



PLANNING COMMISSION REGULAR MEETING

September 7, 2022 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

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

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

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Minutes from the August 3, 2022 Planning Commission Regular Meeting
2. Minutes from the August 17, 2022 Planning Commission Meeting

C. BOARD ACTION

1. Recommendation to Town Board - An Ordinance Amending Portions of the Windsor Municipal Land Use Code, Chapters 14-17 - C. Malone, Chief Planner / K. Emil, Assistant Town Attorney
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

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: September 7, 2022
To: Planning Commission
From:
Re: Minutes from the August 3, 2022 Planning Commission Regular Meeting
Item #: B.1.

Background / Discussion:

Approval of the Minutes from the August 3, 2022 Planning Commission Meeting

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 08.03.22 Draft Planning Commission Regular Meeting Minutes



Planning Commission Regular Meeting

August 3, 2022 - 7:00 PM

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

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:00 p.m.

1. Roll Call

Present:

Charman Schick
Vice-Chair Bushelman
Doug Dennison
Roger Colonnese
Timothy Reddick
Jose Valdes
David Hassard

Absent:

Cindy Beemer
Maxwell Nader

Also Present:

Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Kimberly Lambrecht, Planner II
Ben Bodiker, Visual Media Coordinator
Kaitlyn Cinnamon, Customer Service Administrative Assistant

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

Vice-Chair Bushelman moved to accept the agenda as presented, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, David Hassard; Nays - None; Motion Passed.

3. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the July 20, 2022 Planning Commission Regular Meeting

Meeting minutes from the July 20, 2022 Planning Commission Meeting

Vice-Chair Bushelman moved to approve the consent calendar as presented, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy

Reddick, Jose Valdes, David Hassard; Nays - None; Motion Passed.

C. BOARD ACTION

1. Public Hearing - Conditional Use Grant (CUG) for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial (LI) zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant

The applicant, Tony Ollila, GYS Development LLC is requesting approval of a Conditional Use Grant (CUG) for outdoor storage of RVs and Boats at the Falcon Point Self Storage located at 600 Gyrfalcon Court (Lot 2, Falcon Point Subdivision 2nd Filing). The proposed exterior storage of RVs/Boats is not specifically included as a permitted use or permitted accessory use in the Limited Industrial (LI) zone district per Section 16-1-130 of the Town of Windsor Municipal Code, thus a Conditional Use Grant will be required.

Town Board Liaison Tallon read the following statement aloud "Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings.

Chairman Schick asked the applicant, Tony Ollila, if he was okay with the conditions that had been stated, to which the applicant replied yes.

Commissioners asked questions of the staff and the applicant.

Vice-Chair Bushelman moved to close the public hearing, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, David Hassard; Nays - None; Motion Passed.

2. Recommendation to Town Board - Conditional Use Grant (CUG) for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant

Please refer to public hearing materials.

Commissioner Dennison moved to forward a recommendation of approval to Town Board for a Condition Use Grant for temporary outdoor storage of RVs/Boats in the limited industrial zone district in Falcon Point Subdivision 2nd filing, Lot 1 subject to the three conditions that were listed by staff, Commissioner Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, David Hassard; Nays - None; Motion Passed.

3. Public Hearing - Request to Rezone from General Commercial (GC) zone district to Limited Industrial (LI) zone district - East Pointe Subdivision, Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, Owner's Representative

The owner / applicant, Mr. Chris Ruff, of East Pointe LLC, has submitted a rezoning

application to rezone 7.214 acres from General Commercial (GC) to Limited Industrial (LI). The proposed rezoning is located within the East Pointe Subdivision, southeast of the intersection of State Highway 392 and State Highway 257 (more particularly, south of Pointe Plaza Drive, approximately 700 feet east of State Highway 257).

Commissioners asked additional questions of staff.

Vice-Chair Bushelman moved to close the public hearing, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, David Hassard; Nays - None; Motion Passed.

4. Recommendation to Town Board - Request to Rezone from General Commercial (GC) zone district to Limited Industrial (LI) zone district - East Point Subdivision, Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, Owner's Representative

Please refer to public hearing materials.

Commissioner Dennison moved to forward to Town Board a recommendation of approval for a request to rezone from general commercial zone district to limited industrial zone district for East Point Subdivision, Lot 1 subject to any conditions previously stated, Commissioner Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, David Hassard; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

2. Communications from Town Board Liaison

Town Board Liaison Tallon reported that Bob Ball has been hired as the Emergency Management Coordinator for the Town.

3. Communications from Staff

Per Mr. In Ballstadt, there will be a joint meeting with the Town Board on August 22nd regarding the land use code clean-up ordinance. There will also be a comprehensive plan update kick-off meeting in September and further details will be coming. There will be more information provided at a later date for the upcoming APA conference.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:45 p.m.

Karen Frawley, Town Clerk



MEMORANDUM

Date: September 7, 2022
To: Planning Commission
From: Karen Frawley, Town Clerk
Re: Minutes from the August 17, 2022 Planning Commission Meeting
Item #: B.2.

Background / Discussion:

Approval of the meeting minutes from the August 17, 2022 Planning Commission meeting

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 08.17.22 Draft Planning Commission Meeting Minutes



Planning Commission Regular Meeting

August 17, 2022 - 7:00 PM

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

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:00 p.m.

1. Roll Call

Present:

Chairman Schick
Vice-Chair Bushelman
Doug Dennison
Roger Colonnese
Timothy Reddick
Jose Valdes
Cindy Beemer

Also Present:

David Hassard, Alternate Commissioner
Town Board Liaison Tallon
Scott Ballstadt, Planning Director
David Eisenbraun, Senior Planner
Kimberly Lambrecht, Planner II
McKenzie Paine, Visual Media Supervisor
Reese Lampe, Digital Media Coordinator
Kaitlyn Cinnamon, Customer Service Administrative Assistant

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

Vice-Chair Bushelman moved to approve the agenda as presented, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

3. Public Invited to be Heard

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

B. BOARD ACTION

1. Public Hearing - Request to Rezone from Estate Residential (ER) to Single Family Residential (SF-1) - Trautman 5th Filing, Owner Martin Lind

The Trautman Farms project area contains 78.73 acres and is petitioning to change the zoning designation from Estate Residential (ER) to Single Family Residential (SF-1). The project is located on Lots 7-19 and 23-36 of the Second Filing and Tract B, Fourth Filing

Trautman Farms. It is bordered by Weld County Road 17 to the west, with the closest intersection being the roundabout at East Crossroads Boulevard and WCR 17. The intent of the change in zoning is to create more flexible development parcels than the Estate Residential designation allows to adapt to the current market conditions. The applicant is seeking to modify the current layout to provide a more traditional single-family development. The Single Family Residential zone designation provides the flexibility for these adaptations. This zone change also required a Land Use Amendment change for this property, which was approved by the Planning Commission July 2022.

