



TOWN BOARD JOINT PLANNING COMMISSION WORK SESSION

May 5, 2025 - 5:30 PM

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

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

AGENDA

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

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

WORK SESSION AGENDA ITEMS

1. Presentation of Draft Downtown Code Updates to Town Board and Planning Commission - Scott Ballstadt, Planning Director
2. Leaf & Brush Recycling Pilot Program Proposal - E. Lucas, Deputy Town Manager; B. Rowe, Public Works Director
3. Future Meetings Agenda

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



MEMORANDUM

Date: May 5, 2025
To: Mayor and Town Board
From: Scott Ballstadt, Planning Director
Carlin Malone, Chief Planner
Kimberly Lambrecht, Long Range Planner
Re: Presentation of Draft Downtown Code Updates to Town Board and Planning Commission -
Scott Ballstadt, Planning Director
Item #: 1.

Background / Discussion:

The Town of Windsor and the Windsor Downtown Alliance (WDA) worked in partnership to draft the Downtown Master Plan (Plan) and the Town Board adopted Resolution No. 2024-29 acknowledging the Plan on April 22, 2024. The Plan, which was based upon extensive public outreach over the course of more than a year, establishes a vision for the future of Downtown Windsor and harnesses its potential as a fun, attractive, engaging lifestyle hub for the local community.

RVi Planning + Landscape Architecture, who worked on the Plan, has been working with staff on the enclosed draft code revisions to update the Central Business zoning regulations of the Municipal Code that will implement the goals and policies of the Plan. The draft revisions will also update and incorporate aspects of the 1999 Downtown Corridor Plan into the zoning code so that the 1999 Plan can be retired and all of the regulations will be in one document.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Michelle Vance, Windsor Downtown Alliance
Courtney Levingston, RVi Planning + Landscape Architecture

Attachments:

1. Draft Code Updates Summary_Joint_Session_5.5.2025
2. TB Work Session_2025-04-28 Windsor Draft Code Updates



WINDSOR DOWNTOWN CODE UPDATES

May 5, 2025

DOWNTOWN WINDSOR MASTER PLAN PHASE I: VISIONING

- Phase I: Completed in 2024, the Downtown Master Plan is a long-term vision to guide growth to create place, support businesses, and elevate the quality-of-life downtown
- Engaged over 500 residents
- Desire for a vibrant and active downtown that serves as the civic and cultural heart of Windsor



How important are the following ideas to the future of Downtown?



#1

*Pedestrian-Friendly
Atmosphere*



#2

*Parks & Recreational
Spaces*



#3

*Community
Entertainment*

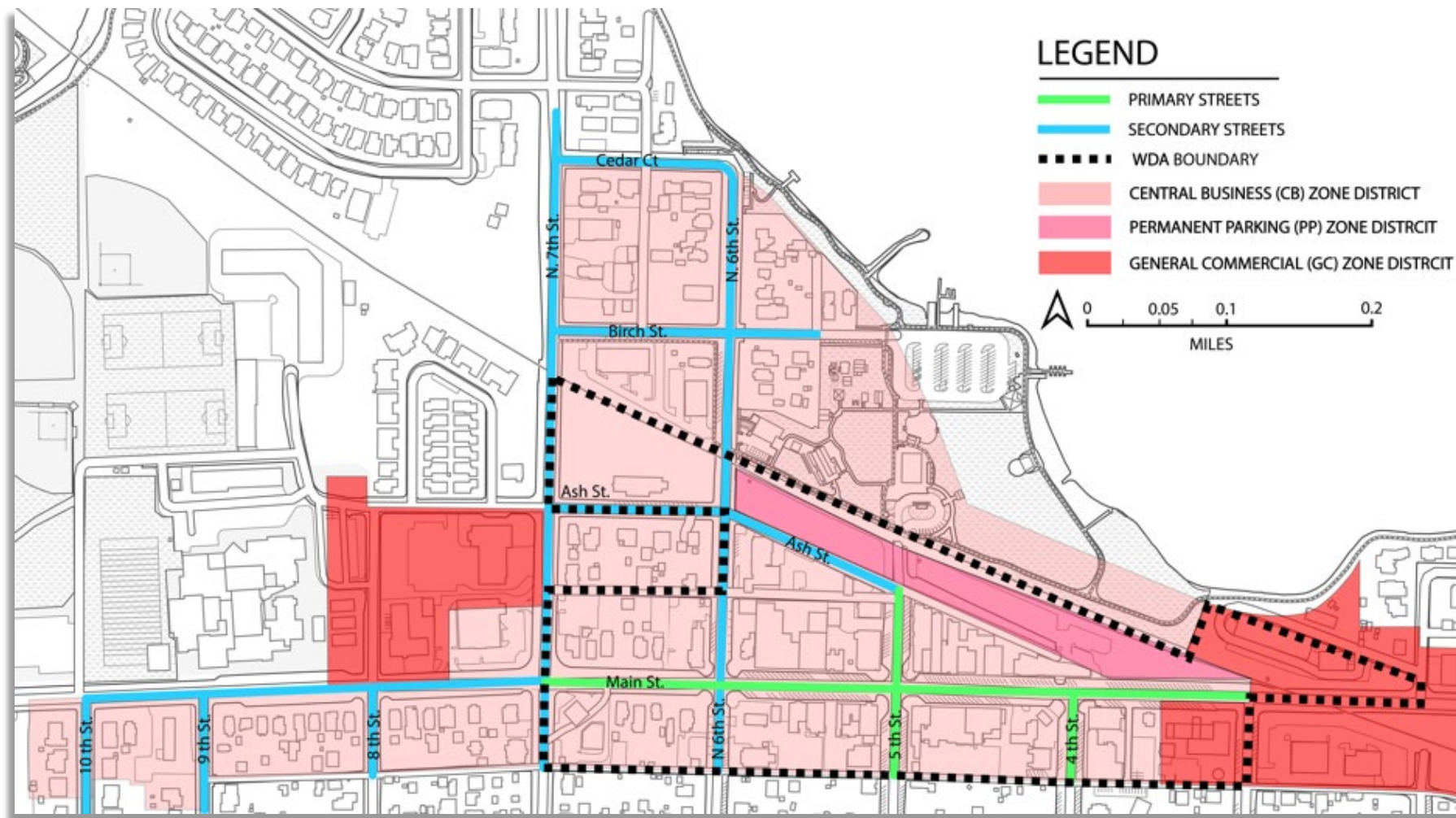
Followed by: connection to the lake, event spaces, historic feel, business diversity, and Downtown living opportunities

DOWNTOWN WINDSOR MASTER PLAN PHASE II: IMPLEMENTATION

- Updates to Chapters 14 – 16 of Windsor's Code aimed to implement applicable aspects of the Downtown Windsor Master Plan. Updates include:
 - Special Conditional Use Process
 - Downtown Street Types: Primary and Secondary Streets
 - 1st Floor Residential Streets in Central Business District
 - Commercial sign requirements in Central Business District
 - Primary Street Frontage Design Standards
 - Architectural Design Standards

