans, Height Review, and Conditional Uses: lapse shall occur if the applicant does not apply for a building permit and commence construction to act on the development approval within one year of the approval.
 - (2) For Preliminary Subdivision Plats: lapse shall occur if the applicant does not submit a complete proposed Final Subdivision Plat within one year of the approval. The submittal of a complete Final Subdivision Plat application within that one-year period for a portion of the approved subdivision shall automatically extend the approval period of the remaining portion for one more year from the date of the respective complete proposed Final Plat Application.
 - (3) For Annexations, Final Subdivision Plats, Minor Subdivision Plats, Master Plans, Rezoning, and Vacations: lapse shall occur if the applicant does not submit to the town any necessary documents or fees within 90 days of the approval.
 - (4) For Minor Variances: lapse shall occur if the applicant fails to apply for a building permit within one year of the date of approval, or other period provided by the Director.
 - (5) Major Variance: lapse shall occur if the applicant fails to apply for a building permit within one year of the date of approval, or other period provided by the BOA.
 - (6) For Sign Permits: lapse shall occur if the applicant does not construct the sign within one year of the approval.
- (e) **Extension of Approval Periods**
 - (1) Upon written request and good cause shown (unless otherwise specified in the approval), extensions may be granted by the original decision making body for a period not to exceed the original approval period.

- (2) Applicants shall submit requests for extension of any approval period in writing before the applicable lapse of the approval deadline, and a minimum of 30 days before any meeting where the extension will be considered.
 - (3) No public notice or hearing shall be required for such an extension request.
 - (4) An appeal by the applicant from a determination to extend an approval time frame shall be made to the appeal body which would have heard an appeal of the underlying approval.
- (f) **Concept Review Meeting.** Concept review meetings are pre-application meetings that may be required by the Director for a development proposal. When required, the applicant shall submit the information required for the development in accordance with the application and submittal standards maintained by the Director.
- (g) **Staff Review.** Upon receipt of an application and payment of the required fee, the Director shall take the following steps:
- (1) **Review for Completeness.** The Director shall determine if an application is complete. An application shall be considered complete if it is submitted in the required form, includes all submittal information specified by the director, and is accompanied by the applicable application fee.
 - (A) If an application is determined incomplete, the Director shall notify the applicant in writing of the deficiencies. No further processing of the application shall occur until the deficiencies are corrected.
 - (B) If an application is complete it shall be processed for formal review.
 - (2) **Referral Process.**
 - (A) **Referral Agencies.** As part of the review process, referral agencies may be notified and provided the opportunity to comment on an application. The Director has discretion to remove or add any other relevant or applicable agency to this list:
 - i. Gas and electric utilities.
 - ii. Telecommunications utilities.
 - iii. Windsor-Severance Fire Rescue.
 - iv. Cable television provider.
 - v. Windsor Post Office.
 - vi. School Districts.
 - vii. Water and sewer utilities.
 - viii. Special Districts.
 - ix. Colorado Department of Transportation.

- x. Counties and municipalities.
- (B) **Referral Agency Review Fees.** The applicant shall be responsible for the payment of agency review fees, if applicable.
- (C) **Referral Period.**
 - i. The Director shall distribute the application materials to the appropriate referral agencies, and allow up to 21 days for referral agency comment.
 - ii. Failure of an agency to respond within the prescribed time period (or extended period) may be interpreted by the Director as consent to the application by the agency, with the exception of agencies holding legal interests in the property
 - iii. Upon written request by the applicant or referral agency, the Director may extend the referral period or suspend the development review process in order to allow time for the applicant and the referral agency to resolve conflicts.
- (D) **Subsequent Reviews.** After the initial submittal, the applicant shall coordinate and address review comments with the applicable agencies
- (3) **Staff Comments.** The Director shall coordinate a staff review and provide the applicant the following information in writing:
 - (A) Recommended changes based on the results of any referral agency comments, or staff review on the merits of the application requirements and criteria of this code.
 - (B) Any supplemental information required to support the application, address comments, or recommended changes.
 - (C) The applicant shall submit revised plans and/or any additional information.
 - (D) If the applicant chooses not to address any particular comment or recommended change, a written explanation shall be included with the resubmittal. Failure to address any particular comment or recommended change without explanation may be grounds for rejection of the revised plans.

- (E) Resubmittal of the revised plans demonstrating compliance with this Code, shall deem the application ripe for scheduling before the applicable review body.
- (4) **Scheduling.** If required by Table 14-2-10(a), the Director shall schedule applications for further review according to these regulations.
 - (A) **Neighborhood Meeting.** Applicant shall coordinate, notice and conduct a neighborhood meeting at a public meeting facility within the Town at least 15 days prior to the initial Planning Commission meeting.
 - (B) **Public Hearing.** Applications requiring a public hearing shall be scheduled for the hearing within 60 days of receipt of all final revised submittal documents.

If the next regular meeting of the review body is beyond these time periods, has a full agenda in the determination of the Director, or the required notice cannot be given within these time periods, the application shall be scheduled for the closest available meeting.

- (7) **Staff Report.** The Director shall prepare a staff report for the application identifying the appropriate policies, plans, regulations and review criteria. The Director shall provide a copy of the report to the review body and to the applicant prior to the scheduled public meeting or hearing.
 - (8) **Review Prioritization.** It shall be the policy of the Town to prioritize the review of commercial and industrial projects over residential projects in order to promote commercial and industrial development. Project reviews shall be scheduled accordingly.
- (h) **Public Notice.** Public notice shall be provided as identified in Table 14-2-10(h) and this section.
- (1) **Timing.** In computing the timing prescribed for the purpose of giving notice, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
 - (2) **Continuation of Hearings.** A hearing for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Section, provided that the date of the continued hearing or meeting is announced to the public at the time of continuance

- (3) **Failure to Provide Notice; Defective Notice.** Failure to timely provide the required affidavit, or evidence that a mailing list or notice letter was defective, shall be cause to suspend the hearing or neighborhood meeting until proper notice is provided. Such suspension may be ordered by the Director or body that is responsible for the meeting, hearing, or decision.

Table 14-2-10(h) Notice Requirements					
	Posted	Published	Mailed	Radius	Timing
Annexation	☒	☒	☒	500'	See Sec. ##
Appeal of Staff Decision	☒	☒	☒	500'	10 days
Comprehensive Plan Amendment		☒			10 days
Conditional Use Permit	☒	☒	☒	500'	10 days
Conditional Use Permit Oil & Gas, Gravel Mining	☒	☒	☒	500'	10 days
Height Review	☒	☒	☒	500'	10 days
Land Use Amendment	☒	☒	☒	500'	10 days
Master Plan	☒	☒	☒	500'	10 days
Neighborhood Meeting			☒	500'	10 days
Rezoning	☐	☒	☒	500'	15 days
Subdivision, Major – Final Plat	☒	☒	☒	500'	10 days
Subdivision, Major - Preliminary Plat	☒	☒	☒	500'	10 days
Substantial Change Hearing	☒	☒	☒	500'	10 days
Text Amendment		☒			10 days
Vacation of ROW or Easement	☒	☒	☒	Abutting	10 days
Variance	☒	☒	☒	150'	10 days
Variance, Minor	☒	☒	☒	150'	See Sec. ##

- (4) **Published Notice Requirements.** Except as otherwise specifically provided in this Section, the following written notice requirements shall be met:

- (A) **Public Hearings.** Published notice shall be arranged by the Town at the Town's expense
 - (B) **Neighborhood Meetings.** Published notice shall be arranged by the applicant at the applicant's expense.
 - (C) **Content.** Where published notice is required by Table 14-2-10(h), the notice shall be published in a newspaper of general circulation in the Town. The published notice shall contain the following information:
 - a. A description of the land use proposal in question
 - b. The location of the land which is the subject of the hearing or meeting
 - c. The date, time and location of the hearing or meeting; and;
 - d. A recital that public comment will be taken at the public
 - (D) **Proof of Publication.** An affidavit or other proof of publication shall be provided by the applicant for Neighborhood Meeting published notices.
- (5) **Posted Notice Requirements.** Except as otherwise specifically provided for in this Section, the Town shall cause a notice stating that a land use proposal is under review and containing contact information for the Planning Department to be posted in the vicinity of such proposed land use proposal no less than ten (10) calendar days prior to the date set for the public hearing.
- (6) **Mailed Notice Requirements.** Except as otherwise specifically provided in this Section, the following written notice requirements shall be met:
- (A) **Content.** The Director shall provide the proponent with a form of written notice which shall contain the following information:
 - a. A description of the land use proposal in question
 - b. The location of the land which is the subject of the hearing or meeting
 - c. The date, time and location of the hearing or meeting; and;
 - d. A recital that public comment will be taken at the public hearing or neighborhood meeting.
 - (B) **Property Owners List.** The Director shall provide the proponent with a listing of all property owners within the distances specified in Table ##, according to then-current Assessor's records. The proponent shall mail such notice by first-class mail, postage prepaid, to all such property owners.

(C) **Affidavit of Compliance.** An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the Director prior to public hearing or meeting to which the notice relates. For mailed notices of public hearings, failure to provide the affidavit of compliance shall result in continuation of the public hearing

(D) **Notice for Annexations.** Notice shall completed in accordance with statute; see C.R.S. § ##.

(E) **Notice for Minor Variances.** Notice of a minor variance request shall be provided in accordance with Table ##, at the time the application is accepted by the Town. The notice shall state that any comments or objections must be received by the Planning Department within ten (10) days of the date of the Notice. If an objection is received by the Town, the applicant shall address the objection within ten (10) days of the Notice of Objection provided to the applicant by the Town. If the objection cannot be resolved within the ten (10) days, the variance request shall be forwarded to the Board of Adjustment for a decision.

(F) **Surface Development Notification.** Notice shall be mailed to the mineral estate owner no later than required by state statute; see C.R.S. § 24-65.5-103.

(i) **Public Hearings.** Where public hearings are required, the following procedures apply:

- (1) The hearing shall be conducted and a record of the proceedings shall be preserved.
- (2) Applicant or a representative must be present at the public hearing.
- (3) Any interested person or party may appear and be heard in person or by agent.
- (4) The review body may request testimony or a report on the application from any government official or agency, or any other person with information pertinent to the application.
- (5) A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time and place of the continued public hearing is announced at the hearing.
- (6) Failure by the applicant to have a representative at the applicable public meeting(s) will result in the item being withdrawn from the agenda or continued to the next agenda.

(j) **Neighborhood Meetings.**

- (1) **Generally.** The Applicant shall coordinate, notice and conduct the meeting at a public meeting facility within the Town.
- (2) **Timing.** The Neighborhood Meeting must occur at least 15 days prior to the initial Planning Commission meeting;
- (3) **Content.** The meeting content shall include, but not be limited to:
 1. The general nature and scope of the proposed project;
 2. A summary of the land use, including planned or all potential future uses under the request; and
 3. The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property.
- (4) **Notification.** Applicant shall provide notice of the neighborhood meeting in the same manner as is required for a public hearing, including published, posted and mailed notice as specified in subsection 14-2-10(h), and notify the Director of the time and location of the meeting.
- (5) **Summary.** Applicant shall prepare a summary of the meeting and provide evidence of the notice, attendance, content, and outcomes of the meeting. The applicant shall provide a written summary of the meeting to the Director at least 10 days prior to the initial Planning Commission meeting, including the general nature of comments, questions and discussion and responses by the applicant.
- (k) **Successive Applications.** Neither an applicant nor his or her successors in interest in property for which a land use application was denied within the preceding one (1) year may submit a land use application or request a rehearing on a previously submitted application for any portion of the property contained in the original application unless the Town Board has determined that, based upon a showing by the applicant, there has been a substantial change in the facts and circumstances in accordance with Sec. ##.
- (l) **Permits.** Upon final approval as specified for each application-type in this Section applicants may apply for all permits necessary to construct buildings, infrastructure and site improvements. Permits necessary to show full compliance with the standards of this Code, or other applicable Town codes may be required.

14-2-30 Substantial Change

- (a) **Applicability.** A Substantial Change application must be approved prior to re-submittal of a land use application when the application had been denied within the previous one (1) year.

- (b) **Review Criteria.** A Substantial Change application shall be reviewed according to the following criteria:
- (1) Based upon a showing by the applicant, there has been a substantial change in the facts and circumstances regarding the application subsequent to the original decision of denial by the Town or that there is newly discovered evidence which would have been likely to affect the outcome of the original decision that the applicant could not have discovered with diligent effort prior to the original decision of denial.
 - (2) Substantial change in facts and circumstances shall mean a substantial change in the land use application, which addresses the issues raised by the Town in the original decision of denial, in the surrounding land uses, or in applicable provisions of the law.
 - (3) No petition for rehearing may be granted where the decision of the Town on a land use application has been appealed or contested in any court of law, during the pendency of the court action.
- (c) **Effect of Decision.** If a Substantial Change application is approved, the applicant may file a new land use application with the Town.