Town Board Liaison Tallon read the following statement aloud "Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings.

Commissioners asked clarifying questions of staff.

Vice-Chair Bushelman moved to close the public hearing, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdez, Cindy Beemer; Nays - None; Motion Passed.

2. Recommendation to Town Board - Request to Rezone from Estate Residential (ER) to Single Family Residential (SF-1) - Trautman 5th Filing, Owner Martin Lind

Please see public hearing item.

Commissioner Beemer moved to forward a recommendation to Town Board for approval of a rezone request from estate residential to single family residential within the Trautman 5th filing, Commissioner Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

3. Public Hearing – Request to Rezone from Light Industrial (LI), Heavy Industrial (HI) and Residential Mixed Use One (RMU-1) to General Commercial (GC) and Residential Mixed Use Two (RMU-2) and Master Plan Amendment for the Great Western Industrial Park Second Annexation - 2nd Amendment, Dean Brown, Applicant's Representative

The property has been part of the following Master Plans and Amended Master Plan and PUD Rezone processes: 2007: Great Western Second, Third and Fourth Annexation dated January 2007: The western portion of the initial 2007 Great Western Second, Third and fourth Annexation envisioned a mixed-use neighborhood with general commercial/retail along the intersection of State Hwy 257 and Eastman Park Drive, a mix of residential uses central to the site and light industrial to the east as a transition the existing Industrial uses with the Great Western Industrial Park.

Commissioner Reddick moved to close the public hearing, Vice-Chair Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy

Beemer; Nays - None; Motion Passed.

4. Recommendation to Town Board - Request to Rezone from Light Industrial (LI), Heavy Industrial (HI) and Residential Mixed Use One (RMU-1) to General Commercial (GC) and Residential Mixed Use Two (RMU-2) for the Great Western Industrial Park Second Annexation - 2nd Amendment, Dean Brown Applicants Representative

Please see public hearing item

Commissioner Beemer moved to forward a recommendation to Town Board to approve the request to rezone from light industrial, heavy industrial and residential mixed use one to general commercial and residential mixed use two for the Great Western Industrial Park second annexation - 2nd amendment, Commissioner Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

5. Recommendation to Town Board - Request for a Master Plan Amendment for the Great Western Industrial Park Second Annexation - 2nd Amendment, Dean Brown Applicants Representative

Please see public hearing item.

Commissioner Beemer moved to forward a recommendation to Town Board approving a request for a master plan amendment for the Great Western Industrial Park Second Annexation - 2nd Amendment, Commissioner Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

6. Public Hearing – Request to Rezone from General Commercial (GC) to Residential Mixed Use One (RMU-1) in the Fossil Creek Ranch Subdivision and a Master Plan Amendment for the Fossil Creek Meadows Annexation – Horton Feedlots, Inc., Owner – John Beggs, Russell+Mills Studios, Applicant's Representative

Proposal

The applicant, Horton Feedlots, Inc., represented by Mr. John Beggs of Russel+Mills Studios and Ms. Mary Wohnrade of Wohnrade Civil Engineers, has submitted a rezoning application to rezone a portion of the existing General Commercial (GC) zone district (21.82 acres) to the Residential Mixed Use One (RMU-1) zone district in the Fossil Creek Ranch Subdivision, and to amend the approved Fossil Creek Meadows Master Plan to compliment the rezone. These applications are running concurrently and will be presented together.

Commissioners asked clarifying questions to staff.

Commissioner Dennison moved to close the public hearing, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

7. Recommendation to Town Board – Request to Rezone from General Commercial (GC) to Residential Mixed Use One (RMU-1) in the Fossil Creek Ranch Subdivision – Horton Feedlots, Inc., Owner – John Beggs, Russell+Mills Studios, Applicant's Representative

Please refer to materials presented for the Public Hearing.

Commissioner Beemer moved to forward a recommendation to Town Board approving the request to rezone from general commercial to residential mixed use one in the Fossil Creek Ranch subdivision, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

8. Recommendation to Town Board – Request for a Master Plan Amendment – Fossil Creek Meadows Annexation – Horton Feedlots, Inc., Owner – John Beggs, Russell+Mills Studios, Applicant’s Representative

Please refer to materials presented for the Public Hearing.

Commissioner Beemer moved to forward a recommendation to Town Board to approve a request for a master plan amendment in Fossil Creek Meadows Annexation, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

C. COMMUNICATIONS

1. Communications from Planning Commission

Commissioner Reddick thanked staff for the work done in providing historical data for the Raindance subdivision.

2. Communications from Town Board Liaison

Town Board Liaison Tallon reported that the 2023 budget planning has started with staff. Town Board Member Tallon reported there was a survey that was out to residents regarding the open space and trails tax addition and it was favorable.

3. Communications from Staff

Per Mr. Eisenbruan, the first event for the comprehensive plan update will be held on September 14th at the Windsor Mill Event Space from 4:00 to 7:00 p.m.

Per Mr. Ballstadt, reminder that Monday night there will be a joint meeting with the Town Board regarding the land use code update ordinance.

D. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:18 p.m.

Karen Frawley, Town Clerk



MEMORANDUM

Date: September 7, 2022
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Recommendation to Town Board - An Ordinance Amending Portions of the Windsor Municipal Land Use Code, Chapters 14-17 - C. Malone, Chief Planner / K. Emil, Assistant Town Attorney
Item #: C.1.

Background / Discussion:

Chapters 14 through 18 of the Town's Municipal Code, which collectively make up the Town's Land Use Code, were updated in February 2021. Implementation of the code in the time since adoption has revealed some areas that were inadvertently omitted and other areas in need of minor revision. The following updates for Chapters 14-17 consist primarily of necessary corrections or clarifications, with some proposed amendments where action is needed to resolve ongoing issues with the current code.

On August 22, 2022, the Planning Commission and Town Board held a work session to discuss the proposed changes to the land use code. Based upon the direction from this work session, modifications were incorporated into the attached ordinance. This memorandum summarizes the proposed changes and reasons behind those changes, as well as the modifications made from direction received at the joint work session.

Sections 1, 4-17, and 19-23 include minor revisions, such as incorrect references, missing information, or necessary clarifications. Sections 2, 3, and 18 require further explanation. This memorandum discusses the minor revisions first, followed by those sections requiring further explanation.

Section 1

Section 14-2-140(d) was added to include a notification section for Minor Variance, which was missing. This section is consistent with the notification section for a Major Variance.