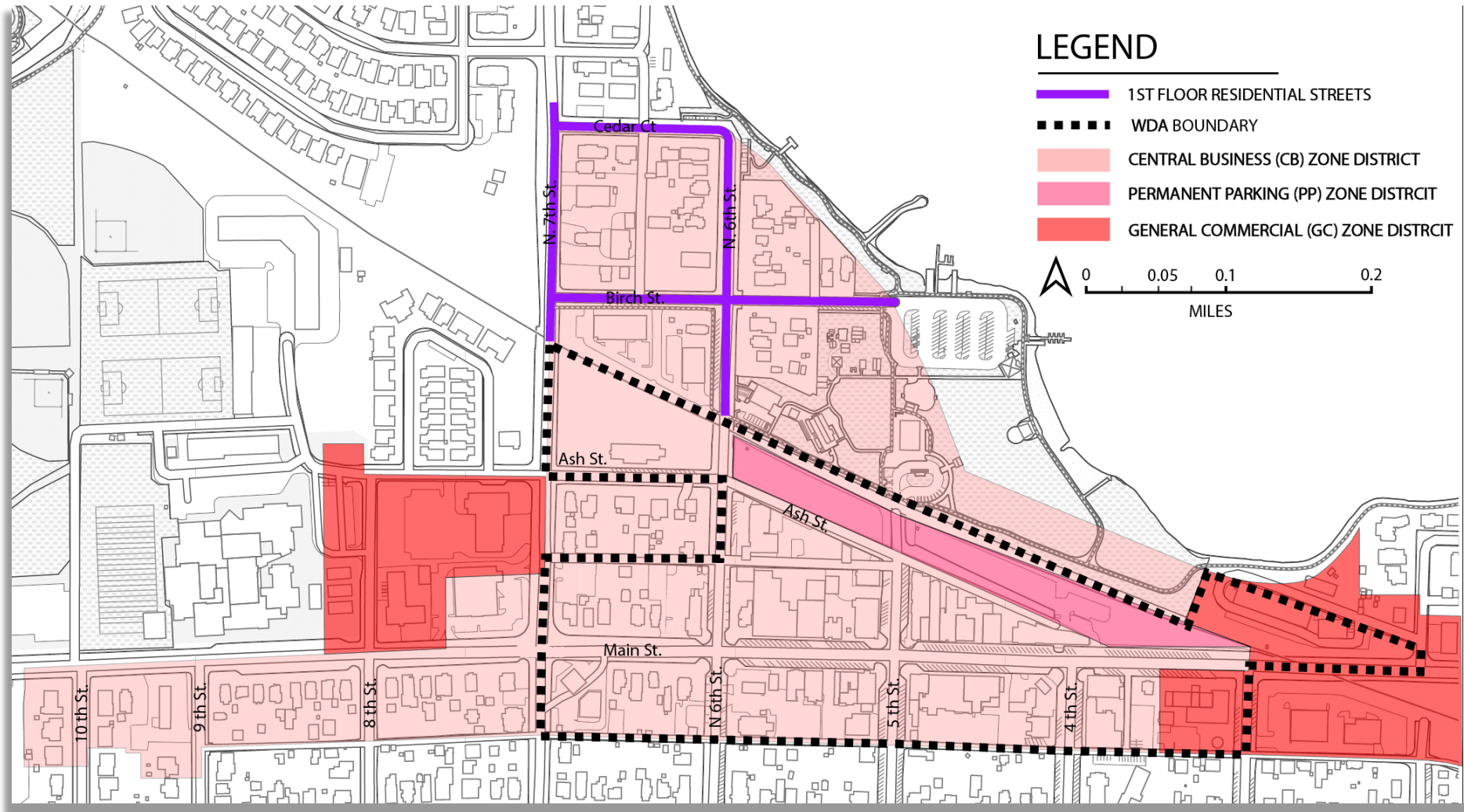
1 SPECIAL CONDITIONAL USE PROCESS

- Select uses in the Central Business District organized by primary and secondary street designations.
- Streamlined review process for select uses
- *See Section 16-1-110*



2 1ST FLOOR RESIDENTIAL STREETS

- Currently, 1st floor residential is not allowed in the Central Business Zone District.
- Updates allow for 1st floor residential uses on certain secondary streets that are identified as "1st floor residential streets".