14-2-40 Annexation

- (a) **Applicability.** 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. This Article, in part, provides supplemental requirements for annexation pursuant to the Colorado Municipal Annexation of 1965, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that act, or any requirements set forth in other portions of the Town Municipal Code. In the event of a conflict between the Act, the provisions of this Article or any requirements set forth in other portions of the Town Municipal Code, it is the expressed intent of the Town Board that the more stringent provision shall control.

(b) **Annexation Application Policies**

- (1) **Generally.** Annexation is a legislative act of the Town Board, and all applications are considered on a case-by-case basis. The Town is not obligated to annex property, and may negotiate terms for individual annexations.
- (2) **Concurrent Zoning.** The annexation application shall be accompanied by a request for initial zoning.

- (3) **Concurrent Master Plan.** In order to better evaluate potential impacts of a proposed Annexation, the Town may require a Master Plan to be submitted concurrently with an Annexation.
 - (4) **Public Facilities.** The annexation application must disclose the present and anticipated future (*i.e.*, post-development) public facility requirements of the property to be annexed, and how such requirements are to be met by the applicant (*e.g.*, commitments of land dedication, payment of cash, construction of public facilities, or other method offered in the annexation petition).
 - (5) **Fiscal Impact Analysis.** In its consideration of any proposed annexation, the Director or Town Board may request that an analysis be prepared to measure and assess the fiscal impact of the proposed annexation. The cost of such analysis or additional information shall be borne solely by the applicant. The Town Board may make any appropriate findings as a result of said fiscal impact analysis.
- (c) **Review Criteria** Annexations shall be reviewed in accordance with the following criteria.
- (1) The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. § 31-12-101 et seq.).
 - (2) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.
 - (3) The proposed zoning complies with the Rezoning Review Criteria in Section ##.
 - (4) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
 - (5) The applicant shall demonstrate that the proposed annexation of land is in compliance with all pertinent intergovernmental agreements to which the Town is a party.
 - (6) All existing and proposed streets in newly annexed territory shall be constructed in compliance with all current Town standards unless the Town determines that the existing streets will provide appropriate access during all seasons of the year to all lots fronting on each street; and that the curbs, gutters, sidewalks, bike lanes, culverts, drains, and other structures necessary to the use of such streets or highways are satisfactory or not necessary to promote public safety.

- (7) The annexation shall comply with the water rights requirements of the Town.
- (8) The property is within the Growth Management Area. No property outside of the Growth Management Area shall be considered for annexation unless the Town Board finds that, consistent with the comprehensive plan, the best interests of the Town would be served by annexation of such property, and a land use plan for the area proposed to be annexed is submitted together with the annexation application.
- (9) The annexation will not limit the ability to integrate surrounding land into the Town or cause variances or exceptions to be granted if the adjacent land is annexed or developed.
- (10) Unless otherwise agreed to by the Town, the landowner has waived in writing any preexisting vested property rights as a condition of such annexation
- (11) Town-initiated annexations shall conform to C.R.S. § 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. § 31-12-107(1)(d).

14-2-50 Master Plans

(a) **Applicability.** A Master Plan shall be required in the following situations:

- (1) Concurrently with an Annexation Application if the Town determines the Master Plan is necessary to evaluate potential impacts of a proposed Annexation.
- (2) Prior to or concurrent with the subdivision of any parcel of land unless the Director determines it unnecessary due to existing infrastructure already being in place.
- (3) Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.
- (4) Any area where the Director determines that the coordination of future roads, utilities, parks, or other public investments requires more specific plans than currently available.

- (5) Any area where the Director determines that the scale of future development, presence of multiple owners with anticipated development plans, or impact on adjacent properties from potential development requires further planning and coordination.

(b) **Review Criteria.** A Master Plan shall be reviewed according to the following criteria:

- (1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.
 - (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
 - (3) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
 - (4) Transportation improvements are consistent with the Roadway Improvement Plan, Subdivision street standards Sec. ##, Design Criteria & Construction Specifications, Transportation Master Plan, Trails Plan, Complete Streets Policy .
 - (5) Provision of utilities to serve the development shall be in accordance with Design Criteria & Construction Specifications and any other utility provider requirements.
 - (6) The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.
- (c) **Effect of Decision.** All future development shall be reviewed for conformance with the Master Plan. Approval of the Master Plan does not establish any vested development rights or any other approvals required prior to development.
- (d) **Recording.** Once approved and all conditions are satisfied, the approved Master Plan shall be recorded by the Town, in the office of the applicable county clerk and recorder.

14-2-60 Non-Regulated Land Transfers

Notwithstanding any provision of this Code or state law to the contrary, any parcel of land, whether larger or smaller than thirty-five (35) acres, may be conveyed by metes and bounds description or by other usual and customary method of land description, without being subject to subdivision requirements, subject to the following requirements:

- (a) No such conveyance shall imply or confer any right to develop or create a new lot upon which development can occur unless such development has, prior to the conveyance, been approved in accordance with this Code or prior law.
- (b) Such conveyance shall not be made if it creates nonconformities of any nature whatsoever or circumvents the intent or requirements of this Code.
- (c) Every deed or other instrument conveying or otherwise transferring property pursuant to this Subsection within the Town shall contain the following statement in bold type prominently displayed on the face of said deed or instrument:

"The transfer of real property accomplished pursuant to this instrument does not confer or imply that the conveyed property or the remainder of property may be used for development within the Town of Windsor, Colorado. Any future development of the property described herein shall be subject to all development requirements of the Town of Windsor, including, without limitation, all zoning and subdivision requirements and associated procedures."

- (d) The grantee/transferee under every deed or other instrument conveying or otherwise transferring property pursuant to this Subsection (b) within the Town shall provide a true and correct copy of such deed or other instrument of conveyance or transfer to the Director of Planning within thirty (30) days of recording, which copy shall bear the date of recording and reception by the Clerk and Recorder.

14-2-70 Subdivision

- (a) **Applicability.** Subdivision plat applications are required to establish or alter the legal boundaries of property and to account for public facilities and services.
 - (1) **Minor Subdivision.** The following situations are specifically eligible for a minor subdivision process:
 - (A) Lot line adjustment – the alteration of legal boundaries without creating any new lots provided the subject lots are either within the same subdivision or contiguous to one another;
 - (B) Lot merger – the consolidation of previously platted lots provided;
 - (C) For subdivision of 5 or fewer lots provided the property was not the subject of a minor subdivision plat approval within the previous one year, unless such minor subdivision plat approval was done in accordance with subsection (A), (B), or (D); and
 - (D) Plating of commercial or industrial building lots being concurrently site planned.

- (2) **Major Subdivision.** Any subdivision not eligible for a minor subdivision shall require a major subdivision. Final subdivision plat approval may be sought for all or a portion of the land area included in an approved preliminary subdivision plat. Review of a final subdivision plat may be done concurrently with an application for preliminary subdivision plat approval for commercial or industrial projects.
- (b) **Review Criteria.** Minor and Major Subdivisions shall be reviewed according to the following criteria:
- (1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies
 - (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
 - (3) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
 - (4) Transportation improvements are consistent with the Roadway Improvement Plan, street connectivity standards **Sec. ##**, Design Criteria & Construction Specifications, Transportation Master Plan, Trails Plan.
 - (5) Provision of utilities to serve the development shall be in accordance with Design Criteria & Construction Specifications and any other utility provider requirements.
 - (6) The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: lot placement and orientation, transitions in density, screening, and/or landscape buffers.
 - (7) A Final Major Subdivision shall be in substantial compliance with the Preliminary Major Subdivision. Substantial compliance means:
 - (A) The general location, layout, and access of streets and lots is consistent with the preliminary subdivision.
 - (B) Any increase in the number of lots or dwellings is limited to no more than 20 percent, provided the proposal remains in compliance with the Master Plan and all supporting documents and studies, such as traffic studies, are updated accordingly.
 - (C) There is no material increase in impacts on adjacent properties by altering the subdivision.

- (c) **Recording.** Approved minor subdivision plats and final major subdivision plats shall be recorded by the Town, in the office of the applicable county clerk and recorder.
- (d) **Effect of Decision.** The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes submittal of a final plat application. The applicant may request that a denied preliminary plat be submitted to the Town Board as an appeal within 15 days of the decision, consistent with Town's appeal procedures.
- (e) **Preconstruction Meeting.** Once a plat has been recorded, the applicant shall provide a request to the Director for a preconstruction meeting prior to construction of required improvements. No building permit shall be issued until the completion, inspection and acceptance of all required improvements have been met.
- (f) **Subdivision Waiver.** Through the preliminary or final subdivision plat process, the Decision Maker may waive certain subdivision requirements in this Code, provided it finds the following:
 - (1) Applying the standard to the specific site and application will not meet the intent of the standard.
 - (2) Rather than meeting the standard, the applicant's proposed design and any additional designs proposed to mitigate not meeting the standard, will equally or better meet the intent of the standard.
 - (3) Meeting the standard is not necessary to meet any of the public goals associated with the standard when considering the application in a broader and long-range context.
 - (4) Waiver of the standard will not be detrimental to any adjacent property owners or any future development opportunities on adjacent property.
 - (5) Any waiver shall be specifically requested by the applicant on the application form, and shall be specifically noted on any approved preliminary or final plat.

14-2-80 Rezoning

- (a) **Applicability.** The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development.
- (b) **Review Criteria.** A Rezoning shall be reviewed according to the following criteria:

- (1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies
 - (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
 - (3) Density is consistent with the Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
 - (4) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.
 - (5) The proposal shall be accompanied by a Master Plan or Site Plan that demonstrates compatibility with adjacent uses.
- (c) **Effect of Decision.** Upon approval of an Ordinance changing the district boundaries of the Official Zoning District map, an entry on the official map shall be made, after the effective date of the ordinance, indicating the change and referencing the ordinance approving the change. The ordinance becomes effective 10 days after publication after the approval of the ordinance on second reading. A zoning map amendment shall not create a vested property right unless it is approved in association with another application in this Section specifically creating a vested property right.
- (d) **Protest Petitions.**
- (1) A zoning amendment under this Article shall require an affirmative vote of three-quarters ($\frac{3}{4}$) of the members of the Town Board then in office under the following circumstances:
 - (A) A written protest in compliance with sub-sections (B) through (D) below, inclusive, is presented to the Director of Planning no less than seven (7) days prior to the Town Board public hearing, or first of multiple Town Board hearings, on the proposed zoning amendment.
 - (B) The written protest shall expressly state objection to the zoning amendment, shall contain original signatures, or authenticated copies thereof, of each person in support of the protest, shall contain the printed name of each such signatory, and shall contain the full address of each such signatory.
 - (C) The written protest shall be signed by natural persons consisting of:

- (i) the owners of no less than twenty percent (20%) of the area of the land within the proposed zoning amendment; or
 - (ii) the owners of no less than twenty percent (20%) of the land area immediately adjacent to the land area within the proposed zoning amendment and extending one hundred (100) feet the property line of the land area within the proposed zoning amendment; and
 - (iii) if a public street abuts any portion of the land area within the proposed zoning amendment, the owners of no less than twenty percent (20%) of the land area opposite any such abutting street and extending one hundred (100) feet deep from the paved portion of the public street along the entire abutting street frontage of the land area within the proposed zoning amendment.
- (D) Written protests submitted under this Section shall be attested under penalty of perjury by a natural person over the age of 18 years. Such attestation shall affirm that each of the signatures appearing in the written protest are valid and in compliance with the eligibility requirements of sub-section (C) above.
- (E) Protests in the form of oral statements, online surveys, emails and unsigned documents shall not be considered sufficient under with this Section.
- b. Any person who has previously signed a written protest may withdraw his or her signature, but may do so only through an unequivocal statement of withdrawal made in-person on the record at the Town Board public hearing where the written protest is presented for the record by Town staff.
- c. Any written protest that meets the requirements of sub-section (1) (A) through (D) above shall be presented for the record by Town staff at the Town Board public hearing, or first of multiple Town Board hearings, on the proposed zoning amendment.

14-2-90 Planned Unit Development Overlay

- (a) **Applicability.** Applications for a Planned Unit Development Overlay are authorized by Section ##.
- (b) **Review Criteria.** A PUD application shall be reviewed according to the following criteria:

- (1) The proposal complies with the Comprehensive Plan's goals and policies, this Code, and all other applicable adopted plans and policies.
- (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
- (3) Density is consistent with the Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
- (4) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.
- (5) The proposal shall be reviewed concurrently with a Master Plan that demonstrates compatibility with adjacent uses.