Sections 2 - 3 (see explanations on following pages)

Section 4

Comprehensive plan amendment, Section 14-2-200. The public notice requirement was amended to match the requirements within Table 14-2-10(h) – Public Notice Requirements. Further language regarding the notification process was added, consistent with state statutes.

Section 5

Thirty-six (36) definitions in Article V of Chapter 14 were inadvertently omitted and will be restored.

Table 15-3-30(b) amends correct numbering and rows for the required landscape areas table.

Section 6

Table 15-3-30(b)(8)(C) was amended to correct numbering and rows in the landscaping bufferyards by zone district requirement standards.

Table 15-3-30(b)(8)(C) – Zone Boundary Bufferyard Standards – inadvertently listed a landscaped bufferyard as being required between two properties both zoned Limited Industrial, when the intent was

to require bufferyards between different, potentially incompatible zone districts. Therefore, this requirement will be removed.

Additionally, the buffer requirement for residential development proposed next to Heavy Industrial was insufficient. Therefore, the buffer requirement will be changed from “A” to “B” to ensure an appropriate buffer.

Section 7

Sec. 15-5-10(c) regarding alternative compliance for access and driveway standards had incorrectly referenced the wrong table and has been corrected.

Section 8

There were errors in section numbering in Section 15-5-20 (parking requirements) that have been corrected.

Section 9

Section 15-5-20(g) has been added. The code previously prohibited parking lots that required backing into right-of-way due to safety concerns. This requirement was inadvertently removed in the code update and has been restored with this ordinance.

Section 10

Section 15-5-30(m) was added to restrict off-street parking lots from being designed with spaces requiring vehicles to back into any public or private street.

Section 11

Section 15-8-40(10)(a) references an incorrect section and was updated from Chapter 15, Article II Site Lighting to Chapter 15, Article XII, Site Lighting.

Section 12

Section 15-10-10(b) regarding residential design standards for single family detached buildings has been modified. The current code does not address slab on grade foundations. Where floodplain or groundwater issues exist, an exception to a recessed foundation and crawl space is needed. This language has been included in the ordinance.

Section 13

Section 15-11-10 regarding fences and walls has been updated due to concerns staff have heard from homeowners living adjacent to businesses. Proposed changes are:

- Allow fences to be a maximum of 8’ tall rather than 6’ when abutting a commercial/industrial use
- Allow fences across the street from commercial/industrial uses to be 8’ tall rather than 6’ tall, provided the area over 6’ in height is at least 50% transparent.

Section 14

Regarding the Town Historic Preservation Commission actions, an error in Section 15-16-40 (1) states “improve” instead of “approve” and will be corrected. Additionally, clarification has been added regarding the actions the commission could take on an application for designation. Last, language was added regarding the written report of the commission’s decision to the Town Board for consideration and final action.

Section 15

Section 15-17-80(2) regarding residential district signage has been modified to change the retired term of “offset” with the correct terminology of “setback”.

Section 16

The previous Code included two estate residential zones: E-1 and E-2. The E-1 zone was originally intended to allow septic sewer systems on lots over 2.5 acres in size, which the Town no longer allows. Since septic is no longer allowed, the update combined the two estate zones into a single zone; however, it failed to include two sets of standards needed to ensure consistency with the historical development patterns of the two zones. Therefore, this update includes different standards for lots less than 2.5 acres in size and lots greater than 2.5 acres in size.

Section 17

Accessory uses for the Estate Residential zone district were inadvertently omitted in the code update and are being restored.

Section 18 – Single Family Attached Residential (SF-2) Zone District (see explanation on following pages)

Section 19

Correction of a typographical error was corrected in Table 16-1-70, Footnote 3.

Section 20

Section 16-3-10 – Accessory Buildings. Staff have found both the old and updated code to be overly restrictive on the location of accessory structures on corner lots, particularly when a homeowner wants to install a shed. Accessory structures are currently required to be located behind the rear corner of the principal building. This is especially burdensome for corner lots. The proposed update allows accessory structures:

- greater than 120 square feet to adhere to the setbacks required within the applicable zoning district in which the building is located.

less than 120 square feet (i.e., small sheds) to be located adjacent to the secondary front on corner lots, if a fence is provided for screening.

Section 21

Section 17-2-10. – General regulations for subdivisions.

The amendments proposed for this section are clarifications, including the clarification that the Town requires financial security for the construction of private streets not intended for dedication to the Town, as well as storm drainage improvements, but such security will be returned in full upon satisfactory inspection of the improvements.

Section 22

The reference to “Engineering Manager” will be amended to “Director of Community Development or designee” in several sections of Chapter 17.

Section 23

The reference to “Sanitary sewerage system” will be amended to “sanitary sewer system” in Section 17-2-20(b).

SECTIONS WITH FURTHER INFORMATION AND EXPLANATION.

Section 2 – Public Notice Requirements

There are currently conflicts between the Public Notice Requirement table and the respective sections for both the minor variance notification and major variance notification. Currently, the minor variance application requires a greater radius (300') than the major variance application (150'). At the Planning Commission-Town Board Work Session held on August 22, 2022, the direction provided to staff was to modify the notification radius to 300' for both types of variance applications.

Section 14-2-10(h) – the table referencing the minor variance public notification radius requirement of 150’ was changed to a 300’ radius to match the minor variance section requiring a 300’ radius.

Section 14-2-10(h) – the table referencing the major variance public notification radius requirement of 150’ was changed to 300’ radius.

Comprehensive Plan Amendment, Land Use Map Amendment, and Variance timing of public hearing notice will be modified from ten (10) days to fifteen (15) days to be consistent with the timing required for rezoning hearings and state statutes.

Vested Property Rights public notice requirements were added to table.

Section 3 – Major Variances

The definition of “undue hardship” was inadvertently omitted from section 14-2-150(c)(1) regarding the criteria for approval of a variance by the Board of Adjustment. At the Planning Commission-Town Board work session, this matter was discussed further, with the concern that the previous code language was too restrictive. The definition below created challenges for applicants, staff, and board of adjustment/appeals when analyzing an application, especially when considering the language “cannot be reasonably used.” Direction from the work session was for staff to craft language that would consider practical difficulties and exceptional situations or conditions of a property.

For reference, the prior code language regarding “undue hardship” was as follows:

For the purposes of this Section, undue hardship shall be defined as a situation where the property cannot be reasonably used under the conditions allowed by this Code. The situation shall result from circumstances unique to the property and shall not be created by the landowner. The variance, if granted, shall not alter the essential character of the surrounding neighborhood. Economic considerations alone shall not constitute an undue hardship if a reasonable use for the property exists under the provisions of this Code. It is the responsibility of the landowner to prove that an undue hardship exists.