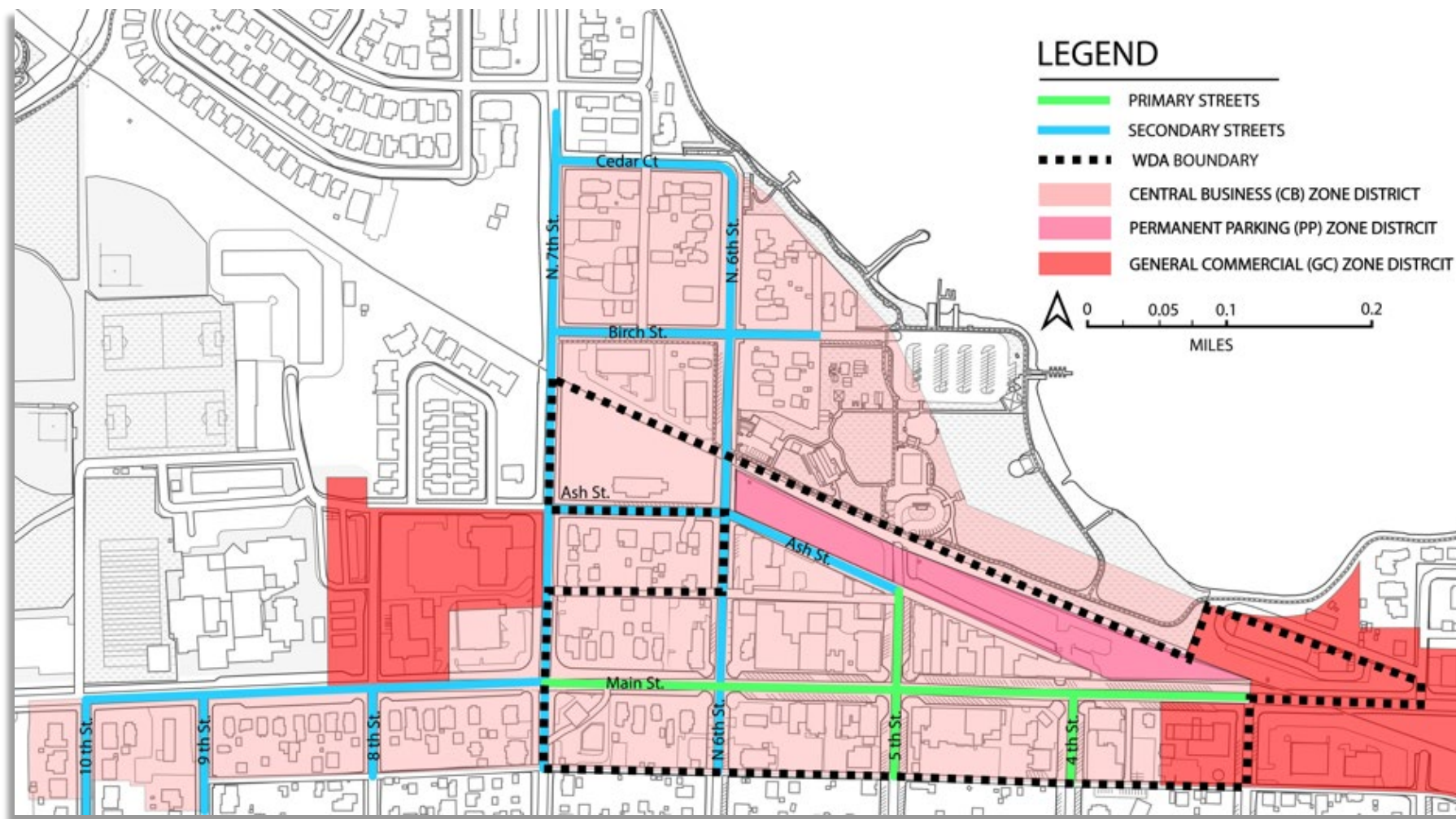
3 DOWNTOWN SIGNS

- Applicable to permanent signs
- Updated regulations to achieve attractive and compatible Downtown signage.
- Dimensional, locational and lighting standards for building mounted, awning/canopy, projecting and freestanding monument sign types.
- *Section 15-17-120(2) starting on page 43 of attachment.*



4 DOWNTOWN STREET TYPES

- Downtown street types inform permitted uses and select standards.
- Buildings/uses fronting a primary street are held to a higher standard in support of generating pedestrian activity than secondary streets.
- Downtown Use table 16-1-111 on page 48 of attachment.



5 DOWNTOWN MAXIMUM BUILDING HEIGHT

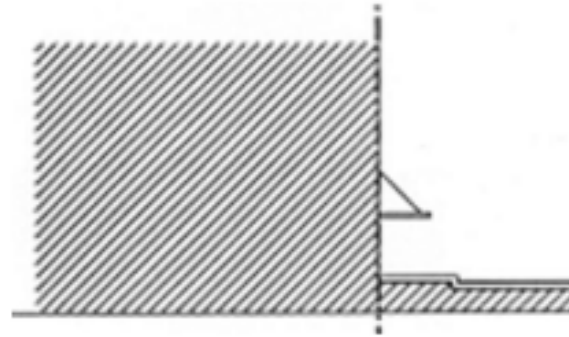
- Currently, Central Business district has a maximum height of 75'
- Ordinance in 2023 modified this to subarea A and B to 65' with additional restrictions.
- Maximum heights in central business district aligned with community feedback for compatibility and appropriate scale.

	Primary Streets	Secondary Streets
Height (maximum)	60' /4 stories; if within 50' of existing single-story structures, 45'/3 stories maximum height	45'/ 3 stories

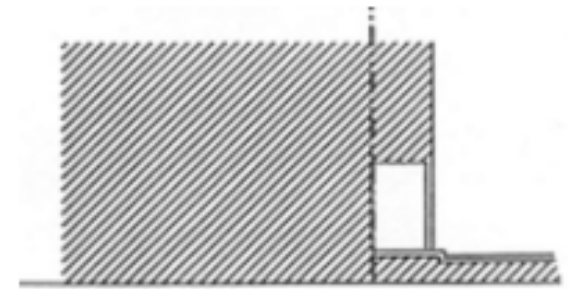
6 PRIMARY STREET DESIGN STANDARDS

- New buildings fronting a primary street (Main St., 4th and 5th Streets) must select a frontage type.
- Supports an active and visually interesting pedestrian environment.

Frontage Types



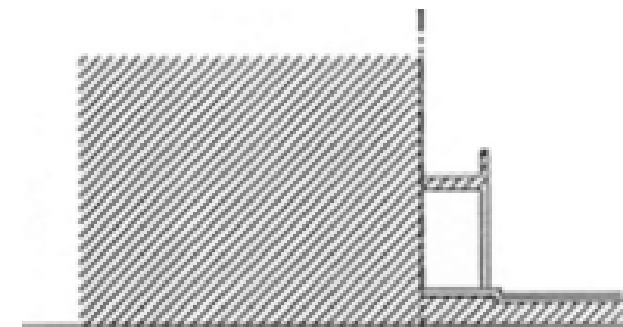
Awning



Arcade



Porch and Fence



Gallery

7 CENTRAL BUSINESS DISTRICT ARCHITECTURAL DESIGN STANDARDS

- Enhanced design standards for new buildings downtown, including:
 - Ground floor transparency requirements
 - Upper story setback of 12' for buildings that propose 3 or 4 stories on primary street.
 - High-quality building material requirement
- *See section 16-1-110(f), page 52-54*



Thank You!
QUESTIONS?

CHAPTER 14 Land Use Code Administration and Procedures

ARTICLE I General Administration

Sec. 14-1-10. Title. [NO CHANGE]

Sec. 14-1-20. Short title. [NO CHANGE]

Sec. 14-1-30. Authority. [NO CHANGE]

Sec. 14-1-40. Jurisdiction. [NO CHANGE]

Sec. 14-1-50. Purpose. [NO CHANGE]

Sec. 14-1-60. Interpretation. [NO CHANGE]

Sec. 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.

Sec. 14-1-80. Relationship to existing ordinances. [NO CHANGE]

Sec. 14-1-90. Relationship to Comprehensive Plan. [NO CHANGE]

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.

Sec. 14-1-100. Severability. [NO CHANGE]

Sec. 14-1-110. Effective date. [NO CHANGE]

ARTICLE II Procedures

Sec. 14-2-10. General—All applications.

(a) Applications and Fees.