14-2-100 Site Plan

- (a) **Minor Site Plan Applicability.** A Minor Site Plan is required in the following situations, except in reference to changes to detached single family houses or duplexes:
 - (1) **Modifications.** Modifications to an approved Major Site Plan or existing legal conforming site, which shall be limited to any modifications that the Director determines to be minor in nature, including:
 - (A) An increase in building height by no more than 10%.
 - (B) Any expansion to an existing building footprint by no more than 25%
 - (C) Exterior building modifications
 - (D) Expansion of impervious surface
 - (E) Changes to the site access, circulation, or parking
 - (F) The addition of accessory structures less than 500 square feet in size
 - (2) **Changes in use.** Changes in use that require minor structure or site changes to conform to municipal code requirements for the new use.
- (b) **Major Site Plan Applicability.** A Major Site Plan is required in accordance with the following:
 - (1) **New Development.** New buildings or site development;
 - (2) **Modifications.**

- (A) An increase in building height by more than 10%.
 - (B) Any expansion to an existing building footprint by more than 25%
 - (3) **Changes in use.** Changes in use that require substantial structure or site changes to conform to municipal code requirements for the new use.
 - (4) **Other Significant Impacts.** When the Director determines that an application otherwise meeting the Minor Site Plan eligibility criteria still presents significant change or potential impacts on the area and is therefore not eligible for the minor site plan process and shall be reviewed through the major site plan.
 - (5) **Exceptions.** The following are exempt from major site plans:
 - (A) New or alterations to single family detached residential or duplex dwelling units;
 - (B) Applications eligible for review as a minor site plan;
 - (C) Tenant finishes that do not constitute a change in use;
 - (D) Routine building and site repairs or maintenance;
 - (E) Landscape maintenance and modification that does not result in noncompliance with a landscape plan approved by the Town; and
 - (F) When the Director determines that a site plan would otherwise serve no useful purpose in terms of the determination of the proposal's compliance with the requirements of this Code.
- (c) **Review Criteria.** Major and Minor Site Plans shall be reviewed according to the following criteria:
- (1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies;
 - (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts;

- (3) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies;
 - (4) Transportation improvements are consistent with the Roadway Improvement Plan, street connectivity standards Sec. ##, Design Criteria & Construction Specifications, Transportation Master Plan, Trails Plan;
 - (5) Provision of utilities to serve the development shall be in accordance with Design Criteria & Construction Specifications and any other utility provider requirements;
 - (6) The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers;
 - (7) The proposed design shall provide for safe and convenient access for service and maintenance personnel performing routine duties related to but not limited to mail delivery and pick-up, utility meter reading, and other services; and
 - (8) Control of nuisance impacts. The proposed development controls nuisance impacts on itself and surrounding land uses including heat and glare, traffic congestion, noise, arrangement of lighting, features to prevent littering and accumulation of trash, and other factors deemed to affect public health, safety and general welfare.
- (d) **Effect of Decision.** Approval of a site plan shall authorize the applicant to apply for a building permit, and other applicable permits.

14-2-110 Accessory Dwelling Unit

- (a) **Eligibility.** Accessory dwelling units shall be permitted as an accessory use in conjunction with all single-family detached dwellings in all zoning districts which permit single-family dwelling units as a permitted use.
- (b) **Review Criteria.** The approval of each accessory dwelling unit shall be governed standards contained in Sec ##.

14-2-120 Telecommunications

- (a) **Eligibility.** A telecommunications application is required for the development or alteration of any Wireless communication facility.

- (b) **Review Criteria.** The approval of a telecommunications application shall be governed standards contained in Sec ##.

14-2-130 Vacation of Right-of-Way/Easement

- (a) **Eligibility.** The vacation of right-of-way or easement application process is used to vacate unnecessary easements and rights-of-way. The vacation of right-of-way or easement shall be in accordance with C.R.S. § 43-2-301, et seq. Only the following types of right-of-way and easements may be vacated by the Town:

- (1) Right of-way-owned by the Town.
- (2) Easements dedicated for the benefit of the Town, including easements dedicated for the benefit of the Town and other parties.

- (b) **Review Criteria.**

- (1) The right-of-way or easement being vacated is not needed in the short or long term.
- (2) If necessary, the right-of-way or easement will be replaced. To replace the right-of-way or easement, the vacation application shall be accompanied by a development application which proposes a new right-of-way or easement.
- (3) The applicant is relocating all public facilities or utilities within the right-of-way or easement.
- (4) The public and surrounding properties will not be negatively impacted by the vacation.

- (c) **Recording.** Once approved the vacation shall be recorded by the Town, in the office of the applicable county clerk and recorder.

14-2-140 Conditional Use Permit

- (a) **Applicability.** The conditional use classification is intended to allow consideration of uses which are unique in nature or character and, except as otherwise specifically provided in this Code, not specifically included as uses by right in any specific zoning districts. It is the specific intent of this Article, except as otherwise specifically provided in this Code, to prohibit the granting of conditional uses in any zone when such use is allowed as a use by right in any other zone. This process is specifically applicable to uses identified as conditional uses in particular zone districts.

- (b) **Site Plan Required.** Applications for a conditional use shall be processed concurrently with an application for site plan review, as applicable, as indicated in Section ###. The director may defer the site plan application until after review of the conditional use permit if sufficient detail is provided with the application.
- (c) **Review Criteria.**
- (1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies;
 - (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
 - (3) The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.
- (d) **Conditions of Approval.** The decision-making body may impose conditions on a proposed conditional use to ensure compatibility and to ensure that potential adverse impacts on surrounding uses, properties, public health or safety, the environment, or the district will be substantially mitigated. Conditions of approval shall be binding on the applicant, the applicant's successors and assigns, and shall run with the land.
- (e) **Conditions for Time Limits/Review.** The decision-making body may impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses
- (f) **Termination of conditional uses.** Where a permitted conditional use does not continue in conformity with the conditions of the original approval or where a use is no longer compatible with the surrounding area, the conditional use grant may be terminated by the Town Board upon referral to the Planning Commission and public hearing thereon.
- (g) **Discontinuance.** If a conditional use is extinguished, or discontinued for a period of one year, the conditional use permit shall automatically lapse and be null and void.
- (h) **Changes to Approved Conditional Uses.** Building additions or site changes on existing approved conditional uses that do not constitute a substantial change to the use, and that do not create or can adequately mitigate potential adverse impacts on surrounding properties or neighborhoods, as determined by the director, may be reviewed as a site plan amendment according to section 15.02.070.C. However, expansion of a conditional use onto a different lot or parcel, not previously part of the conditional use approval, shall require review under this subsection.

14-2-150 Minor Variance

(a) **Applicability.** The Director may administratively grant minor variances up to a maximum of ten percent (10%) or as noted from zoning district standards in cases where an unintended deviation therefrom exists relative to existing structures or existing lots in the following situations:

- (1) Setback or offset: A reduction in distance of ten percent (10%) or one (1) foot, whichever is less.
- (2) Maximum building height: An increase in height of ten percent (10%) or one (1) foot whichever is less.
- (3) Distance between structures: ten percent (10%) or one (1) foot reduction, whichever is less, subject to requirements of the International Building Code.
- (4) Lot area: two percent (2%) reduction in the minimum lot area required.
- (5) Lot Coverage: two percent (2%) increase in the maximum lot coverage.
- (6) A variance is necessary to correct a legally established condition.

(b) **Prohibitions.** Relief under this Section shall not be available for the following:

- (1) Any application for proposed construction.
- (2) A building permit application.
- (3) A plot plan application.
- (4) An improvement location certificate.
- (5) Any minor variance that would result in any of the following:
 - (A) An increase in permitted maximum development density or intensity.
 - (B) A change in permitted uses or mix of uses.
 - (C) A decrease in the amount of required open space or landscaping.

- (D) A conflict with another requirement.
- (E) An additional or subsequent minor variance request.
- (F) A lot line adjustment, minor subdivision or subdivision.

(c) **Appeal.** The zoning officer shall review the application and initially determine whether or not the application is eligible for relief under this Section. In the event the zoning officer determines that the application should be denied, appeal of the zoning officer's decision to the Board of Adjustment shall be in accordance with the provisions of this Code.

(d) **Notice.** Notice of the variance request shall be provided to adjacent neighboring property owners pursuant to within three hundred (300) feet of any boundary of the subject property, at the time the application is accepted by the Town. The notice shall state that any comments or objections must be received by the Planning Department within ten (10) days of the date of the Notice. If an objection is received by the Town, the applicant shall address the objection within ten (10) days of the Notice of Objection provided to the applicant by the Town. If the objection cannot be resolved within the ten (10) days, the variance request shall be forwarded to the Board of Adjustment for a decision.

(e) **Review Criteria.** The Director may grant a Minor Variance only when it is demonstrated that:

- (1) The purpose and intent behind the regulation would be maintained by granting the variance;
- (2) Granting the variance will not be detrimental to any adjacent properties or the area;
- (3) Granting the variance will not be detrimental to public health, safety, or welfare;
- (4) Granting the variance will not create a building or fire code violation or other safety hazard; and
- (5) A variance shall allow only the least deviation from the standard that will afford relief;

14-2-160 Major Variance

(a) **Applicability.** Major Variances are intended to alleviate practical difficulties or hardship arising from the strict application of the provisions of chapters 16 and 17 of this development code to a specific property. Variances address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

- (b) **Use Variances Prohibited.** A decision-making body shall not grant a Major Variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this development code for the applicable zoning district.
- (c) **Review Criteria.** The Zoning Board of Adjustment may grant a Major Variance only when it is demonstrated that:
- (1) Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property;
 - (2) The applicant cannot derive beneficial use of the property without the variance;
 - (3) The purpose and intent behind the regulation would be maintained by granting the variance;
 - (4) Granting the variance will not be detrimental to any adjacent properties or the area;
 - (5) Granting the variance will not be detrimental to public health, safety, or welfare;
 - (6) Adequate relief cannot be reasonably obtained through a different procedure, such as the application of alternative compliance standards, if applicable;
 - (7) Granting the variance will not create a building or fire code violation or other safety hazard;
 - (8) The need for the variance is not created by a self-imposed hardship;
 - (9) A variance shall allow only the least deviation from the standard that will afford relief; and
- (d) **Appeal.** Decisions of the Zoning Board of Adjustment shall be subject to review, pursuant to CRS 31-23-307, by certiorari by the district court of the county within which the municipality or any part thereof is located. Such appeal shall be filed not later than thirty days from the final action taken by the board of adjustment. Such appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the municipality.

14-2-170 Appeals

- (a) **Appellate Body.** Appeals shall be heard by the Planning Commission or the Town Board. The Planning Commission shall hear appeals from final decisions of the Director. The Town Board shall hear appeals from final decisions of the Planning Commission, except that the Town Board shall not hear appeals of decisions made in the Planning Commission's role as an appellate body.
- (b) **Further Appeal.** The decision of the Appellate Body is a final quasi-judicial decision of the Town that may be appealed to a court pursuant to the applicable Colorado Rules of Civil Procedure. The date of execution of the written decision shall be considered the date the appeal was adjudicated.
- (c) **Right to Appeal—Party-In-Interest.** Appeals of decisions on major development applications may be filed only by the following:
 - (1) The applicant;
 - (2) The owner of the subject property; or
 - (3) The Director or Town Manager.
- (d) **Effects of Appeals.** Upon the filing of an appeal, any application process with the town pertaining to the subject matter being appealed shall be suspended while the appeal is pending. Any action taken in reliance upon any decision of a board, commission, or other town staff decisionmaker that is subject to appeal under the provisions of this chapter shall be totally at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and by filing an application the applicant agrees that the Town shall not be liable for any damages arising from any such action taken during said period of time.
- (e) **Notice of Appeal Requirements.** In order to appeal a decision, a party-in-interest must file a notice of appeal within the time limits set out in this subsection. Failure of a party-in-interest to timely file a notice of appeal, containing all of the following information, shall result in dismissal of that appeal:
 - (1) A description of the final decision being appealed;
 - (2) The date of the final decision being appealed;
 - (3) The name, address, telephone number and relationship of each appellant including a statement for each appellant as to the appellant's qualification for being considered a party-in-interest under this chapter;
 - (4) A description of the grounds for the appeal of the final decision, including specific allegations of error.
- (f) **Appeals from Final Actions on Development Applications**
 - (1) All appeals shall be filed in writing with the planning department within 14 days from the date of the decision.