The proposed language focuses on extraordinary and exceptional practicality difficulties because of circumstances unique to the property (Page 2 of ordinance).

Section 14-2-140(d) Notice. The objection and resolution period for a variance will change from ten (10) days to fifteen (15) days to allow for a reasonable timeframe for an applicant and party objecting to the variance to resolve matters prior to the Board of Adjustment public hearing.

Section 18 – Single Family Attached Residential (SF-2) District

Section 16-1-50. – Single-family attached residential (SF-2) District.

This zone district existed under the previous code and had never been used. Modifications were made to this zone district to broaden the uses and lot standards with the thought that smaller parcels or infill areas could utilize this zone district; however, both the MF (Multifamily) residential zone district and RMU-1 (Residential Mixed Use-One) zone districts offer the same housing diversity that SF-2 offers for properties of any acreage. The SF-2 zone district does not require amenities or open space requirements per unit, as compared with the RMU-1 or MF zone districts, essentially creating a loophole from these requirements. Therefore, the SF-2 zone district would be retired. The two properties that have been zoned SF-2 since the code update (Trevenna Annexation and a portion of the Tacincala Annexation) would retain this zone district and be specifically identified in this update.

Section 16-1-50(e)(1) has been amended, deleting the term “cottage dwellings” from the SF-2 zone district list of principal uses. There currently is no definition for cottage dwellings and this term has been deemed unnecessary.

Financial Impact:**Relationship to Strategic Plan:****Recommendation:**

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance concerning amendments to portions of the Windsor Municipal Land Use Code, Chapters 14-17.

CC:

Scott Ballstadt, Director of Planning

Attachments:

1. Ordinance Amending Portions of the Windsor Municipal Land Use Code - Chapters 14-17

TOWN OF WINDSOR

ORDINANCE NO. 2022-

AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE WINDSOR MUNICIPAL LAND USE CODE CONCERNING AMENDMENTS TO CHAPTERS 14-17

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

WHEREAS, the Town has deemed it to be in the best interests of the health, safety, and welfare of the residents of Windsor to keep the content of the *Windsor Municipal Code* (“Code”) current by making certain corrections and amendments from time to time; and

WHEREAS, the Town created and adopted the Windsor Land Use Code consisting of Chapters 14, 15, 16 and 17 of the Windsor Municipal Code on January 14, 2020, by Ordinance No. 2020-1620; and

WHEREAS, since adoption, the Town has become aware there were certain items omitted, and other items needed clarification; and

WHEREAS, the Town of Windsor desires to amend certain portions of the Land Use Code; and

WHEREAS, the Town intends that all previously enacted and adopted provisions pertaining to the Windsor Land Use Code shall remain intact as adopted unless expressly amended herein; and

WHEREAS, the amendment of the foregoing codes serves to promote the public health, safety, and welfare of the Town.

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

Section 1. Section 14-2-140(d) concerning Minor Variance notice, is hereby amended and shall read as follows:

14-2-140(d) Notice. Notice of the minor 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 fifteen (15) days of the date of the Notice. If an objection is received by the Town, the applicant shall address the objection within fifteen (15) days of the Notice of Objection provided to the applicant by the Town. If the objection cannot be resolved within the fifteen (15) days, the minor variance request shall be forwarded to the Board of Adjustment for a decision.

Section 2. Table 14-2-10(h) is hereby amended and shall read as follows:

Table 14-2-10(h) Public Notice Requirements					
	Posted	Published	Mailed	Distance	Timing
Annexation	☑	☑	☑	500'	See Sec. 14-2-30
Appeals	☑	☑	☑	500'	10 days
Code Amendment		☑			10 days
Comprehensive Plan Amendment	☑*	☑	☑*	500'	15 days
Conditional Use Permit	☑	☑	☑	500'	10 days
Conditional Use Permit Oil & Gas, Gravel Mining	☑	☑	☑	500'	10 days
Height Modification	☑	☑	☑	500'	10 days
Land Use Amendment	☑	☑	☑	500'	15 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
Vacation of ROW or Easement	☑	☑	☑	Abutting	10 days
Variance	☑	☑	☑	300'	15 days
Variance, Minor	☑	☑	☑	300'	See Sec. 14-2-140(d)
Vested Property Rights	☑	☑	☑	500'	15 days

*Required for amendments to Land Use Map

** Distance calculations shall exclude rights of way and private drives

Section 3. Portions of section 14-2-150, concerning major variances is hereby amended by amending subsection (c)(1) and creating subsection (f) to read as follows:

Sec. 14-2-150(c)(1). Where, special circumstances exist, that strict application of the standards adopted in this development code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner. For the purposes of this Section, undue hardship and practical difficulties means a situation where the property cannot be reasonably used under the conditions allowed by this *Code*, and are neither a result of a situation created by the property owner, nor exclusively due to economic or cost considerations. The situation shall result from circumstances unique to the property, such as, exceptional narrowness, shallowness, or shape of a specific piece of property, topographic conditions, existing lot configuration, existing building locations on or adjacent to the property or other extraordinary and exceptional situation or condition of such piece of property that would result in peculiar and exceptional practical difficulties to, or exceptional undue hardship. Relief by variance may be granted if there is no substantial detriment to the public good and if it does not substantially impair the intent

and purpose of the Comprehensive Plan and this *Code*. The variance, if granted, shall not alter the essential character of the surrounding neighborhood. Economic considerations alone shall not constitute an undue hardship if a reasonable use for the property exists under the provisions of this Code. It is the responsibility of the landowner to prove that an undue hardship exists.

Section 14-2-150(f) Notice. Notice of the major variance request shall be provided to adjacent neighboring property owners 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 fifteen (15) ten of the date of the Notice. If an objection is received by the Town, the applicant shall address the objection within fifteen (15) days of the Notice of Objection provided to the applicant by the Town. If the objection cannot be resolved within the fifteen (15) ten, the major variance request shall be forwarded to the Board of Adjustment for a decision.

Section 4. Section 14-2-200 concerning Comprehensive plan amendments is hereby amended by removing the requirement to refer to Town Board for recommendations to Planning Commission, and shall read as follows:

Sec. 14-2-200. - Comprehensive plan amendment.

The Planning Commission may amend, supplement, change or repeal the Comprehensive Plan and Land Use map boundaries set forth in this Code, after public hearing, thereon at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation.

Section 5. Chapter 14, Article V is hereby amended by adding the following definitions to be inserted in the existing definitions by alphabetical order:

Clinic, medical or dental means a group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices but not including bed-patient care.