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

Table 14-2-10(a) Land Use Application Procedures								
Application Type	Code Section	Neighborhood meeting	Concept Review Meeting	Decision Maker				Vote
				Director	PC	TB	BOA	
Accessory Dwelling Unit	Sec. 14-2-100		☐	D			A*	
Annexation	Sec. 14-2-30	☒	☐	R	R*	D*		S
Appeals	Sec. 14-2-180			Refer to section 14-2-180				S
Code Amendment	Sec. 14-2-190			R	R*	D*		S
Comprehensive Plan Amendment	Sec. 14-2-200							
Conditional Use Permit	Sec. 14-2-130		☐	R	R*	D*		M
Special Conditional Use	Sec. 14-2-230		☐	D	A*			M
Conditional Use Permit Oil and Gas, Gravel Mining	Sec. 14-2-130	☒	☐	R	R*	D*		M
Height Modification	Sec. 14-2-160		☐	R	R*	D*		M
Master Plan	Sec. 14-2-40	☒	☐	R	R*	D*		M
Non-Regulated Land Transfer	Sec. 14-2-50							

Rezoning	Sec. 14-2-70	☒	☐	R	R*	D*		S
Sign Permit	Sec. 14-2-170			D			A*	
Site Plan — Major	Sec. 14-2-90		☐	D		A*		
Site Plan — Minor	Sec. 14-2-90		☐	D		A*		
Subdivision, Major — Final	Sec. 14-2-60		☐	R	R*	D*		M
Subdivision, Major — Preliminary	Sec. 14-2-60		☐	R	D*	A*		M
Subdivision — Minor	Sec. 14-2-60		☐	D		A*		
Substantial Change Hearing	Sec. 14-2-20		☐	R	R*	D*		M
Telecommunications	Sec. 14-2-110		☐	D ¹			A*	
Vacation of Town ROW	Sec. 14-2-120			R		D*		M
Variance	Sec. 14-2-150		☐	R			D*	S
Variance, Minor	Sec. 14-2-140		☐	D			A*	
Vested Property Rights	Sec. 14-2-210			R		D*		M
¹ Director may refer to PC/TB per Sec. 16-5-40(j) to be reviewed as a Conditional Use Permit		R = Recommendation						
☒ = Required		D = Decision Maker						
☐ = May be required by Director		* = Public hearing required						
PC = Planning Commission		A = Appeal of Decision						
TB = Town Board		S = Super Majority Vote Required (Ordinances require majority on 1 st reading, super majority on 2 nd reading)						
BoA = Board of Adjustment		M = Majority Vote Required						

- (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.

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- (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. Annexation applications with an approved Town Board resolution initiating annexation proceedings may only be withdrawn subject to approval by Town Board.
- (2) After withdrawal, the Town will take no further action on the application.
- (3) 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.
- (4) A request for withdrawal of an application from a noticed agenda is subject to the discretion of the decision-making body.
- (5) 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 (7) 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 one hundred eight (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 (1) 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 (1) 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 (1) 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 ninety (90) days of the approval.
- (4) For Minor Variances: lapse shall occur if the applicant fails to apply for a building permit within one (1) 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 (1) 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 (1) 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 maker for a period not to exceed the original approval period.
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- (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 thirty (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:
 - 1. Gas and electric utilities.
 - 2. Telecommunications utilities.
 - 3. Windsor-Severance Fire Rescue.
 - 4. Cable television provider.
 - 5. Windsor Post Office.
 - 6. School Districts.
 - 7. Water and sewer utilities.
 - 8. Special Districts.
 - 9. Colorado Department of Transportation.
 - 10. 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.
 - 1. The Director shall distribute the application materials to the appropriate referral agencies, and allow up to twenty-one (21) days for referral agency comment.

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2. 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.
 3. 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 directly.
- (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 fifteen (15) days prior to the initial Planning Commission meeting.
 - b. Public Hearing. Applications requiring a public hearing shall be scheduled for the hearing within sixty (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.
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- (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) 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
Special Conditional Use	☒	☒	☒	300'	See Sec. 14-2-140(g)
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
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*Required for amendments to Land Use Map

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

- (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:
 1. A description of the land use proposal in question,
 2. The location of the land which is the subject of the hearing or meeting,
 3. The date, time and location of the hearing or meeting; and
 4. A recital that public comment will be taken at the public hearing or meeting.
 - 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:
 1. A description of the land use proposal in question;
 2. The location of the land which is the subject of the hearing or meeting;
 3. The date, time and location of the hearing or meeting; and;
 4. 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 Distance specified in Table 14-2-10(h), according to then-current Assessor's records. For the purposes of this section, abutting shall mean any property which shares a boundary with the easement or right-of-way in question. The proponent shall mail 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

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- d. Notice for Annexations. Notice shall be completed in accordance with Colorado statute; see CRS § 31-12-101 et seq.
 - e. Notice for Minor Variances. Notice of a minor variance request shall be provided in accordance with Table 14-2-10(h), 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.
 - g. Notice for Special Conditional Uses. Notice of a Special Conditional Use request shall be provided in accordance with Table 14-2-10(h), at the time the application is accepted by the Town. The notice shall state that any objections must be received in writing 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 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 Special Conditional Use request shall be forwarded to the Planning Director for a decision. The applicant may then appeal the decision to Planning Commission.
- (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 fifteen (15) days prior to the initial Planning Commission meeting;
 - (3) Content. The meeting content shall include, but not be limited to:
 - a. The general nature and scope of the proposed project;
 - b. A summary of the land use, including planned or all potential future uses under the request; and
 - c. 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.
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- (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 ten (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 Section 14-2-20.
 - (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.
- (Ord. 2020-1620 §1; Ord. 2022-1663 §2; Ord. 2023-1673 §1; Ord. 2024-1696 §1)

Sec. 14-2-20. Substantial change. [NO CHANGE]

Sec. 14-2-30. Annexation. [NO CHANGE]

Sec. 14-2-40. Master Plans. [NO CHANGE]

Sec. 14-2-50. Non-regulated land transfers. [NO CHANGE]

Sec. 14-2-60. Subdivision. [NO CHANGE]

Sec. 14-2-70. Rezoning. [NO CHANGE]

Sec. 14-2-80. Planned Unit Development. [NO CHANGE]

Sec. 14-2-90. Site plan. [NO CHANGE]

Sec. 14-2-100. Accessory dwelling unit. [NO CHANGE]

Sec. 14-2-110. Telecommunications. [NO CHANGE]

Sec. 14-2-120. Vacation of right-of-way/easement. [NO CHANGE]

Sec. 14-2-130. Conditional use permit. [NO CHANGE]

(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, except for the Central Business (CB) district. 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, if required. 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 (1) 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 administratively. 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.

Sec. 14-2-140. Minor variance. [NO CHANGE]

Sec. 14-2-150. Major variance. [NO CHANGE]

Sec. 14-2-160. Modification of building height regulations. [NO CHANGE]

Sec. 14-2-170. Sign permits. [NO CHANGE]

- (a) Eligibility. Sign permits shall be required in accordance with Chapter 15, Article II.
- (b) Review Criteria. The approval of sign permits shall be governed by the standards contained in Chapter 15, Article VXII.

(Ord. 2020-1620 §1)

Sec. 14-2-180. Appeals. [NO CHANGE]

Sec. 14-2-190. Code amendments. [NO CHANGE]

Sec. 14-2-200. Comprehensive plan amendment. [NO CHANGE]

Sec. 14-2-210. Vested property rights. [NO CHANGE]

Sec. 14-2-220. Legal nonconformity. [NO CHANGE]

The existing lawful use of a building or premises at the time of the enactment of this Code or any amendment applicable thereto which is not in conformity with the provisions established by this Code may be continued in the manner and for the purposes then existent, subject to the conditions hereinafter stated. For the purpose of administration, such nonconformity shall be classified and regulated as follows:

(a) Nonconforming structure.