- (2) The appeal body shall hold noticed public hearing on the appeal within 60 days from the close of the appeal period and may uphold, reverse or modify the final decision being appealed. Public notice
- (g) **Staff Preparation of Appeal Report.** If an appeal is made under this subsection, the director shall prepare an appeal report detailing the decision of the applicable decision-making body, and shall include all appeal letters and minutes of all applicable public meetings or hearings. The appeal report shall be sent to the applicant, appellant, and the appeal body for consideration at least five days before the appeal is heard.

Article III – Enforcement

Reserved [future update]

Article IV – Definitions

[definitions to be relocated here]

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 any portion of a building, structure or sign, excluding exceptions listed in Sec. 16-1-20(3). As further clarification refer to Figure 16-2-20(a) and the following:

- **Front setback** is measured from the front lot line(s). A 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 principal front lot line. All front lot lines other than principal shall be considered secondary front lot lines and shall have the same setback requirement as the principal. In the case of lots that front onto a common area rather than a public or private street right-of-way, the front setback shall apply to the lot line to which the primary entrance of the principal building faces.
- **Rear setback** is measured from the rear lot line(s). A rear lot line is any lot line opposite from the principle front lot line, unless otherwise determined by the Decision Maker due to unusual lot configuration.
- **Side setback** is measured from side lot line(s). A side lot line is any lot line that is not a front or rear lot line.
- **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:

Alley means a public or private right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street or common space, and which may be used for public vehicular or utility access.

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.

Block length means the distance, as measured from flow-line to flow-line, between intersecting streets. When a street is curved, the lesser flow-line distance shall be used to measure block length.

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 and, in the case of residential uses, the typology of housing, including but not limited to Single Family Dwelling, 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).

Front Entry Feature means unenclosed porches, porticos, stoops, and similar architectural features located at a building's primary entrance and integrated with the materials and style of the building.

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.

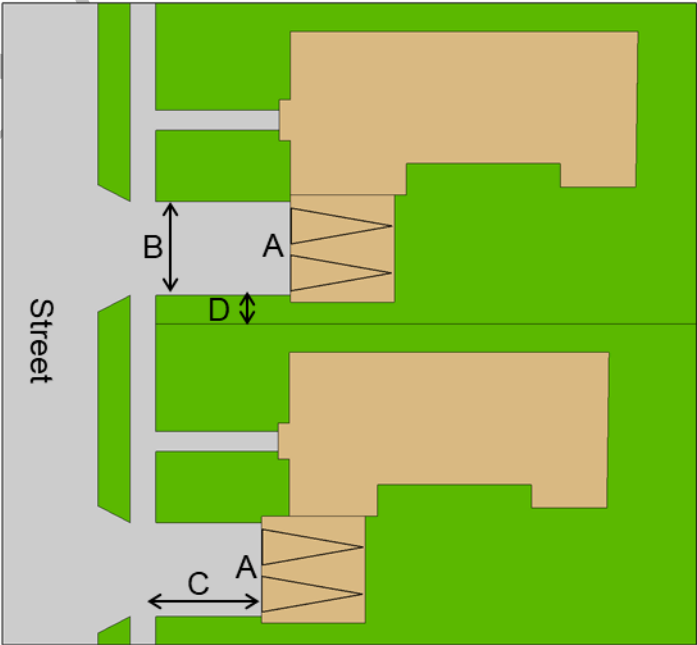
Vehicle Fueling–Limited means an establishment providing sales of vehicle fuel with eight or fewer fuel dispensers and with no dispensers serving primarily diesel vehicles. The use may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or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

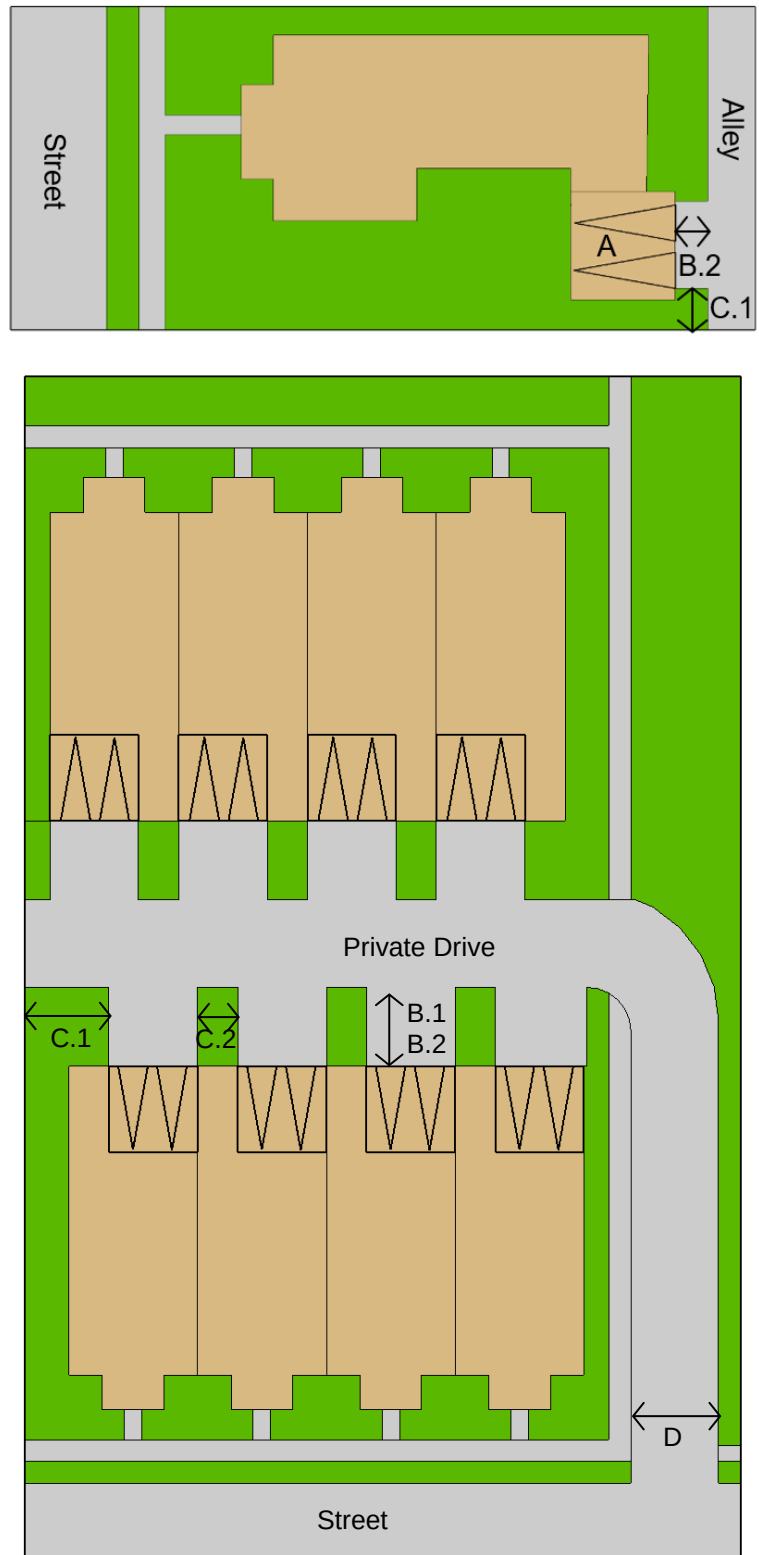
- (1) Vehicular Access types required for specified zones and building types in this Code shall be provided in accordance with Table 16-10-30(a), which are supplemental to the Design Criteria and Construction Specifications.

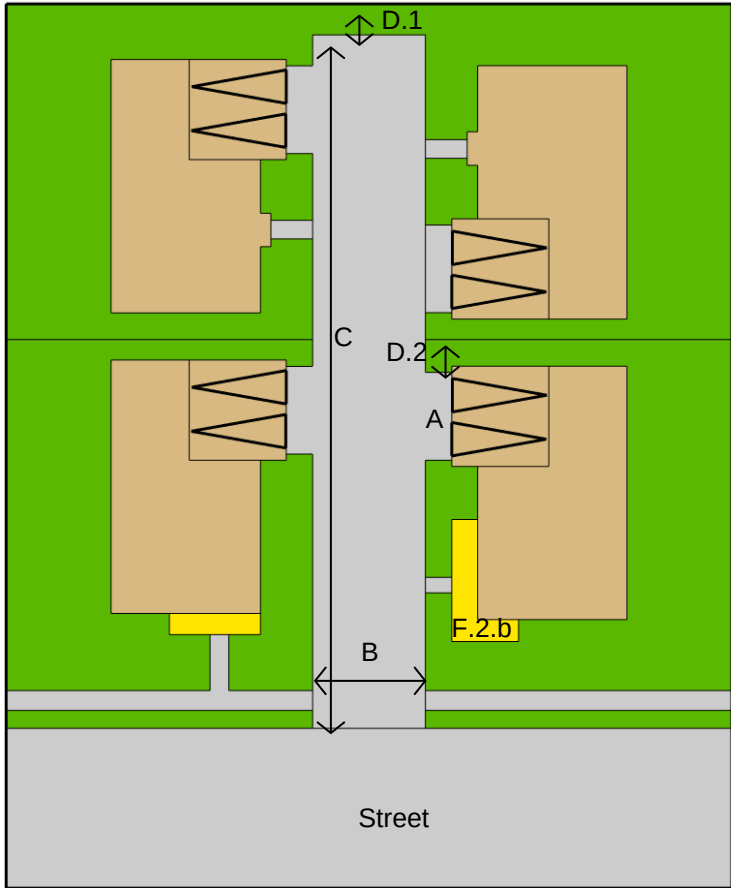
Table-16-10-30(a): Vehicle Access Standards		
Standard Access		
A	Parking Location and Orientation: Garage faces and is accessed from adjacent street.	
B	Maximum driveway width (within front setback): 50% of lot frontage except for lots on cul-de-sacs.	
C	Driveway Length: 20' minimum between garage and 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		
	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 Generally perpendicular to the street.	
B	Maximum driveway width (within front setback): 18'	
C	Driveway Length: 20' minimum between garage and sidewalk.	
D	Vehicle Use Area Setback 5' minimum setback between driveway and side property line within the front setback of the lot.	