Enclosed storage facilities mean facilities intended or used for the public or private keeping of personal property and which are fully screened from view from public and private streets and neighboring properties, and within which the keeping of personal property is the intended or actual principal use of the property. Enclosed storage facilities include, but are not limited to, fully enclosed storage units (i.e., structures consisting of four [4] walls and a roof).

Farmers markets means the sale of agricultural products in a marketplace setting, consisting of multiple booths in a single location on consistent days of operation.

Gasoline service station means a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and including facilities for greasing, oiling, washing and minor repair of vehicles on the premises but not including major automatic car washing or any body repair facilities.

Hospital means an institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A *hospital* shall be distinguished from a clinic by virtue of providing for bed-patient care.

Hotel means a building in which lodging with or without meals is offered for compensation but not including kitchen facilities in individual rooms.

Kennel means any establishment wherein or whereon the business of boarding, training, selling, or breeding dogs for sale is carried on, not, however, including veterinary hospitals, veterinary clinics, veterinary offices, or pet shops. If the occupants of any dwelling unit harbor more than four (4) dogs over the age of six (6) months, such occupants shall be deemed to be operating a kennel.

Minor tenant means any use that (1) contains gross leasable area (GLA) equal to or less than five thousand (5,000) square feet and (2) if part of a multiple tenant building, the use is not the largest tenant, in terms of GLA, in the building that it occupies.

Manufactured home means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- c. Is installed on an engineered permanent foundation;
- d. Has brick, wood, masonite or a cosmetically equivalent exterior siding and a pitched roof;
- e. Meets or exceeds on an equivalent performance engineering basis standards established by the Building Code of the Town.
- f. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended.

Motel means a building or series of buildings in which lodging is offered for compensation and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

Outdoor recreational facilities mean land and structures, along with accessory equipment, designed and utilized for leisure-time activities of a predominantly outdoor

nature and of more specific purposes than passive park-like open areas and further classified as follows:

- a. *Public* - Facilities owned and operated by a governmental agency for limited or general public use.
- b. *Private commercial* - Facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.
- c. *Private group* - Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.
- d. *Private residential* - Facilities owned by an individual, located on the same lot as or an adjoining lot to his or her residence and intended solely for the use of his or her family and guests.

Outdoor storage, accessory means any outdoor keeping of personal property that is normally auxiliary to the principal industrial use.

Place of assembly (large) means a building with a seating capacity exceeding four hundred (400) persons, located adjacent to one (1) or more major collector or arterial streets, and intended to be used entirely, or in part, for the gathering together for such purposes as presentations, deliberation, entertainment, amusement or awaiting transportation services. Such uses shall include, but shall not be limited to, religious institutions, lodges, community halls, community centers, funeral parlors and funeral homes, libraries, museums, municipal buildings, meeting halls, auditoriums, and theaters.

Place of assembly (small) means a building with a seating capacity not to exceed four hundred (400) persons, intended to be used entirely, or in part, for the gathering together for such purposes as presentations, deliberation, entertainment, amusement or awaiting transportation services. Such uses shall include, but shall not be limited to, religious institutions, lodges, community halls, community centers, funeral parlors and funeral homes, libraries, museums, municipal buildings, and meeting halls.

Private lodge or club means a structure or grounds used for regular or periodical meetings or gatherings of a group of persons organized for a nonprofit purpose but not groups organized to render a service customarily carried on as a business.

Professional office means the office of a doctor, dentist, architect, engineer, lawyer, or other similar recognized profession.

Real estate signage means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

Religious institution means any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the

Internal Revenue Code or applicable state law, where such building is intended to be used as a place of worship.

Retail store means a commercial establishment for the sale of material goods or commodities in relatively small quantities directly to the consumer.

Seasonal sales mean temporary sales of a product or service which is holiday-specific, such as Christmas tree sales, Halloween pumpkin sales and the like, whether or not such product or service is offered for distribution from a temporary structure.

Seasonal sales permit means any approval for seasonal sales issued by the Director of Planning pursuant to the provision of this code

Sign means any structure or part thereof or any device attached to a structure, or any other form of visual communication applied by paint, illumination, embossing or other technique to a structure for the purpose of directing advertising, informing, warning or otherwise conveying information visually to the viewer.

Sign, directional means a sign intended solely for the purpose of guiding or directing pedestrian or vehicular traffic within an establishment and not including promotional advertising unnecessary to such directional purpose. Examples of directional signs include "entrance," "exit," "no parking" or "loading only" and other similar directives. *Directional signs* shall not count toward the overall total number of signs on the site due to their informational nature as opposed to signs used for promotion or advertising.

Sign, individual letter means signs which consist of individual letters that are mounted to a wall, or individual letters mounted to a "raceway" base to be mounted to a wall, which utilize the building wall as the background, or freestanding individual letters that are mounted to a monument base.

Sign, off-premises means a sign not directly related to the use of the premises on which such off-premises sign is located.

Sign, regulatory traffic means traffic control and informational signage typically erected or required to be erected by government agencies such as the Town or the Colorado Department of Transportation.

Sign, teardrop means a lightweight, vertically oriented, freestanding, tapered banner-type sign not exceeding fifteen (15) feet in height from the base to the top of the sign.

Small group living facilities means state-licensed group homes for the developmentally disabled or mentally ill, nonprofit, or owner-occupied group homes for the aged as defined in Section 31-23-303(2), C.R.S., wherein not more than eight (8) unrelated individuals are living together in a single dwelling unit with common access to and common use of all living and eating areas and all facilities for the preparation and serving

of food within the dwelling unit. None of the residents of small group living facilities shall receive on-site medical or psychological treatment, therapy, or counseling, but some or all of the residents may receive physical assistance with day-to-day living activities.

Street frontage means that portion of a legal lot which abuts a designated public or private street. For the purpose of overall development identification sign calculations, the street frontage shall be calculated as the street frontage that abuts a street classified as an arterial or collector adjacent to the property upon which the overall development is located.

Structure means a combination of materials, other than natural terrain or plant growth, erected or constructed to form a shelter, enclosure, retainer, window well, container, support, base, or decoration. The word *structure* includes buildings.

Structure, principal means the structure on a lot in which the principal use is conducted (see use, principal).

Telecommuting means the conduct of business-like activities in a residential dwelling unit that:

- a. Is clearly incidental to and is associated with a specific employment activity which has its primary address elsewhere;
- b. Does not include business activities such as visits to the dwelling unit by vendors, customers, or clients; and
- c. Does not entail any commercial shipping and/or receiving activities being conducted at the dwelling unit.