- (1) No such structure shall be expanded or enlarged except in conformity with the regulations of the district in which it is located.
- (2) When such structure is damaged to the extent of more than fifty percent (50%) of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.

(b) Nonconforming use of structures.

- (1) No such use shall be expanded or enlarged.
- (2) Upon petition to and approval by the Planning Commission, such use may be changed to another use, provided that the Planning Commission determines that the new use would result in greater or no less degree of conformity, and provided further that such new use shall thereafter determine the degree of legal nonconformity.
- (3) Where any such use is discontinued for a period of twelve (12) consecutive or eighteen (18) accumulative months during any three-year period, any future use of the structure shall conform to the regulations of the district in which it is located.

(4) Where the structure in which such use is carried on is damaged to the extent of more than fifty percent (50%) of its current local assessed value, it shall not be restored for use except in conformity with the regulations of the district in which it is located.

(5) Structural repairs and alterations to a structure housing such use shall not, as long as such use continues, exceed fifty percent (50%) of the local assessed value of the structure at the time the use became nonconforming.

(c) Nonconforming lots.

(1) No building permit shall be issued except in conformity with this Code.

(2) The size and shape of such lot shall not be altered in any way so as to increase the degree of nonconformity, except with the approval of the Planning Commission.

(d) Nonconforming use of land.

(1) No such use shall be expanded or enlarged.

(2) Upon petition to and approval by the Planning Commission, such use may be changed to another use, provided that the Planning Commission determines that the new use would result in greater or no less degree of conformity, and provided further that such new use shall thereafter determine the degree of legal nonconformity.

(3) Where any such use is discontinued for a period of twelve (12) consecutive or eighteen (18) accumulative months during any three (3) year period, any future use of the land shall conform to the regulations of the district in which it is located.

Sec. 14-2-230. Special Conditional Use

(a) Applicability. The special conditional use is intended to incentivize active, pedestrian-oriented uses and development, while still permitting select uses that generate less pedestrian activity, without the public hearing process required with all other conditional uses. Requests for a special conditional use shall be processed and reviewed by staff with final approval made by the Director to ensure non-pedestrian generating uses still meet the overall intent.

(b) Requests for Special Conditional Uses shall be processed concurrently with an application for site plan review, if required. The Director may defer the site plan until after review of the special conditional use, Variance or Height Review, if applicable, if sufficient detail is provided with the request.

(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 proposal 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.

(4) The proposed use shall not detract from the public realm. Proposed uses shall meet at least two (2) of the following criteria intended to promote activity and vibrancy, but are not required to meet all outlined criteria:

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- a. Shall be open to the general public with business hours extended into the evening (at least 8:00 p.m.)
 - b. Shall provide pedestrian interaction (i.e. store front displays, outdoor seating or ~~service area~~ similar, outdoor dining, etc.)
 - c. Shall have the main entrance along a primary or secondary street, where applicable or a public street.
 - d. Shall provide widened sidewalks greater than the minimum required.
 - e. Shall incorporate public art installations.

(5) When evaluating the appropriateness of a special conditional use, speculative economic concerns should not be considered as criterion for objection or approval.

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- (d) Conditions of Approval. The Director may impose conditions on a proposed special conditional use to ensure compatibility and 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, are recorded and shall run with the land.
 - (e) Conditions for Time Limits/Review. The Director may impose time limits on ~~a~~ special conditional use -and require regularly scheduled reviews of the approved use.
 - (g) Discontinuance. If a use is extinguished or discontinued for a period of one (1) year, the special conditional uses permit shall automatically lapse and be null and void.
 - (h) Changes to special conditional uses. Building additions or site changes on existing approved special 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 administratively. However, expansion of the use onto a different lot or parcel, not previously part of the approved special conditional use, shall require review under this subsection.

ARTICLE III Board of Adjustment

Sec. 14-3-10. Membership. [NO CHANGE]

Sec. 14-3-20. Proceedings. [NO CHANGE]

Sec. 14-3-30. Decisions of the Board of Adjustment. [NO CHANGE]

ARTICLE IV Enforcement

Sec. 14-4-10. Enforcement administration. [NO CHANGE]

Sec. 14-4-20. Enforcement action. [NO CHANGE]

ARTICLE V Definitions

Sec. 14-5-10. General.

For words, terms and phrases used in this Land Use Code that are not defined below or elsewhere in this Land Use Code, the Director shall have the authority to interpret or define such words, terms and phrases. In making such interpretations or definitions, the Director may consult appropriate secondary sources. Definitions in Article V of this Land Use Code may be different than those found in the Building Code. The definitions below should be used for the purposes of interpreting this Land Use Code.

Section 14-5-20. Definitions.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section:

Accessory nanobrewery/nanodistillery means A duly licensed establishment that produces alcoholic beverages as an accessory use to a restaurant, bar, or nightclub primarily for on-premises consumption.

Adhesive window advertising means any text, image or graphic which is affixed to either the interior or exterior window glass or door glass surface of any building, the purpose of which is to provide information or warning to the viewer. Such advertising includes window lettering, stickers, clinging film and similar products of no more than sixteen (16) mils in thickness. Adhesive window advertising is not a building-mounted sign under this Code.

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.

Bar shall mean an establishment providing or dispensing fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary (also known as a tavern).

Basement means that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor is more than the vertical distance from normal grade to ceiling.

Block means land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.

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.

Brewpub means an establishment where food and non-distilled fermented beverages are duly licensed to be made on the premises.

Building means any structure used, designed or intended for the roofed shelter, enclosure or protection of persons, animals or property.

Building, accessory means a detached subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same lot with the principal building or use and which is not intended for human habitation.

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Building elevation means the building wall, face or facade as measured to the predominant roofline. For the purpose of sign calculations, the building elevation shall be considered a two-dimensional flat surface as depicted in a site plan drawing, with each building typically having four (4) elevations, regardless of architectural features. The predominant roofline shall not include architectural elements or appurtenances such as clock towers or cupolas.

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.

Building, principal means a building in which the primary use of the lot on which the building is located is conducted

Building type means the type of building described by its primary land use such as single family dwelling, commercial building, mixed use building, etc.

Business, freestanding means a business occupying a single-tenant building.

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.

Common area means open areas within or related to a development that are designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate. Common areas may include trail areas, gardens, pocket parks, scenic areas, buffer areas, or the like. Common areas may also include active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses.

Complete application means an application wherein all of the required information and submittal materials in the particulars required by this Code have been submitted to and received by the Town department or official specified in this Code, and the zoning officer of the Town or his or her designee has certified the application as complete.

Comprehensive development plan means a plan for guiding and controlling the physical development of land use and circulation facilities in the Town and any amendment or extension of such plan.