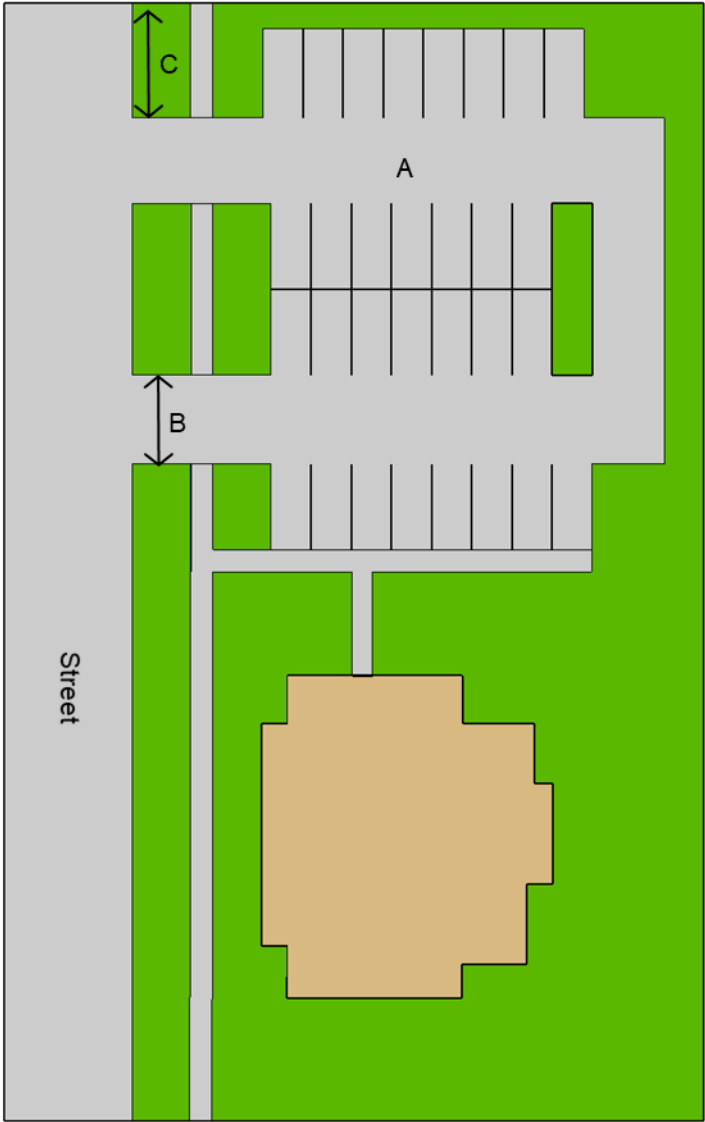
Rear Access

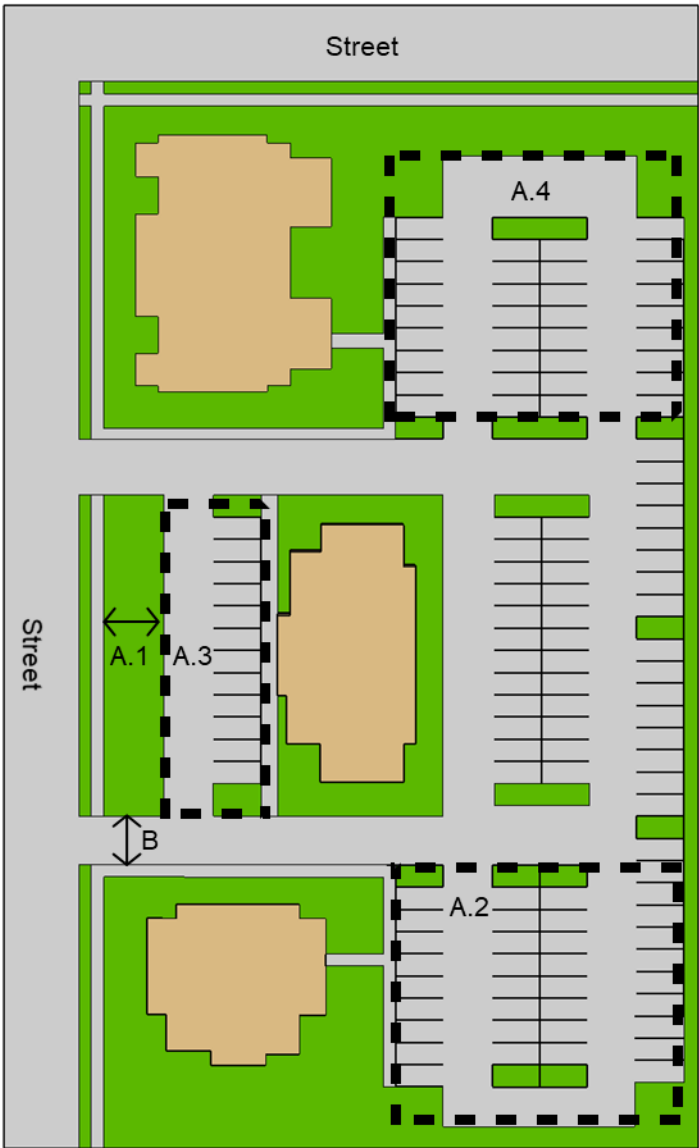
A	Parking Location and Orientation: Garage facing and accessed from adjacent rear alley or private drive.
B.1 B.2	Driveway Length: 0' permitted for townhomes accessed from a private drive with a minimum width of 24' (additional width for Fire District access may be required). In all other instances,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



	drives but sidewalks are required to all units.	
Auto Court		
A	Parking Location and Orientation: Garages and/or surface parking are oriented to the minimize visibility and accessed from private Auto Court.	
B	Auto Court Width: 20' min 28' maximum within front setback	
C	Auto Court Length 150' Maximum	
D.1	Vehicle Use Area Setback 5' from adjacent properties not accessed from same Auto Court	
D.2	No setback required between other properties accessed from same Auto Court	
F	Other Requirements 1. All Fire District standards shall apply 2. Dwelling units adjacent to the street shall have either: a. A Front Entry Feature facing the street;	

	b. A Front Entry Feature facing the Auto Court or common green space/Green Court (<i>need definition</i>) which wraps around the street-side for a length of at least 8’; or c. A Front Entry Feature facing the Auto Court or Green Court and at least two first floor windows facing the street 3. Snow storage area shall be provided and designated on plat 4. Auto Court shall be maintained by owner’s association or metropolitan district. 5. Auto Court shall be located in a tract held in common and shall not be counted toward minimum lot size. 6. Side setback shall apply to lot line(s) abutting Auto Court. 7. Rear lot line may be designated as the lot line opposite the Auto Court rather than opposite the front entry. 8. Auto Court shall only be used when adjacent to on-street parking or when visitor parking is otherwise provided 9. Sidewalks are not required along Auto Court 10. Parking shall not be allowed on Auto Court unless additional width is provided and approval granted by Town and Fire District
General Parking Lot	
A	Parking Location and Orientation: Shall include buffering from street by landscaping and/or fencing in accordance with the landscape requirements of this Code.
B	Maximum Drive Width (within front setback): 28’ generally 36’ allowed for high volume driveways

C	Minimum driveway side setback (within front setback): 5' minimum setback between driveway and side property line	 The diagram illustrates a property layout with a green lawn area and a grey paved area. A vertical grey strip on the left is labeled 'Street'. A driveway runs vertically from the street into the property. To the right of the driveway is a large grey rectangular area labeled 'A', which contains several vertical lines representing parking spaces. To the right of area 'A' is an orange-colored building footprint. Three dimensions are indicated: 'C' is the width of the driveway; 'B' is the distance from the side of the driveway to the side of the parking area 'A'; and 'A' is the distance from the side of the parking area 'A' to the side of the building footprint.
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). When alternative compliance is approved, lot standards shall be based on the most applicable access type as determined by the decision maker. Driveway width is not eligible for alternative compliance. The following review criteria shall be used by the decision maker to evaluate alternative compliance requests:
 - (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) **Reduced Setbacks in General Commercial.** The decision maker may approve reduced side and rear setbacks in the General Commercial Zone District when the following criteria are met:

- (1) A site plan shall be submitted concurrently with the request;
- (2) The reduced setback shall be no less than 10' from all property lines;

- (3) The reduced setback is not adjacent to a residential use or residential zoning;
- (4) The height of the building within the reduced setback area is no more than a single story in height; and
- (5) Required easements, landscaping, and utilities can be accommodated within the reduced setback area.

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

Table 16-1-20(b): Height Exceptions	
Belfries, spires, steeples, cupolas, and domes associated with places of assembly	May extend above the building roof provided they are not used for dwelling purposes.
Chimneys, cooling towers, smokestacks, ventilators, or flues	May extend up to ten (10') feet above the building roof provided that such features collectively cover no more than five percent of the horizontal surface area of the roof.
Elevator bulkheads and stairway enclosures	May extend up to ten (10') feet above the building roof provided that such features collectively cover no more than twenty (20) percent of the horizontal surface area of the roof
Parapet walls	May extend up to five feet above the building roof
Public utility and emergency service facilities	For purposes of specifying structure height and limitations, the term "structure" shall not apply to public utility or street lighting poles and 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
Maximum Lot Coverage	60%
Minimum Setbacks	
Front	20'
Side	5'
Rear	10'
Rear Abutting Alley	5'
Maximum Building Height	
Height	40'

(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. Accessory Dwelling
- b. Private garages, carports and paved parking areas.

- c. Private residential and private group outdoor recreational facilities, including, by way of example but not of limitation, swimming pools and tennis courts.
 - d. Home occupations, subject to the provisions of Section 16-10-20 of this Chapter.
 - e. Service buildings and facilities normally incidental to the use of a public park or recreation area.
 - f. 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'	40'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	2,500	30'	65%	15'	10'	5'	10'	5'	40'
Standard Duplex	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	40'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	40'
Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	40'
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	40'
Townhouse	Rear or Auto Court	1,400 ⁴	16'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'
Multiplex	Rear or Auto Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'
Non-residential	Any	20,000	100'	80%	20'	n/a	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.

(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'	40'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	40'
Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	40'
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	40'

Townhouse	Rear or Auto Court	1,400 ⁴	16'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'
Multiplex	Rear or Auto Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'
Multifamily Building	Rear, Auto, Court, or Dispersed Parking Lot	1,400 ⁶	100'	80% ⁵	20'	15'	½ of building height	½ of building height	5'	55'
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 ¹	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'	40''
Duplex, Standard or Over-Under	Any	4,500 ²	65%	20'	5'	10'	5'	40'
Townhouse	Any	2,400 ³	80% ⁴	20'	5' / 0' ⁵	10'	5'	40'
Multifamily Building	Any	1,400 ³	80%	20'	½ of building height	½ of building height	n/a	40'

Commercial, Mixed Use, or Institutional	Any	20,000	80%	25'	20'	20'	n/a	40'
Industrial	Any	20,000	80%	30'	20'/30' ⁶	20'/30' ⁶	n/a	40'
¹ Lots subject to Commercial Corridor standards shall comply with Commercial Corridor Vehicular Access standards ² Per Unit ³ Refers to overall maximum development density on a per unit basis; however this is no minimum lot size per individual unit ⁴ Refers to overall site; no maximum lot coverage for individual lots or units ⁵ 5' setback required except when interior common wall is used ⁶ 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'	40'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	2,500	30'	65%	15'	10'	5'	10'	5'	40'
Standard Duplex	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	40'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	40'
Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	40'
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	40'
	Rear or Auto Court	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	40'
Townhouse	Rear or Auto Court	1,400 ⁴	16'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'
Multiplex	Rear or Auto Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'
Multifamily	Rear, Auto Court, or Dispersed Parking Lot	1,400 ⁶	100'	80% ⁵	20'	15'	½ of building height	½ of building height	5'	55'
Commercial, Industrial, Mixed Use, or Institutional	Dispersed Parking Lot	5,000	50'	80%	20	n/a	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) 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 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. A maximum of 25% percent of gross development may be allocated on an approved Master Plan to commercial or industrial uses.

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

(c) Use Regulations.

(1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.

- a. Drive-in restaurants.
- b. Grocery stores and supermarkets.
- c. Gasoline service stations.
- d. Car washes.
- e. Commercial lodging.

- f. Restaurants and bars.
- g. Outdoor sales areas, such as garden shops.
- h. Automobile sales and service establishments, including used car lots.
- i. Lumber and building supply yards.
- j. Public, private, commercial and private group outdoor recreational facilities.
- k. Bowling alleys.
- l. Business and professional offices.
- m. Places of assembly (small).
- n. Places of assembly (large).
- o. Other similar uses as defined in 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 or Dispersed Parking Lot General Parking Lot is prohibited within Commercial Corridors	
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, or Dispersed Parking Lot 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/ Front Adjacent to Residential Use or Zone	30' / 200'
Side/ Side Adjacent to Residential Use or Zone	20' / 200'
Rear/ Rear Adjacent to Residential Use or Zone	20' / 200'
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 _ day of __, 2020.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this _ day of __, 2020.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

DRAFT

CHAPTER 17 - Subdivisions

Article I: Subdivision Design

Sec. 17-1-10. - Streets and Blocks

- (a) **Street Design and Construction Standards.** The Town of Windsor Design Criteria and Construction Specifications are adopted by reference as the development standards of the Town, for the purpose of establishing standards for public streets, street signs, highways, curb and gutters, traffic control devices, sidewalks, multi-use pathways, and other improvements as required to be constructed as public improvements within all developments within the Town. Should any standards in this Article conflict with the Design Criteria and Construction Specifications, the more restrictive standard shall apply.
- (b) **Street names.** New streets shall be named the same as existing streets that are in alignment of those streets, even when those streets may not directly connect. In the case where new street names are needed, the names of new streets shall not duplicate the names of existing streets. All street names shall be consistent with the Larimer County Standardization of Road Naming Criteria. Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets.
- (c) **Private Streets.** Streets held in private ownership, yet used as a public way for provision of public access and services, are prohibited unless determined by the Town that they provide connectivity and public safety equal to or greater than public streets and that adequate provisions for maintenance are in place.
- (d) **Connectivity.**
 - (1) A proposed development shall provide multiple direct connections in its local and collector street system to and between local destinations, such as parks, schools, and shopping, without requiring the use of arterial streets. Each development shall incorporate and continue any existing or approved but unbuilt streets stubbed to the boundary of the development unless an exception is granted based on the criteria in Section 17-1-10(g).
 - (2) To ensure future street connections to adjacent developable parcels, a proposed development shall provide a local street connection spaced at intervals not to exceed the block length specifications of Table ## along each boundary that abuts potentially developable or re-developable land unless an exception is granted based the criteria in Section 17-1-10(g).
 - (3) A proposed development shall provide a potentially signalized, full movement intersection of a collector or a local street with arterial and major collector

streets at an interval of approximately every 2,640 feet (one half-mile), unless in conflict with an approved traffic study or access control plan. A proposed development shall provide additional non-signalized, potentially limited-movement intersections with arterial and major collector streets where feasible.

- (4) The Town may require any limited-movement collector or local street intersections to include an access-control median or other acceptable access-control device.

(e) Block Length.