Yard, Front means the area of a lot within the Front Setback, as defined in this Code. In the case of lots with more than one street frontage, *Primary Front Yard* means the area within the front setback that abuts the lot line which the primary entrance of the principal building faces or to which the building is addressed, and all other yards abutting a street shall be *Secondary Front Yards*.

Section 5. Table 15-3-30 (b), Required Landscape Areas, is hereby amended to correct numbering of the rows and shall read as follows:

Table 15-3-30(b) Required Landscape Areas

Landscape Component	Width (min.)	Trees	Shrubs
1 — Tree Lawn Sec. 15-3-30(b)(1)	Varies	1 Street Tree per 40'	—
2 — Street Front Sec. 15-3-30(b)(2)	Arterial roads: 20' All other roads: 15'	1 per 50' of street frontage	1 per 5' of street frontage.

3 — Parking Lot Exterior Sec. 15-3-30(b)(3)	6'	1 per 40'	1 per 2.5'
4 — Parking Lot Interior Sec. 15-3-30(b)(4)	n/a	1 per single row parking lot island and 2 per double row parking lot island; and 1 per 40' of landscape separator	5 per single row landscape island
5 — Foundation Area Sec. 15-3-30(b)(5)	5'/ 10' ¹	n/a	1 per 5'
6 — Detention Ponds Sec. 15-3-30(b)(6)	n/a	1 per 40' around perimeter	—
7 — Other Planting Areas Sec. 15-3-30(b)(7)	Varies	1 per 3,000 s.f.	1 per 250 s.f.
8 — Bufferyards Sec. 15-3-30(b)(8)	See Sec. 15-3-30(b)(8)		

¹ Foundation Area shall be five (5) feet in width generally and ten (10) feet in width immediately adjacent to public or private roads or access drives used by the general public.

Section 6. Table 15-3-30(b)(8)(C) is hereby amended and shall read as follows:

Table 15-3-30(b)(8)(C) Zone Boundary Bufferyard Standards

ADJOINING ZONE												
Zoning of Proposed Development	MH	ER	SF-1	SF-2	MF	RMU-1	RMU-2	NC	GC	CB	LI	HI
MH	-	B	B	B	B	*	*	A	A	-	A	B
ER	-	-	-	-	-	-	-	A	A	-	A	B
SF-1	-	-	-	-	-	-	-	A	A	-	A	B
SF-2	-	-	-	-	-	-	-	A	A	-	A	B
MF	B	B	B	B	-	*	*	A	A	-	A	B
RMU-1	*	*	*	*	*	*	*	*	*	*	*	*
RMU-2	*	*	*	*	*	*	*	*	*	*	*	*
NC	B	B	B	B	B	*	*	-	-	-	-	-
GC	C	C	C	C	C	*	*	-	-	-	-	-
CB	-	-	-	-	-	-	-	-	-	-	-	-
LI	C	C	C	C	C	*	*	C	C	C	C	-
HI	D	D	D	D	D	*	*	C	C	C	B	-

*Varies

Note: See [Section 15-3-30\(b\)\(8\)](#) for RMU bufferyard requirements

Section 7. Section 15-5-10(c), concerning vehicular access requirements, is hereby amended and shall read as follows:

Sec. 15-5-10(c). Alternative Compliance. Upon request by the applicant, the decision maker may approve an alternative access type not shown in Table 15-5-10(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:

- (1) The proposed access minimizes conflicts between vehicles, bicycles, and pedestrians and does not inhibit safe and convenient pedestrian and bicycle access and provides connections equally well or better than would a proposal which complies with the standards for which alternative compliance is requested.
- (2) The proposed access minimizes the visibility of pavement, parking areas, and garages equally well or better than would a proposal which complies with the standard for which alternative compliance is requested.
- (3) The proposed access promotes health, safety, and welfare equally well or better than would a proposal which complies with the standard for which alternative compliance is requested.

Section 8. Portions of Section 15-5-20, Parking requirements for buildings and uses outside of downtown parking district, of the *Windsor Municipal Code* are hereby amended as follows:

- Sec. 15-5-20(c)(6) becomes Sec. 15-5-20(d)
- Sec. 15-5-20(c)(7) becomes Sec. 15-5-20(e)
- Sec. 15-5-20(c)(8) becomes Sec. 15-5-20(f)

Section 9. Section 15-5-20 of the *Windsor Municipal Code* is hereby amended by adding new section 15-5-20(g) in which (g) shall read as follows:

Sec. 15-5-20 (g). No Backing Into Right-of-Way. No off-street parking stall shall be designed so as to require vehicles to back into any public or private roadway.

Section 10. Section 15-5-30, concerning Parking requirements for buildings and uses within downtown parking district, of the *Windsor Municipal Code* is hereby amended by adding new section 15-5-30(m) in which (m) shall read as follows:

Sec. 15-5-30(m). No Backing Into Right-of-Way. No off-street parking stall shall be designed so as to require vehicles to back into any public or private roadway.

Section 11. Section 15-8-40(10)(a) is hereby amended, and shall read as follows:

Sec. 15-8-40(10)(a) In addition to compliance with Chapter 15, Article XII Site Lighting, the following lighting standards shall apply:

- i. In no event shall lighting negatively affect the safe passage of traffic on public roadways adjacent to or in proximity of the site.
- ii. Exterior building lighting and display lighting shall include fixtures with a dimming interface.
- iii. Light poles within one hundred (100) feet of a residential use or residentially zoned property shall not exceed twenty (20) feet in height.
- iv. Outdoor lighting shall be limited to a maximum of one thousand (1,000) candela per square meter (nits).
- v. Outdoor lighting shall be L.E.D. (light emitting diode) "Dark Sky" compliant, per the International Dark Sky Association requirements for reducing light pollution and minimizing glare, sky glow, spill light and obtrusive light.
- vi. Light bulbs shall be soft-white or warm-white hues.
- vii. A photometric plan illustrating compliance shall be submitted.

Section 12. Section 15-10-10 (b), concerning residential design standards for single family detached buildings, is hereby amended to add an exception, and shall read as follows:

Sec. 15-10-10 (b) All dwellings shall be set on and attached to a permanent recessed foundation and shall include a crawl space. The Community Development Director or designee may grant exceptions allowing slab on grade foundations, as long as they meet frost protection requirements, in situations where the property is in a flood plain or may be impacted by groundwater issues.