Craft distillery means a duly licensed establishment that produces less than 75,000 gallons of spirits per year. Spirits can be sold or distributed on premises. On-site sale may include package sales for off-site consumption and limited on-site consumption through an accessory tasting room.

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

Dedication means a grant by the owner of a right to use land to the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Development means any of the following: a) total demolition or demolition of over fifty (50) percent of an existing structure, b) new construction, or c) modification of buildings or structures that increase floor area. *Development* shall not include: a) work by the Town, or by the Downtown Development Authority (if within the jurisdictional boundary of the Downtown Development Authority and if such work has been agreed upon in writing by the Town and the Authority) b) the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

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c) a change in ownership or form of ownership of any parcel or structure. d) the creation or termination of rights of access, easements, covenants concerning the development of land.

Drugstore: An establishment engaged in the sale of non-prescription medicine and a variety of general products including consumable and non-consumable products including, but not limited to, batteries, electronics, toiletries, healthcare products, vitamins, nutritional supplements and beauty supplies.

Dwelling, duplex means a building that contains two (2) 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).

Dwelling, live-work means a building or portion of a building that combines dwelling unit(s) with an integrated workspace(s) that are principally used by one (1) or more of the residents of the dwelling unit. The workspace is secondary or accessory to the primary residential use.

Dwelling, mixed use means the dwelling unit in a mixed-use building.

Dwelling, multiplex means a building that is designed to look like a single-family detached building, which includes three (3) to five (5) individual dwelling units.

Dwelling, single family means a dwelling unit that is separated from other buildings by outside walls exclusively for occupancy by one (1) family.

Dwelling, townhouse means a building containing three (3) or more dwelling units that are attached to each other by party walls without openings.

Dwelling unit means a building or portion thereof that provides complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement means an interest in land dedicated for a specified purpose such as, but not limited to, providing access for maintenance of utilities and/or the conveyance of drainage.

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).

Equivalent performance engineering basis means that, by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety and functional requirements to the same extent as required single-family housing units.

Family means an individual living alone, individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities:

(1) Any number of persons unless such number is otherwise specifically limited in this Code; or

(2) This definition shall not include individuals living in small group living facilities as defined in this Code.

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.

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Flag means a piece of fabric identifying a single nation, state, municipality or quasi-governmental entity; or any organization of nations, states, municipalities or quasi-governmental entities; or any religious, civic or fraternal organizations, and does not contain a commercial message.

Front building corner of a principal structure means each of the two (2) corners of the widest portion of the foundation of the principal structure that face and are parallel to the right-of-way line which defines the front yard (see front yard).

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.

Frontage type, arcade: [A frontage wherein the facade is above a colonnade that overlaps the sidewalk. The building entrance is at the sidewalk grade. This type is appropriate for commercial/retail use.](#)

Frontage type, awning: [A frontage wherein the facade is aligned close to the frontage line with an attached awning overlapping the sidewalk. The building entrance is at sidewalk grade. This type is conventional for commercial/retail use.](#)

Frontage type, gallery: [A frontage wherein the facade is aligned close to the frontage line with an attached canopy or a light colonnade overlapping the sidewalk. The building entrance is at the sidewalk grade. This type is appropriate for commercial/retail use.](#)

Frontage type, porch and fence: [A frontage wherein the facade is set back from the frontage line with an attached porch. The porch should be within a conversational distance of the sidewalk. A fence at the frontage line maintains the demarcation of the yard.](#)

Front yard means the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard which contains the front lot line marking the boundary between the lot and the shorter of the two (2) abutting street segments, except as otherwise specified by deed restrictions, and usually, but not always, that portion of the yard which is situated in front of the building elevation that contains the building address.

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.

Gross leasable area (GLA) means the total floor area of commercial buildings, which floor area is designed for tenant occupancy and exclusive use including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Habitable space means programmed space intended for human use. Habitable space shall not include utility rooms, back-of-house operations, [crawl spaces, storage, etc. Stairwells and elevators may be allowed to contribute up to 20 percent of the habitable space requirement.](#)

Home occupation means a gainful occupation conducted by members of a household within its place of residence and incidental to the residential use of the premises.

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.

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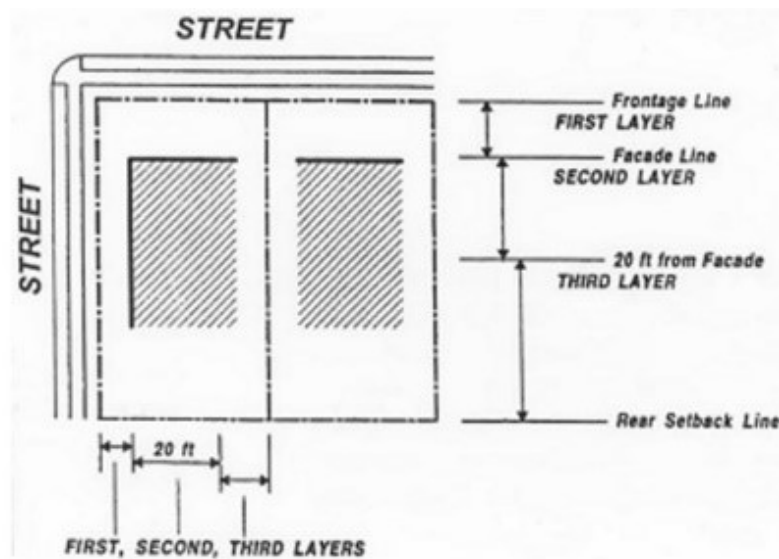
Hotel means a building in which lodging with or without meals is offered for compensation but not including kitchen facilities in individual rooms.

Individual sewage disposal system means any sewage disposal system not connected to the public sewer system serving no more than one (1) lot and approved and authorized by the Town, the State Department of Health, and any other appropriate state or local agency.

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.

Large-scale tenant means any commercial or industrial use that exceeds fifty thousand (50,000) square feet of gross leasable area (GLA).

Layer means the depth of the lot measured from the [street-fronting property line](#) within which certain elements are permitted. The first layer is the area between the [street-fronting property line](#) and the [façade line](#). The second layer is the area between the [façade line](#) and 20 feet [back](#) from the same [façade](#). The third layer is the area that begins 20 feet behind the same [façade line](#) and continued to the [rear property line](#) or [interior side property line](#) if the property is on a corner. See illustration below.



Lot means a single parcel of contiguous land occupied or intended to be occupied by such structures and uses as permitted under this Code, together with the open spaces required by this Code and abutting on a public street or officially approved way.

Lot means a parcel of land intended for transfer of ownership or building development having its full frontage on a public street.

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Lot area means the area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfare.

Lot lines means the lines bounding a lot as defined herein.

Lot width means the horizontal distance between side lot lines at the required front setback. When a lot has more than one (1) front lot line, the required lot width shall be measured along the narrowest front lot line.