- (1) Block Length for local streets shall not exceed the standards in Table 17-1-10, unless an exception is granted based the criteria in Section 17-1-10(g).
- (2) Streets in the Compact and General Planning Contexts which have a change in direction of 75 degrees or more may exceed the maximum block length by 50%.

Table 17-1-10 Block Sizes & Connectivity			
Planning Context	Zone Districts	Block Length	Cul-de-sac Limits
Compact	CB, RMU-2, SF-2, PUD (residential)	660' max.	Prohibited except for exceptions in accordance with Sec. 17-1-10(g). 600' maximum length when exception granted.
General	RMU-1, SF-1, NC, GC, MF, PUD (non-residential)	880' max	600' maximum length but should be avoided when feasible. When used the total number of lots on cul-de-sac streets, shall not exceed more than 20% of lots in subdivision unless an exception is granted in accordance with Sec. 17-1-10(g).
Remote/ Campus	LI, HI, ER	1320' max	600' maximum

(f) Cul-de-sacs.

- (1) Permanent cul-de-sac streets and dead-end streets shall be subject to the requirements of the Design Criteria and Construction Specifications and Table 17-1-10. Exceptions to Table 17-1-10 may be granted by the decision maker in accordance with the criteria in Section 17-1-10(g).
- (2) Where cul-de-sacs or dead-end streets are unavoidable:
 - a. The decision maker may require pedestrian walkways at the end of any cul-de-sac.
 - b. Developments shall incorporate provisions for future vehicular connections to adjacent, undeveloped properties, and to existing adjacent developments where existing connections are limited.
- (3) No system of multiple branching cul-de-sacs from a single junction with a connected street network is permitted, unless the decision maker deems it allowable due to environmental, topographical or similar site constraints.
- (g) **Exceptions to Connectivity, Block Length, and Cul-de-sac Standards.** Upon a written request outlining the rationale in accordance with the criteria below, the decision maker may grant exceptions to Connectivity, Block Length, and Cul-de-sac Standards contained in this Section in the following circumstances:
 - (1) To preserve or minimize impact to unique physical conditions such as topography or natural resources;
 - (2) When compliance is impractical due to buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels;
 - (3) When compliance is impractical due to conflicting existing or planned street alignment or layout;
 - (4) When necessary to avoid creating inefficient use of land, such as when needed to avoid creating lots of a size or layout that cannot reasonably be developed;
 - (5) When necessary to avoid creating inefficient street layouts, including but not limited to block lengths less than 400'; or
 - (6) When necessary to accommodate unique land uses which require a campus layout without through traffic.

Sec. 17-1-20. – Sidewalks and Trails

- (a) **Generally.** If required by the Design Criteria and Construction Specifications and not present at the time of development, sidewalks shall be

provided along streets that adjoin the subject property. Sidewalks shall be designed in accordance with the Design Criteria and Construction Specifications.

- (b) **Through Block Connections.** Where exceptions for larger blocks apply, or any other area where substantial pedestrian traffic may occur, such as adjacent to schools, the decision maker may require pedestrian walkways through blocks.
- (c) **Sidewalks on Private Streets.** If a private street is approved in accordance with Sec. 17-1-10(c), sidewalks shall be provided and designed in accordance with the Design Criteria and Construction Specifications.
- (d) **Town Trails.** Town trails are trails owned and maintained by the Town. The applicant shall install a Town trail if required by the Trails Master Plan, Transportation Master Plan, or similar document and not present at the time of development. Town trails shall be designed in accordance with Table 17-## and to the extent they are consistent with this Section, the most recently published volume of the AASHTO Guide for the Development of Bicycle Facilities, and the Americans with Disabilities Act (ADA).

Trail Design Standards Table 17-##	
Width	10' generally Additional width may be required when immediately adjacent to a retaining wall, hand rail, or roadway.
Surface	6" thick mesh concrete in accordance with the <u>Design Criteria and Construction Specifications</u>
Horizontal Alignment	95' minimum radius generally. 25' minimum radius when substandard radius curves must be used because of right-of-way, topographical, or other considerations and shall include standard curve warning signs and supplemental pavement markings shall be installed in accordance with the MUTCD. The negative effects of substandard curves can also be partially offset by widening the pavement through curves.
Longitudinal Slope	5% maximum except in the following situations: • When trails are contained within a street right-of-way, the grade may

	exceed 5% but shall not exceed the general grade established for the adjacent street; • Where compliance is not practicable due to existing terrain or infrastructure, right-of-way availability, a notable natural feature, or similar existing physical constraints, compliance is required to the extent practicable; or • Where compliance is precluded by federal, state, or local laws the purpose of which is to preserve threatened or endangered species; the environment; or archaeological, cultural, historical, or significant natural features, compliance is required to the extent practicable.
Cross slope	2%
Vertical clearance	8' minimum
Horizontal clearance	2' from retaining walls, railings, signs etc. 15' from buildings except at points of connection to the building, and where no practicable alternative exists.
Separation from roads or parking lots	5' generally. Trails may be located adjacent to roads or parking lots where no practicable alternative exists and the trail is a minimum of 12' wide.
Hand and Safety Rails	Any railing should be at least 42" in height. Hand and safety rails may be required for the safety of the trail users as determined by the Director in accordance with the Guide for the Development of Bicycle Facilities published by AASHTO.

- (e) **Neighborhood Trails.** Neighborhood trails are trails that provide recreation and non-motorized transportation opportunities that are owned and maintained by a metropolitan district, owners association, or similar entity approved by the Town. Neighborhood Trails shall be provided in accordance with the following:

- (1) **Residential Subdivisions.** In all residential subdivisions Neighborhood Trails shall create both an internal network and connections to surrounding properties as appropriate. Trails shall connect to existing and planned Town trails, Town park sites, school sites, and shopping areas. If the project does not include or is not adjacent to a school or Town park site, the project shall provide trail access oriented in the direction of the nearest school or park site to facilitate access on existing or future trails or sidewalks. When the intermediate land is undeveloped, future development shall continue the trail system to the park or school site.
- (2) **Non-Residential Developments.** When feasible, shopping areas, parks, and schools shall provide trail connections to adjacent residential subdivisions.
- (3) **Waiver.** The requirement for Neighborhood Trails in residential subdivisions may be waived or modified by the decision maker if the subdivision is of an insufficient size to accommodate trails, if natural features make compliance unfeasible, or if trail connectivity is otherwise addressed.
- (4) **Design Standards.** Neighborhood Trails shall be subject to the following:
 - (A) Neighborhood Trails shall be 10' in width paved with 6" thick concrete. Trails surfaced with crusher fines and less than 10' in width may supplement paved trails but shall not be used in-lieu of paved trails. Trails shall use a 25' minimum radius when feasible.
 - (B) Neighborhood Trails shall be open to all members of the public. Restrictions on types of uses are allowed (e.g. prohibition of motorized uses).
 - (C) Trails shall be located off-street within a Greenbelt in accordance with Sec. ##. When physical constraints make the use of a Greenbelt impractical, the decision maker may approve trails outside of a Greenbelt. In such cases, trails may be located adjacent to but detached from a street.
- (5) **Ownership and Management.** All Neighborhood Trails shall require documentation that outlines the ongoing maintenance plans, as well as administrative and financial management of the trails according to these standards. Trails shall generally be maintained in perpetuity either by the

Property Owner's Association, Metropolitan District, or other legal entity approved by the Town.

Sec. 17-1-30. – Lots

- (a) **Generally.** All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards stated in this development code. No subdivision shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.
- (b) **Lot Dimensions.** The minimum area and dimensions of all lots shall conform to the requirements of the subject zone district established in Chapter 16.
- (c) **Lot Lines.** To the maximum extent practical, the side lot lines of all lots shall be at right angles to the street upon which the lot fronts, or approximately radial to the center of curvature if the street is curved. If side lot lines are not radial, it shall be noted as such on the plat.
- (d) **Frontage** All lots shall have frontage that is either adjacent to or directly accessible to a street.
- (e) **Corner Lots.** Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages and to provide adequate distance separation between driveways and street intersections.
- (f) **Division of Lots.** No lot shall be divided by a Town boundary line.
- (g) **Flag (or Flagpole) Lots.** Flag lots shall comply with all lot dimensional, utility, fire, and emergency access standards.
- (h) **Lots Divided by a Zoning District Boundary.** Lots that are divided by a zoning district boundary are prohibited.
- (i) **Tracts.** All land not a part of right-of-way or lot shall be designated a tract on an approved plat. Tracts shall be designated on an approved plat, and shall specify the ownership, use, and maintenance responsibility.
- (j) **Double Frontage.** Double frontage lots for single family dwellings, duplexes, multiplexes, and townhomes shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantage of topography and orientation. Such double frontage lots shall incorporate a Type A bufferyard along the rear frontage in accordance

with the landscape standards of this Code. The bufferyard shall be located in a tract owned and maintained by a homeowners association or metropolitan district.

- (k) **Significantly encumbered lots.** Single family residential lots significantly encumbered by easements that render an unusually large portion of the property unusable or highly restrict usage due to features such as irrigation or drainage facilities shall exclude such encumbrances in calculating minimum lot size and lot coverage.
- (l) **Utility Easements.** All subdivisions shall include easements for all required improvements necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within six inches of final grade before utilities are installed. Unless otherwise specified through the development review process easements shall be as specified in Table 17-##.

Table 17-##: Easements	
Front lot line	10'
Common rear lot lines	16', 8' on each lot
Perimeter rear lot lines w/o common boundary	10'
Side easements, where necessary	5' utility 2' drainage

- (m) **Utility Tracts.** In residential subdivisions, regional utilities, including associated maintenance ways, shall be located within a tract owned by an owner's association or similar entity. Maintenance shall be the responsibility of the utility owner and/or an owner's association or similar entity. Regional utilities include, but shall not be limited to:
 - (1) High pressure gas lines;
 - (2) High voltage electric lines; and
 - (3) Irrigation ditches.
- (n) **Drainage.** Where a subdivision is traversed by a watercourse, drainage way or stream, blocks shall be laid out in coordination with these features. A perpetual drainage easement shall conform substantially with the lines of watercourse adequate to carry off the predictable volume of storm water drainage from a one-hundred-year frequency storm. Drainage ways serving more than three lots or a drainage basin larger than 0.25 acres shall be placed in a tract maintained by an owners association or similar entity.

Sec. 17-1-40. - Parks and Open Space.

- (a) **Pocket Parks.** In order to provide recreational facilities at the neighborhood scale, pocket parks are required for residential subdivisions that are master planned to have 100 or more units and multifamily development with 100 or more units in accordance with Table 17-##.

Zone District	Table 17-## Pocket Park Requirements
ER	50 sf per unit required for only for conservation subdivisions
SF-1	50 sf per unit
SF-2	75 sf per unit
RMU-1	50 sf per unit
RMU-2	75 sf per unit
MF	75 sf per unit

- (1) **Exception Near Existing Park.** Pocket parks are not required when at least 75 percent of the dwelling units in a proposed development are within a one-third mile radius (1,760 feet) of an existing or planned public park or pocket park open to residents.

- (2) **Size.** Pocket parks shall be a minimum size of 20,000 square feet.

- (3) **Location.**

- (A) Pocket Parks shall be centrally located within the development with pedestrian access to the lots and dwellings they are intended to serve.
- (B) Large developments shall provide multiple Pocket Parks, generally spaced so that all units are within approximately one-third (1/3) mile of a park.
- (C) Pocket Parks shall have frontage on at least one local or collector street.

- (4) **Design Standards**

- (A) Pocket parks shall generally include some combination of lawn area, natural or planted areas, and structured play areas (athletic courts, playgrounds, etc.) and shall include seating areas.

- (B) Sidewalks in Pocket Parks shall be a minimum width of 6'.
- (C) Areas used as dog parks shall not count toward the required pocket park area.
- (D) Rear and side yard fences on lots abutting pocket parks shall not exceed five feet in height.

(5) **Landscaping Standards.** Landscaping shall be provided for pocket parks at a minimum rate of one tree and five shrubs per 2,000 square feet of landscaped area. Additionally, street trees shall be provided in accordance with Sec TBD.