Section 13. Article XI of Chapter 15 of the *Windsor Municipal Code* concerning Fences and Walls is hereby repealed, and replaced as follows:

Sec. 15-11-10. – General Fence and Wall Standards

- (a) All permitted screening devices of whatever kind or nature shall conform to the visibility requirements of this Code.
- (b) It shall be unlawful to erect or maintain any fence, wall, or architectural screening device equipped with or having an electric charge sufficient to cause shock.
- (c) Chain-link fences shall not be permitted in the front yard of properties except in the HI and LI zone district.
- (d) Chain-link fencing in non-residential zone districts along public rights-of-way or within front yards shall be vinyl clad, or the equivalent, with the color scheme of the fabric and any slats to be contained within the fabric shown on the site plan for the property.

- (e) Barbed wire shall be permitted only in HI and LI zone districts. No more than three (3) strands of smooth wire or barbed wire shall be added to the height of a chain-link security fence. Such strands of wire shall not be less than six and one-half (6 ½) feet above the ground and shall not extend more than eighteen (18) inches above the maximum height permitted herein. Such strands shall also be subject to the following requirements:

- (1) Wire strands shall not project beyond any property line.
- (2) Use of razor wire, concertina wire, Constantine wire or similar wiring materials is prohibited, unless approved through the conditional use process as set forth in this Code.
- (3) All materials shall conform with the applicable federal or state regulations, if any.

Sec. 15-11-20. – Residential Fences and Walls

Fences, walls, or other architectural screening devices in residential zone districts shall comply with the requirements of Table 15-11-20 unless specifically authorized by the provisions of this Code.

Table 15-11-20 – Fence and Wall Standards in Residential Zoned Properties		
Location of Fence/Wall	Maximum Height	Other Requirements
All permitted locations that are not specifically enumerated below	6 feet	n/a
Within Front Setback, generally	4 feet	Chain link prohibited
Within first 8' of the Front Setback as measured from the front building corners of the principal structure into the front yard	6 feet	Chain link prohibited
Within Secondary Front Setback	6 feet	Chain link prohibited
Abutting a property line of a commercial/industrial use or when separated by such use by an alley	8 feet	Fences over 6 feet tall shall transition to maximum 6 feet in height within the first 8 feet of any intersecting fence.
Across the street from a commercial/industrial use	8 feet	50 percent of the area of the fence that is above 6 feet in height shall be transparent; and fences over 6 feet tall shall transition to maximum 6 feet in

		height within the first 8 feet of any intersecting fence. Chain link prohibited.
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Sec. 15-11-30 Non-Residential Fences and Walls, Excluding Heavy Industrial (HI).

Fences, walls, or other architectural screening devices in non-residential zone districts, excluding HI, shall comply with the requirements of Table 15-11-30 unless specifically authorized by the provisions of this Code.

Table 15-11-30 Fence and Wall Standards for Non-Residentially Zoned Properties, Excluding HI		
Location of Fence/Wall	Maximum Height	Other Requirements
All permitted locations that are not specifically enumerated below	6 feet	
Front Yard	6 feet	Chain link prohibited except in IL
Side and rear	8 feet	

Sec. 15-11-40 Heavy Industrial (HI) Fences and Walls. Fences, walls, or other architectural screening devices in the Heavy Industrial zone district shall comply with the requirements of Table 15-11-10(c) unless specifically authorized by the provisions of this Code.

Table 15-11-40 Fence and Wall Standards for Heavy Industrial Zoned Properties	
Location of Fence/Wall	Maximum Height
All permitted locations that are not specifically enumerated below	6 feet
Front Yard,	6 feet generally 10 feet for structurally engineered screen walls which are compatible with site and building design and approved on a site plan
Side and rear	10 feet

Section 14. Section 15-16-40 (1), concerning Historic Preservation procedures for designating structures and districts for preservation, is hereby amended and shall read as follows:

Sec. 15-16-40 (1) Commission review with owner's consent. No more than sixty (60) days after the filing of an application for designation, the Commission shall hold a public hearing

on any proposal. The Commission shall review the application for conformance with the established criteria for designation. Within thirty (30) days of the conclusion of the public hearing, the Commission shall approve, conditionally approve, or deny the nomination. The Commission shall forward its recommendation by written report to the Town Board for consideration and final action.

Section 15. Section 15-17-80 (2) concerning Residential district signs, is hereby amended as follows:

Sec. 15-17-80(2) Signs identifying any of the following uses in a residential district shall be allowed, subject to a maximum sign area of twenty-four (24) square feet, and, further, not more than one (1) such sign per street frontage shall be erected on any single lot or parcel, not to exceed a total of two (2) such signs. Such freestanding signs identifying the following uses shall not exceed six (6) feet in height and shall be located in accordance with setback requirements of this Section:

- a. Public or private school.
- b. Places of assembly (small).
- c. Nursing or rest home.
- d. Public park or recreation area.
- e. Conditional use grants and home occupations which have obtained all appropriate approvals from the Town.
- f. Any entry feature signage identifying a platted residential subdivision within a Residential Mixed Use One or Two (RMU-1 or RMU-2) zoning district. All such developments shall be allowed to erect such entry feature signs at separate entrances to the development. In the event that such signs are proposed for both sides of the street at any one (1) entrance, this "set" of signs shall be considered as one (1) development entrance sign.

Section 16. Table 16-1-30(b), concerning general development standards in the Estate residential (ER) zone district, is hereby repealed and replaced as follows:

Table 16-1-30(b): ER District Lot Development Standards		
Vehicular Access		
Residential Uses	Standard, Limited, or Rear	
Non-Residential Uses	Any	
Lot Standards	Lots less than 2.5 acres in size	Lots 2.5 acres in size or greater
Minimum Lot Area (acres)	1	2.5
Minimum Lot Width	45’	45’
Maximum Lot Coverage	65%	65%
Minimum Setbacks – General	Lots less than 2.5 acres in size	Lots 2.5 acres in size or greater
Front	20’	25’
Side	5’	25’
Rear	10’	25’
Minimum Setbacks – Accessory Buildings Housing Large Domestic Animals		
Front	35’	
Side	35’	
Rear	35’	
Maximum Building Height		
Height	40’	

Section 17. Section 16-1-30, Estate Residential (ER) zone district, is hereby amended by the addition of subsection (e), and 16-1-30(e) shall read as follows:

Sec. 16-1-30(e):

Permitted accessory uses.

1. Accessory Dwelling
2. Private garages, carports and paved parking areas.
3. Private residential and private group outdoor recreational facilities, including, by way of example but not of limitation, swimming pools and tennis courts.
4. Home occupations, subject to the provisions of this Chapter.
5. Service buildings and facilities normally incidental to the use of a public park or recreation area.

6. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.
7. Keeping of animals. Contrary provisions of this Code notwithstanding, large domestic animals shall be permitted as an accessory use in the Estate Residential (ER) District on lots 2.5 acres in size or greater. For the purpose of this Section only, *large domestic animals* are defined as and shall be limited to horses, ponies, mules, donkeys, and llamas. For each permitted animal, one (1) acre of lot area inclusive of improvements shall be required. Offspring shall be allowed until the weaning process is complete.

Section 18. Section 16-1-50, concerning Single-family attached residential (SF-2) district, of the *Windsor Municipal Code* is hereby repealed and replace and shall read as follows.

Sec. 16-1-50. – Single-family attached residential (SF-2) district. (Trevenna Annexation and a portion of Tacincala Annexation, only)

1. **Applicability.** Except for the Trevenna Annexation and a portion of the Tacincala Annexations, which have been previously zoned SF-2 pursuant to this section, no other properties shall hereafter be zoned SF-2. For all future purposes, this SF-2 zone district shall and is being repealed and shall no longer be an available zone district.
 - (a) **Purpose.** The purpose of 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) and this Section.

Table 16-1-50(b): SF-2 Lot Development Standards										
Building Type	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height
		Min. Size (square feet)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side ¹	Rear	Rear Abutting Alley	
Single Family Dwelling	Standard	6,000	45'	60%	20'	15'	5'	10'	5'	35'
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	35'
	Rear or Auto Court	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 or Auto Court	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	35'
	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	35'

Over-Under Duplex	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	35'
	Rear or Auto Court	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	35'
Townhouse	Rear or Auto Court	1,400 ⁴	16'	80% ⁵	15'	10'	5'	10'	5' ⁶	35'
Multiplex	Rear or Auto Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	35'
Non-residential	Any	20,000	100'	80%	20'	n/a	20'	20'	10'	35'

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 26' wide

- (c) Master Plan. In addition to the Master Plan requirements of Chapter 14, prior to approval of a subdivision plat, a Master Plan is required and shall depict the approximate location and acreage of all land uses and building types. Building types and land uses shall be allowed only in accordance with an approved Master Plan. The Master Plan shall be recorded with the county Clerk and Recorder.
- (d) 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.
- (e) 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 attached dwellings of two (2) or more units but not more than six (6) dwelling units per structure;
 - b. Duplexes, including standard and over-under duplexes;
 - c. Townhouses;
 - d. Multiplex dwellings;
 - e. Public parks and recreation areas;
 - f. Public and private schools;
 - g. 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 Section 14-2-130:
 - a. Any conditional use permitted in the Single-Family Residential District.
 - b. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - c. Small group living facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Code.

Section 19. Table 16-1-70, concerning Residential mixed use one (RMU-1) development standards, footnote 3, is hereby amended and shall read as follows:

Table 16-1-70, Footnote 3. Refers to overall maximum development density on a per unit basis; however, there is no minimum lot size per individual unit.

Section 20. Section 16-3-10, concerning Residential Use Standards is hereby repealed and replaced and shall read as follows:

Sec. 16-3-10. – Accessory Buildings.

- (a) Permit required. Accessory buildings which are larger than one hundred twenty (120) square feet in area, as measured around the perimeter of the building, or which exceed ten (10) feet in height, as measured as the vertical distance from the ground level adjacent to the structure to the highest point of the roof surface, shall require a building permit. All other accessory buildings shall not require a building permit unless otherwise required by this Code.
- (b) Setbacks. All accessory buildings shall conform to the setback requirements of the zoning district in which the building is located.
- (c) Other Requirements. All accessory buildings shall conform to the visibility requirements of this Code and the open space requirements of the zoning district in which the building is located, and shall be generally compatible and not detrimental to the surrounding neighborhood.
- (d) Location Requirements. The location of all accessory buildings shall be in conformance with Table 16-3-10(a).

Table 16-3-10(a) Accessory Building Location Requirements			
Type		Relative to Primary Front Lot Line³	Location Relative to Secondary Front Lot Line⁴
Large Accessory Building¹		Shall be located no closer to a principal front lot line than the front façade of the primary building	Shall be located no closer to a secondary front lot line than the front corner of the primary building
Small Accessory Building²	Non-Residential Property	Shall be located no closer to a principal front lot line than the front façade of the primary building	Shall be located no closer to a secondary front lot line than the front corner of the primary building
	Residential Property	Shall be located no closer to a principal front lot line than the front façade of the primary building	Shall be located no closer to a secondary front lot line than the front corner of the primary building, unless located behind a solid fence which is at least 5' in height.

¹Large Accessory Building, in accordance with Chapter 14, Article V, means an accessory building which is greater than 120 square feet in size or greater than ten feet in height.

²Small Accessory Building, in accordance with Chapter 14, Article V, means an accessory building which is 120 square feet or less in size and 10 feet or less in height

³Primary Front Lot Line, in accordance with Chapter 14, Article V, means, in the case of lots with more than one (1) street frontage, the street to which the primary entrance of the principal building faces or to which the building is addressed shall be considered the principle front line. All front lot lines other than principal shall be considered secondary front lot lines.

⁴Secondary Front Lot Line, in accordance with Chapter 14, Article V, means, all front lot lines other than principal front lot line shall be considered secondary front lot lines.

Section 21. Section 17-2-10, concerning Subdivisions, required improvements, of the *Windsor Municipal Code* is hereby amended, and shall read as follows:

Sec. 17-2-10. – General regulations for subdivisions, security for public improvements.

- (a) The subdivider or developer shall enter into a subdivision development agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage system, sanitary sewer system, and potable water system.
- (b) Under each subdivision development agreement, the subdivider or developer shall post security in the form of a performance bond, letter of credit, or similar security instrument approved in advance by the Town and drawn in favor of the Town in an amount equal to one hundred percent (100%) of the estimated cost of the construction of public improvements. For purposes of this Section, “public improvements” shall mean:
 - (1) All subdivision improvements intended for dedication to the Town; and
 - (2) All permanent storm drainage improvements, regardless of whether such storm drainage improvements are intended for dedication to the Town; and
 - (3) All streets, regardless of whether they are intended for dedication to the Town; and
- (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. Upon Town certification of completion for streets not intended for dedication to the Town, one hundred percent (100%) of the security posted for construction of such streets shall be released.

- (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, approved plans and profiles and the construction requirements and specifications of the Director of Community Development or designee.

Section 22. All references to “Engineering Manager” in the following sections shall be amended to “Director of Community Development or designee”:

- 17-2-20(a)(b)(c)(g)
- 17-2-40
- 17-2-50

Section 23. All references to “Sanitary sewerage system” in 17-2-20 (b) shall be amended to sanitary sewer system.

Introduced, passed on first reading and ordered published this 12th day of September, 2022.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this 26th day of September 2022.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]