Major tenant means any use that (1) exceeds five thousand (5,000) square feet of gross leasable area (GLA) and (2) if part of a multiple tenant building, the use is 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.

Microbrewery means a duly licensed establishment that produces less than 15,000 barrels of non-distilled fermented beverages a year. Non-distilled fermented beverages can be sold or distributed on the premises. On-site sale may include package sales for off-site consumption and limited on-site consumption through an accessory tasting room.

Microdistillery shall mean a facility that produces no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site and shall include a tasting room in which guests/customers may sample the product.

Microwinery shall mean a facility that produces no more than one hundred thousand (100,000) gallons per year of vinous beverages on site and shall include a tasting room in which guests/customers may sample the product.

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.

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.

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.

Multifamily means uses with three (3) or more attached dwelling units, including multiplex, townhome, and multifamily apartments.

Multifamily apartment means a building that includes three (3) or more dwelling units which may be rental units or owner occupied, but not a multiplex or townhouse. Multifamily includes independent living facilities.

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Nonconforming lot means a lot which does not conform to the lot size regulations of the district in which it is located.

Nonconforming structure means a structure which does not conform to the building location regulations of the district in which it is located.

Nonconforming use of land means a use of any land in a way which does not conform to the use, density or open space regulations of the district in which it is located.

Nonconforming use of structure means a use carried on within any building which does not conform to the use or density regulations of the district in which it is located.

Off-street parking space means the area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of said lot and with adequate access thereto from the public street.

Oil and gas facility shall include an oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, or storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

Open house means a temporary event intended to market or advertise the sale of the property at which the open house is located.

Open or surface mining operations for the development or extraction of solid materials means the extraction of construction materials, such as rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale.

Open space means a noncommercial, not-for-profit facility intended for outdoor passive or active recreation.

Ornamental structure means an attached or unattached steeple, bell tower or other uninhabited architectural feature associated with a large or small place of assembly.

Other similar uses means land uses that are determined by the Community Development Director (Director) to be similar in nature, characteristic and impact to those uses that are specifically enumerated under the use regulations within specific zoning districts. If, in the opinion of the Director, any such other similar use as defined herein has the potential of causing imminent harm to the health, safety and welfare of the public, public hearings shall be advertised and scheduled before the Planning Commission and the Town Board. The purpose of such public hearings shall be consideration of any reasonable conditions necessary to mitigate any potential imminent harm to the health, safety and welfare of the public implicated by such use.

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.

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

Parapet means an extended wall or false building front above a roofline.

Parking lot means a group of off-street parking spaces which is designed to be used for the temporary parking of motor vehicles. Any such group of off-street parking spaces shall not include any part of any street or alley and shall not include any off-street storage areas for industrial uses which are (a) authorized by the Town through the site-planning process, and (b) shown on the site plan for the respective industrial development.

Person means any individual, firm, company, association, society, corporation or group.

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.

Plat means a map, drawing or chart upon which the subdivider presents proposals for the physical development of a subdivision, and which he or she submits for approval and intends to record in final form.

Private commercial — Facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.

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.

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.

Public — Facilities owned and operated by a governmental agency for limited or general public use.

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.

Reservation means a legal obligation to keep property free from development for a stated period of time not involving any transfer of property rights.

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

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Retail store, boutique shall mean an establishment of two thousand (2,000) square feet or less of gross leasable floor area in which sixty (60) percent or more of the gross floor area is devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods.

Right-of-way means the width between property lines of a street.

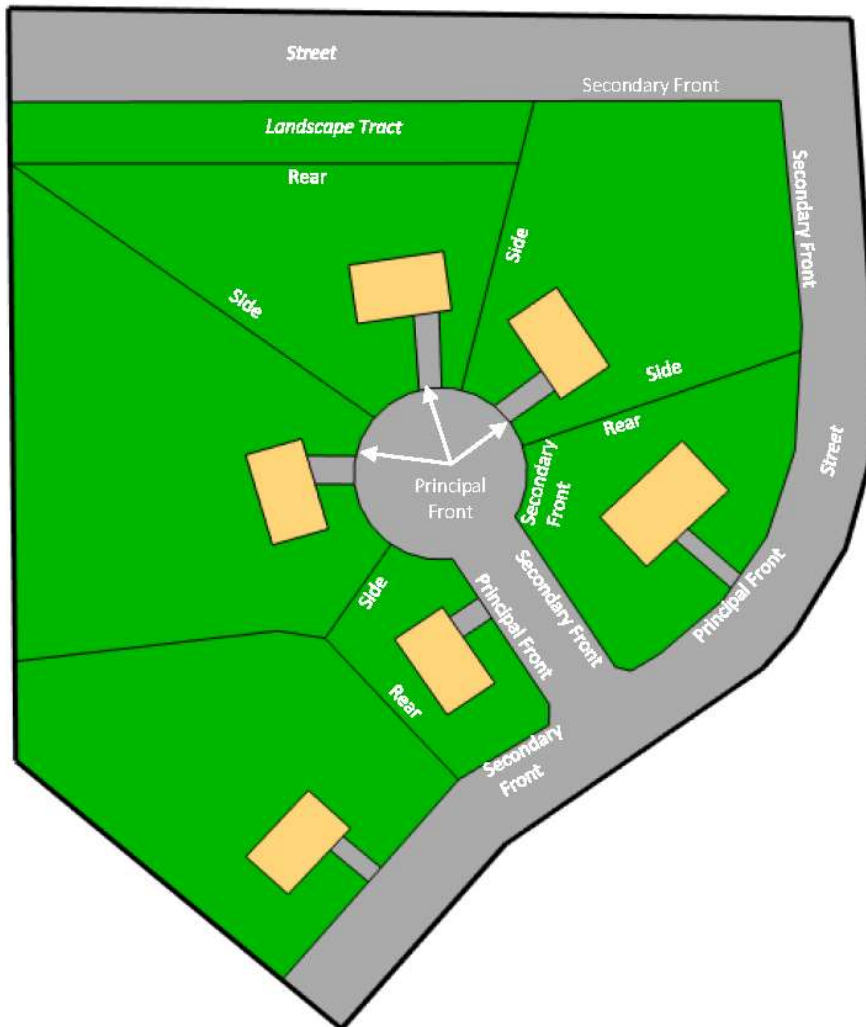
Seasonal sales mean temporary sales of a product or service which is holiday-specific, such as Christmas tree sales, Halloween pumpkin sales and the like, whether or not such product or service is offered for distribution from a temporary structure.

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

Setback means the minimum required distances between lot lines and buildings, structures or signs. As further clarification refer to Figure 14-5(a) and the following:

- (1) *Front setback* is measured from the front lot line. The front lot line is any lot line that abuts a public or private street right-of-way, excluding alleys. In the case of lots with more than one (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.
- (2) *Rear setback* is measured from the rear lot line. The rear lot line is the lot line that is opposite from the principle front lot line.