(6) **Ownership and Maintenance.**

- (A) All pocket parks shall require documentation that outlines the ongoing maintenance plans, as well as administrative and financial management of the park according to these standards. Pocket parks shall generally be maintained in perpetuity either by a Property Owner's Association, Metropolitan District, or other legal entity approved by the Town.
- (B) The obligation for ongoing maintenance of Subdivider-controlled social and recreational spaces (pocket parks, plazas, green belts, shade groves, etc.) depicted in the approved subdivision plat shall run with the land and shall be binding upon the Subdivider's successors and assigns, including any assignees and transferees such as a metropolitan district, homeowners association and individual lot owners within the subdivision.
- (C) In the event of a failure to maintain Subdivider-controlled social and recreational spaces as required in this Section, the Town may, but shall not be required to, undertake maintenance activity to avoid disrepair, nuisance and threats to public safety. The Town's costs of maintenance activity undertaken under this Section shall be payable by the Subdivider and its successors and assigns, including any assignees and transferees such as a metropolitan district, homeowners association and individual lot owners within the subdivision, jointly and severally. Any such costs of maintenance shall become a lien on each platted lot within the subdivision, and shall be enforceable by the Town as provided by law, including by special assessment, without limitation as to available remedies.

- (b) **Open Space.** In order to preserve natural areas, habitat, and vegetation and to provide appropriate recreational opportunities, residential subdivisions greater than 20 acres in size, shall include a minimum percentage of gross land area as open space in accordance with Table ##. To the maximum extent practicable, open space in each subdivision shall be open and accessible to, and visible to, all residents of the development, and if possible, to other residents of the Town using public streets, trails, and open spaces.

<i>Zone District</i>	<i>Percent Open Space</i>
ER*	In accordance with Sec. ##
RMU-1, SF-1	15%
RMU-2, SF-2, MF	20%

- (1) **Prohibited Open Space.** The following shall not qualify as open space:

- (A) Areas within 100' of oil and gas facilities
- (B) Public or private schools

- (2) **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 generally be maintained in perpetuity either by a Property Owner's Association, Metropolitan District, or other legal entity approved by the Town.

- (3) **Permanent Reservation.** Open space set aside to meet the requirements of this code shall be permanently reserved as open space. Development of any kind not directly related to the open space use shall be prohibited unless expressly approved by the Town. All open space shall be designated on the subdivision plat.

- (4) **Phasing.** The minimum open space required by Table ## shall apply to all filings within a subdivision unless an approved Master Plan is in place that

ensures minimum the open space acreage for the entire development is met subject to phasing within different filings.

(5) **Open Space Types.** Open Space requirements may be met by the provision of the following types of open space:

(A). **Greenbelt**

- i. Greenbelts containing trails shall be a minimum width of 50'. Greenbelts without trails shall be a minimum width of 30'. In constrained situation, the decision maker may approve Greenbelts containing trails as narrow as 30' and Greenbelts without trails as narrow as 20' for limited durations. Constrained areas shall be considered areas with unique physical conditions such as topography or natural resources or areas where necessary to avoid creating inefficient use of land, such as when needed to avoid creating lots of a size or layout that cannot reasonably be developed;
- ii. When of a suitable size and location, Greenbelt areas shall include trails.
- iii. Greenbelts may include amenities such as seating and shade structures.
- iv. Greenbelt areas in each development shall be organized so as to create integrated systems of open space that connect with school lands, park lands, other open spaces, or public lands or trails within the development or on lands adjacent to it.
- v. Except for trails and amenities such as seating and shade structures, greenbelt areas shall generally be left in natural condition or restored to a naturalistic appearance with the use of native or adapted plantings.
- vi. When graded, steep slopes that may require erosion control or special treatment should be avoided.
- vii. Small areas of inaccessible or unusable open space shall be avoided to the greatest degree practicable.

- viii. If appropriate ditch company approval is obtained, irrigation ditches may be included in Greenbelt areas provided adjacent open land and trails are included.

(B) **Natural Habitat and Features.** Land protected in accordance with any Ordinance the Town may adopt in the future regarding protection of Natural Habitat and Features.

(C) **Town Dedicated Park.** Park land dedicated to the Town.

(D) **Pocket Park.** Pocket parks built in accordance with Sec 17-1-40(b).

(E) **Recreation Amenities.** Land occupied by active recreational uses such as pools, playgrounds, tennis courts, trails, and clubhouses used primarily for recreational purposes and open to all subdivision residents, may be counted as open space.

(F) **Stormwater Facilities.** Stormwater Facilities may be counted towards the open space requirement, provided they are designed in accordance the requirements of subsections 1 through 4. In cases where engineering requirements prevent design in accordance with these standards, such area shall be excluded from the Open Space calculation.

- i. General Design. Stormwater Facilities shall be linked with Natural Areas or other Detention Facilities so as to create integrated systems of open areas connected with dedicated school lands, park lands, or public lands or trails within the development or on lands adjacent to it. Small, isolated detention facilities shall not be counted towards the open space requirement.

- ii. Grading

- (a) Detention facilities shall be designed to be naturalized open space should include varied side slopes and an undulating bottom.

- (b) Side slopes shall vary and range from 4:1 to 20:1.

- (c) Use of walls shall be minimized. All walls proposed for the pond perimeter are required to have a high quality visual character (such as natural stone or integral color concrete with form liner). Walls

should not exceed 30” in height. Fences may be required for safety.

- (d) When feasible use a naturalized drainage channel to slow drainage, promote infiltration and allow for habitat establishment.
- (e) Naturalized rip-rap or cobble stones partially buried, broken edges, streambed appearance.

iii. Planting

- (a) Use shrubs and wetland plants strategically near inlets to soften the visual impact of these man-made structures without impeding storm drainage function. Avoid the use of exposed rip-rap. Rip-rap if used shall be a subtle earth tone color, not pink, and should be buried and integrated with erosion control matting, and planting to soften the visual impact and provide opportunities for habitat establishment. Other types of less intrusive erosion control materials which incorporate planting materials should be considered.
- (b) Concentrate wetland plantings in areas where erosion is anticipated or where favorable moisture zones are likely to exist. Since planned moisture levels are difficult to predict, plant species in, above, and below their ideal zone to accommodate for both high water and low water seasons.
- (c) Stockpile and redistribute (or import if necessary) a minimum of four inches of topsoil over areas to be planted.
- (d) Use non-persistent herbicide prior to planting to curtail weed establishment.
- (e) Incorporate erosion control blankets and/or appropriate mulch to reduce erosion and improve soil moisture conditions for new plantings.
- (f) Use wetland species in appropriate areas and pond bottoms likely to be too wet for regular mowing and maintenance.

- iv. Maintenance. Maintenance shall occur in accordance with the following standards:
 - (a) Use regular mowing as a primary weed control method during initial establishment period.
 - (b) Limit use of chemical herbicides, and only use those appropriate for conditions. Use non persistent herbicides in upland areas, and aquatic approved herbicides near wet, wetland or water areas.
 - (c) Suppress cattails for the first three to five growing seasons to allow less aggressive native species to establish.
 - (d) Monitor and correct areas of erosion.
 - (e) Limit irrigation and fertilization to that needed for plant establishment and specific designed needs. Naturalized areas with native plants are adapted to Colorado soils so should only require irrigation during the initial establishment period, and should not require fertilization. High-use or active recreation areas will require more regular irrigation and standard fertilization practices.

Article II Required Improvements

Sec. 17-2-10. - General regulations for subdivisions.

- (a) The subdivider or developer shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage system, sanitary sewerage and potable water system.
- (b) Under such agreement, the subdivider or developer shall post a performance bond, letter of credit or similar security instrument drawn in favor of the Town in an amount equal to one hundred percent (100%) of the estimated cost of the construction of improvements.
- (c) Ninety percent (90%) of the performance bond, letter of credit or similar security document posted by the subdivider or developer shall be released upon complete construction acceptance of all public improvements by the Town. The balance of the performance bond, letter of credit or similar security instrument shall not be released until final construction of improvements has been completed and the Town has given its final acceptance of maintenance and repair of the improvements.

- (d) Dedication of easements or land within a subdivision shall be required where storm drainage, sanitary sewer or other public utilities are necessary to permit agencies and utility companies to maintain utilities and render services to the subdivision.
- (e) The improvements required by the following sections shall be provided in each subdivision or development as appropriate to the particular type of development proposed and to the extent determined by the Planning Commission. Required improvements shall be constructed in accordance with the detailed design standards and specifications of the Engineering Manager and shall be constructed in accordance with approved plans and profiles and the construction requirements and specifications of the Engineering Manager.

Sec. 17-2-20. - Utilities Improvements in Subdivisions.

- (a) **Storm Drainage.** The analysis and design of drainage systems within the Town shall be subject to the Storm Drainage Design Criteria maintained by the Engineering Manager. The Engineering Manager shall have the authority to make modifications to the Storm Drainage Design Criteria.
- (b) **Sanitary sewerage system.** The analysis and design of sanitary sewage systems within the Town shall be subject to the Construction Standards & Specifications maintained by the Engineering Manager.
- (c) **Potable water system.** The analysis and design of potable water systems within the Town shall be subject to the Construction Standards & Specifications maintained by the Engineering Manager.
- (d) **Fire hydrants.** Fire hydrants shall be installed in accordance with the adopted Fire Code.
- (e) **Underground electric power and telephone distribution system.** Telephone lines and electric lines and other like utility services shall be placed underground unless not feasible. The subdivider shall be responsible for complying with the requirements of this Subsection, and he or she shall make the necessary arrangements, including any construction or installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of the same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities may be placed aboveground; electric transmission and distribution feeder lines and communication long-distance trunk and feeder lines and necessary appurtenances thereto may be placed aboveground. Such facilities shall be placed within easements or public rights-of-way provided for particular facilities. Every effort shall be made to place pedestals as close to corner lot lines as possible. The provisions of this Subsection shall not apply to existing facilities or subdivisions platted prior to the adoption of this Chapter.
- (f) **Nonpotable secondary water systems.**

(1) **Mandatory construction.** All new residential development within those areas of the Growth Management Area of the Town designated by the Town Board as suitable for the construction of nonpotable secondary water systems, shall be required, as part of any subdivision process, to construct a nonpotable secondary water system for irrigation of all residential lots and common areas within the subdivision. Likewise, proponents of all new residential development shall provide for adequate nonpotable water in amounts sufficient in both quantities and quality to operate said system so that the system will provide an assured and sufficient amount of water to adequately irrigate all residential lots and common areas.

(2) **Private Management.**

(A) As a condition of subdivision approval of any residential development wherein a nonpotable secondary water system shall be required, such system shall be operated, repaired and maintained by a metropolitan district, homeowners' association or other public or private entity. The nature and structure of such entity shall be subject to approval by the Town, and the management entity and the Town shall enter into a written agreement prior to final subdivision approval to provide for the entity's management and operation of the nonpotable secondary water system and specifically providing for such credits as may be appropriate from the Town for the construction of such system, including reduced raw water dedication requirements reflective of the existence of a nonpotable secondary water system, as well as reduced water plant investment fees likewise reflective of the existence of the nonpotable secondary water system.

(B) Any agreement between the management entity and the Town shall also provide that the nonpotable water resources designated by the management entity for the operation of the nonpotable secondary water system shall be available both physically and legally in perpetuity, thereby assuring to the Town that in the event the management entity fails and the Town is subsequently required to operate the nonpotable secondary water system, adequate water resources will be available to the Town for the operation of the nonpotable secondary water system. Therefore, the agreement must also provide for the transfer of such water resources, as well as the water acquisition and distribution system, to the Town at its option, should the management entity be unable to operate, repair, maintain and replace the system so that it functions to provide a reliable and sufficient supply of nonpotable water for the purposes set forth in the agreement. The adequacy and reliability of the nonpotable water resources shall be determined by the Town in its sole discretion. Any funds held by or for the management entity for the operation, repair, maintenance and replacement of such system shall also be transferred to the Town, with the use of such funds limited to the operation, repair, maintenance and replacement of such system.

(3) **Establishment of geographical areas where nonpotable secondary water systems shall be required.**

(B) Upon the adoption of the ordinance codified herein, the Town Board shall, by resolution, designate those areas within the Town's Growth Management Area wherein the construction of a nonpotable secondary water system shall be required as a condition of development. Such designation by the Town shall include areas within the Growth Management Area of the Town that have historically been irrigated by agricultural wells or ditch and canal systems, as well as other areas wherein, for reasons of topography and access to raw water, the construction of nonpotable secondary water systems is determined by the Town to be feasible.

(C) The Town may, by a resolution subsequently adopted and after appropriate findings, remove from or add to the original areas wherein nonpotable secondary water systems are required within the Town's Growth Management Area.

(4) **Annexation.** The construction of a nonpotable secondary water system at the time of development shall be a condition of annexation when annexation is proposed for residential development in an area designated for the construction of nonpotable secondary water systems.

(5) **Feasibility review and determination.** In the event it can be established to the satisfaction of the Town Board that the construction of a nonpotable secondary water system as part of new residential development in an area designated for the construction of nonpotable secondary water systems is not economically feasible and would work an undue hardship, the Town Board may relieve the developer from the operation of the ordinance codified herein. Any such determination by the Town Board shall be conditioned upon compliance with the following conditions:

(A) The developer shall submit an application seeking relief from the operation of the ordinance codified herein on a form prescribed by the Town and containing such information and supporting documentation as may be required by the Town.

(B) The developer shall submit an analysis of the economic feasibility of the proposed nonpotable system using a standardized cost benefit analysis approved by the Town.

(C) The developer may submit such additional information and documentation as may be deemed relevant in support of its proposition that the construction of a nonpotable system is not economically feasible and would work an undue hardship, including but not limited to, information concerning the availability

and cost of raw water and issues of engineering relating to the delivery of raw water to the system in question.

(D) Upon receipt of the aforesaid application, cost benefit analysis and additional information and documentation, the Director of Engineering may, in his or her sole discretion, employ such engineers, financial analysts and such other experts as may be necessary to review and evaluate the data provided and to submit an independent analysis of the developer's application for relief from the operation of the ordinance codified herein. The reasonable and necessary expenses incurred by the Town shall be paid by the developer and shall be advanced by the developer as a condition of this process.

(E) Upon the completion of the independent analysis as aforesaid, the Director of Engineering, upon notice to the developer, shall schedule a hearing before the Town Board. At the time of the hearing, the developer and the Town shall each be afforded a full opportunity to present all relevant evidence in the form of testimony and exhibits. Within ten (10) days of the conclusion of the hearing, the Town Board shall prepare and submit a written decision affirming the requirements of the ordinance codified herein or providing the developer relief therefrom. The decision of the Town Board shall be final upon submission of its written decision.

(6) **Regulations.** The Director of Engineering is hereby authorized to develop regulations for the construction and operation of nonpotable secondary water systems. Such regulations shall include, but shall not be limited to, specifications for transmission lines, connections, pumps and storage requirements for nonpotable water.

(g) **Street lighting.** Street lights shall be provided in accordance with the Construction Standards & Specifications maintained by the Engineering Manager.

Sec. 17-2-40. - Reference monuments in subdivisions.

Permanent reference monuments shall be located and placed within the subdivision or development as required by state law. Iron pin monuments at least twenty-four (24) inches long and flush with the surface shall be placed at all points on boundary lines where there is a change in direction, at all block and lot corners and at other points as required by the Engineering Manager.

Sec. 17-2-50. - Maintenance of required improvements.

Adequate provision for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Engineering Manager.

Exhibit D – Land Use Application Procedures Comparison

Application Type		Neighborhood meeting	Notice				Decision Maker			
			Post	Publish	Mail	Mail Radius	Staff	PC	TB	BoA
Annexation	Current	☒	☒	☒	☒	300'	R	R*	D*	
	Proposed	☒	☒	☒	☒	500'	R	R*	D*	
Comprehensive Plan Amendment – Land Use Map	Current						R	D		
	Proposed		☒	☒	☒	300'	R	D*	R*	
Conditional Use Permit	Current		☒	☒	☒	100'	R	R*	D*	
	Proposed		☒	☒	☒	500'	R	R*	D*	
Conditional Use Permit Oil & Gas, Gravel Mining	Current	☒	☒	☒	☒	500'	R	R*	D*	
	Proposed	☒	☒	☒	☒	500'	R	R*	D*	
Height Review	Current		☒	☒	☒	300'	R	D*	A*	
	Proposed		☒	☒	☒	500'	R	D*	A*	
Master Plan	Current					None	R	R	D	
	Proposed	☒	☒	☒	☒	500'	R	R*	D*	
Rezoning	Current	☒	☒	☒	☒	300'	R	R*	D*	
	Proposed	☒	☒	☒	☒	500'	R	R*	D*	
Site Plan - Multifamily	Current						R	R	D	
	Proposed						D	A*		
Site Plan – Commercial/Industrial	Current						D		A	
	Proposed						D	A*		
Subdivision, Major – Final Plat	Current		☒	☒	☒	300'	R	R*	D*	
	Proposed		☒	☒	☒	500'	R	R*	D*	
Subdivision, Major - Preliminary Plat	Current	☒				None	R	D*	A*	
	Proposed		☒	☒	☒	500'	R	D*	A*	
Subdivision – Minor	Current						D			
	Proposed						D	A*		
Vacation of ROW or Easement	Current					None	R	R*	D*	
	Proposed		☒	☒	☒	Abutting	R		D*	
Substantial Change Hearing	Current	<i>Does not currently exist</i>								
	Proposed		☒	☒	☒	500'	R*	R*	D*	
Variance	Current		☒	☒		None	R			D*
	Proposed		☒	☒	☒	150'	R			D*
Variance, Minor	Current		☒	☒	☒	300'	D			
	Proposed		☒	☒	☒	150'	D			

Exhibit E – Comparison of Lot Development Standards by Use

Single Family Dwelling										
Zoning	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height
		Min. Size (sq. ft.)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side	Rear	Rear Abutting Alley	
SF-1 & RMU Existing	n/a	6,000	n/a	(= Lot size - 3000 s.f)	20'	n/a	5'	5'	5'	35'
SF-1 Proposed	Any	6,000	n/a	60%	20'	n/a	5'	10'	5'	40'
RMU-1 Proposed	Any	6,000	n/a	65%	20'	n/a	5'	10'	5'	40'
SF-2 Existing	<i>Not Allowed</i>									
SF-2 Proposed	Standard	6,000	45'	60%	20'	15'	5'	10'	5'	40'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	40'
	Rear	2,500	30'	65%	15'	10'	5'	10'	5'	40'
RMU-2 Proposed	Standard	6,000	45'	60%	20'	15'	5'	10'	5'	40'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	40'
	Rear	2,500	30'	65%	15'	10'	5'	10'	5'	40'

Duplex										
Zoning	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height
		Min. Size (sq. ft.)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side ¹	Rear	Rear Abutting Alley	
SF-2 & RMU Existing	n/a	4,500	n/a	= Lot size -2000 s.f	20'	n/a	5'	5'	5'	35'
RMU-1 Proposed	Any	4,500 ¹	n/a	65%	20'	n/a	5'	10'	35'	40'
SF-2 , & RMU-2 Proposed	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	40'
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	40'
	Rear	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	40'

Townhouse										
Zoning	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height
		Min. Size (sq. ft.)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side ¹	Rear	Rear Abutting Alley	
SF-2 Existing	n/a	4,500	n/a	= Lot size - 2000 s.f	20'	n/a	5'	5'	5'	35'

MF-1 Existing	n/a	2400	n/a	900 s.f. open space required / unit	20'	n/a	½ of building height	½ of building height	½ of building height	55'
MF-2 & RMU Existing	n/a	1400	n/a	450 s.f. open space required/ unit	20'	n/a	½ of building height	½ of building height	½ of building height	35' RMU/ 55' MF-2
RMU-1 Proposed	Any	2400	n/a	80%	20'	n/a	5'	10'	5'	40'
MF, RMU-2, & SF-2 proposed	Rear, or Parking Court	1,400	16'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'

Multiplex <i>(building designed to look like a single-family dwelling, which includes three to five individual dwelling units)</i>										
Zoning	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height
		Min. Size (sq. ft.)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side	Rear	Rear Abutting Alley	
MF, SF-2 & RMU-2 Proposed	Rear, or Parking Court	2,500	80'	70%	15'	10'	5'	10'	5'	40'

Multifamily (apartment/condo building)										
Zoning	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height
		Min. Size (sq. ft.)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side	Rear	Rear Abutting Alley	
MF-1 Existing	n/a	2400	n/a	900 s.f. open space required / unit	20'	n/a	½ of building height	½ of building height	½ of building height	55'
MF-2 & RMU Existing	n/a	1400	n/a	450 s.f. open space required/ unit	20'	n/a	½ of building height	½ of building height	½ of building height	55' MF-2/ 35' RMU
RMU-1 Proposed	Any	1,400	n/a	80%	20'	n/a	½ of building height	½ of building height	½ of building height	55'
RMU-2 Proposed	Rear, Parking Court, or Dispersed Parking Lot	1,400	100'	80%	20'	15'	½ of building height	½ of building height	5'	55'

Commercial									
Zoning	Vehicular Access	Lot Standards			Minimum Setbacks				Building Height
		Min. Size (sq. ft.)	Min. Width	Max. Lot Coverage	Front	Side	Rear	Rear Abutting Alley	
RMU Existing	n/a	20,000	n/a	n/a	25'	20'	20'	n/a	35'
RMU-1 Proposed	Any if outside CCP ¹ Dispersed within CCP	20,000	n/a	80%	25'	20'	20'	n/a	40'
GC Existing	n/a	20,000	n/a	n/a	25'	20'	20'	n/a	55'
GC Proposed	Dispersed	20,000	100' ¹	n/a	20'	20' Keep PC ability to reduce?	20' Keep PC ability to reduce?	n/a	55'
RMU-2 Proposed	Dispersed or Parking Court	5,000	50'	80%	20'	20'	20'	5'	55'

¹CCP- Commercial Corridor Plan

²Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.

Industrial								
Zoning	Vehicular Access	Lot Standards			Minimum Setbacks			Building Height
		Min. Size (sq. ft.)	Min. Width	Max. Lot Coverage	Front	Side	Rear	
RMU Existing	n/a	2x floor area and no less than 20,000	n/a	n/a	30'	20' / 30' if adjoining residential	20' / 30' if adjoining residential	35'
RMU-1 Proposed	Any	5,000	n/a	80%	30'	20' / 30' if adjoining residential	20' / 30' if adjoining residential	35'
IL Existing	n/a	2x floor area and no less than 20,000	n/a	n/a	30'	20' / 30' if adjoining residential	20' / 30' if adjoining residential	75'
IL Proposed	Any	20,000	100' ¹	n/a	30'	20' / 30' if adjoining residential	20' / 30' if adjoining residential	75'
IH Existing	n/a	60,000	n/a	n/a	30' / 200' if adjoining residential	20' / 200' if adjoining residential	20' / 200' if adjoining residential	75'
IH Proposed	Any	60,000	200' ¹	n/a	30' / 200' if adjoining residential	20' / 200' if adjoining residential	20' / 200' if adjoining residential	75'

RMU-2 Proposed	Parking Court or Dispersed Parking Lot	5,000	50'	80%	20'	20'	5'	55'
---------------------------------	--	-------	-----	-----	-----	-----	----	-----

¹Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.



MEMORANDUM

Date: October 12, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From:
Re:
Item #: 2.

ATTACHMENTS:

- ▢ Future Meetings Agenda



FUTURE TOWN BOARD MEETINGS

October 19, 2020 6:00 p.m.	Town Board Work Session with Planning Commission Urban3 presentation regarding Sustainable Infrastructure and Land Use Development Patterns – David Eisenbraun and Scott Ballstadt
October 24, 2020 8:00 a.m.	Operational Budget Discussion
October 26, 2020 5:30 p.m.	Town Board Work Session Water and Sewer Rate Review
October 26, 2020 7:00 p.m.	Town Board Regular Meeting
November 2, 2020 5:30 p.m.	Town Board Work Session Operational Budget
November 9, 2020 5:30 p.m.	Town Board Work Session with Planning Commission 7 th Street Multimodal & Walnut Bikeway Projects Kickoff & Initial Input – Paul Hornbeck
November 9, 2020 7:00 p.m.	Town Board Regular Meeting
November 16, 2020 5:30 p.m.	Town Board Work Session DDA Budget presentation—Matt Ashby Wayfinding Signage Discussion—Matt Ashby Impact Fees (Road Impact, Parks, Drainage, Water, etc.)
November 23, 2020 5:30 p.m.	Town Board Work Session Trailer Parking Poudre River Trail Corridor Strategic Plan Update
November 23, 2020 7:00 p.m.	Town Board Regular Meeting
December 7, 2020 5:30 p.m.	Town Board Work Session Affordable Housing discussion for Strategic Plan
December 14, 2020 5:30 p.m.	Town Board Work Session 2006 SH 392 Environmental Overview Study (EOS) Bypass Alignment
December 14, 2020 7:00 p.m.	Town Board Regular Meeting

December 21, 2020
5:30 p.m.

Town Board Work Session
Board-Manager-Attorney Social

Future Work Session Topics

- Eastman Park Drive Project Kickoff (October 2020)
- Joint Meeting with Town of Windsor, Town of Severance, Fire District and School District – Tentative for Fall of 2020
- Facility Master Plan Check in (January)
- Telecom Code (December or January)
- Poudre Learning Center Presentation (January)
- Comprehensive Plan Review
- Proportional services and amenities for planned population (February 2021)
- Economic development/retail needs based on population levels
- Code Amendments for Reimbursements