Figure 14-5(a)



- (3) *Side setback* is measured from side lot lines. Side lot lines are all lot lines that are not front or rear lot lines.
- (4) *Perimeter facing setback* means the setback from lot lines at the perimeter of a development.
- (5) Minimum setback requirements from existing oil and gas wells are established in Chapter 15, Article 13.

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.

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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.

Site specific development plan means, for those developments for which the landowner wishes the creation of vested rights:

- a. The approval by the Town of the project at a hearing conducted at the request of the landowner, which hearing follows the successful approval of the development at all other required stages of the development review process; or
- b. The conditional approval by the Town of the project at a hearing conducted at the request of the landowner, which hearing follows approval of the development at all other required stages of the development review process, except for the submission of: a) a final architectural plan; b) public utility filings; and/or c) final construction drawings and related documents specifying materials and methods for construction of improvements. Approval of such a site specific development plan shall be expressly conditioned upon the approval of all further submissions ordinarily required in the development review process. Such conditional approval shall result in a vested property right; however, the landowner's or developer's failure to abide by such terms and conditions shall result in a forfeiture of the vested property rights.

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 means a way for vehicular traffic, further classified and defined as follows:

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.

Streetwall means a freestanding masonry wall built along the front lot line, or generally coplanar with the façade, often for the purpose of masking a parking lot from the street. The opaque portions of the streetwall shall not exceed 3 feet 6 inches in height, except for optional pilasters. Decorative materials may be incorporated into

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the streetwall and may exceed 3 feet 6 inches 3.5 feet in height (but cannot exceed 5 feet 6 inches 5.5 feet) if decorative material has an opacity of less than 80%.

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).

Tasting room means a room that is ancillary to the production of alcohol at a regional brewery microbrewery, winery, or craft distillery where the public can purchase and/or consume alcoholic beverages.

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.

Use, accessory means a use subordinate to and customarily incidental to the permitted principal use of the property or buildings and located upon the same lot as the principal use.

Use, legal nonconforming means a building or premises lawfully used or occupied at the time of the passage of this Chapter or amendments thereto, which use or occupancy does not conform to the regulations of this Chapter or the amendments thereto.

Use, permitted means the utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which said land is located.

Use, principal means the main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Winery means an establishment where wine and/or mead beverages are duly licensed to be made on the premises and then sold or distributed, and which produces less than 100,000 gallons of wine and/or mead per year. On-site sale may include package sales for off-site consumption and limited on-site consumption through an accessory tasting room.

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 (1) 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.

CHAPTER 15 Development Standards

ARTICLE I General Requirements

Sec. 15-1-10. Visibility at intersections. [NO CHANGE]

Sec. 15-1-20. Non-obstruction of easements. [NO CHANGE]

Sec. 15-1-30. Building permits required. [NO CHANGE]

Sec. 15-1-40. Application for building permit. [NO CHANGE]

Sec. 15-1-50. Expiration of building permit. [NO CHANGE]

ARTICLE II Reserved

ARTICLE III Standards for Landscaping in Developed Areas

Sec. 15-3-10. Intent and applicability. [NO CHANGE]

Sec. 15-3-20. Landscape standards. [NO CHANGE]

Sec. 15-3-30. Site design. [NO CHANGE]

ARTICLE IV General Transportation Requirement

Sec. 15-4-10. Level of service standards. [NO CHANGE]

ARTICLE V Site Circulation, Access, and Parking

Sec. 15-5-10. Vehicular access requirements. [NO CHANGE]

Sec. 15-5-20. Parking requirements for buildings and uses outside of downtown parking district. [NO CHANGE]

Sec. 15-5-30. Parking requirements for buildings and uses within downtown parking district. [NO CHANGE]

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:

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- (a) 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 this Section.
 - (b) 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.
 - (c) 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.
 - (d) New buildings and additions to existing buildings of over twenty thousand (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 five hundred (500) square feet.
 - (e) The area measured for purposes of this sub-section (b) shall include the entire Gross Leasable Area of a building, as defined by this Code.
 - (f) 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:
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (g) 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).
 - (h) 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.

(i) Surfacing Materials.

- (1) 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.
- (2) 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:
 - (A) Shall only be for supplemental parking adjacent to the primary concrete driveway, and does not create additional driveway access;
 - (B) Shall not exceed twelve (12) feet in width and shall comply with driveway standards contained in this Section;
 - (C) Shall transition to a concrete or asphalt surface for the entire distance within right-of-way or for a minimum distance of ten (10) feet prior street access, whichever is greater;
 - (D) Shall maintain minimum landscape requirements; and
 - (E) Shall not track gravel or mud into the street.
- (3) 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 twenty (20) feet adjacent to the street.
- (4) Permeable Paving. Permeable paving designed to allow stormwater infiltration shall be considered on a case by case basis and must be approved by the Director.
- (j) 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.
- (k) 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.
- (l) 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.

- (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.

Sec. 15-5-40. Off-street loading requirements. [NO CHANGE]

ARTICLE VI Commercial Design Standards

Sec. 15-6-10. Commercial corridors identified, defined. [NO CHANGE]

Sec. 15-6-20. Establishment and modification of commercial corridors. [NO CHANGE]

Sec. 15-6-30. Design criteria. [NO CHANGE]

Sec. 15-6-40. Site plan process. [NO CHANGE]

Sec. 15-6-50. Review by Town. [NO CHANGE]

Sec. 15-6-60. Design criteria controls other rules and regulations. [NO CHANGE]

Sec. 15-6-70. Standards outside commercial corridors. [NO CHANGE]

ARTICLE VII Large Retail Establishments

Sec. 15-7-10. Supplementary regulations. [NO CHANGE]

Sec. 15-7-20. Intent. [NO CHANGE]

Sec. 15-7-30. Procedure. [NO CHANGE]

Sec. 15-7-40. Design standards. [NO CHANGE]

Sec. 15-7-50. Facades and exterior walls. [NO CHANGE]

Sec. 15-7-60. Roofs. [NO CHANGE]

Sec. 15-7-70. Materials and colors. [NO CHANGE]

Sec. 15-7-80. Entryways. [NO CHANGE]

Sec. 15-7-90. Pedestrian flows and amenities. [NO CHANGE]

Sec. 15-7-100. Parking. [NO CHANGE]

Sec. 15-7-110. Parking lot orientation. [NO CHANGE]

Sec. 15-7-120. Parking lot screening and mitigation. [NO CHANGE]

Sec. 15-7-130. Truck, trailer and outdoor container storage. [NO CHANGE]

Sec. 15-7-140. Noise mitigation. [NO CHANGE]

Sec. 15-7-150. Outdoor display areas. [NO CHANGE]

Sec. 15-7-160. Ongoing maintenance. [NO CHANGE]

Article VIII Interstate 25/State Highway 392 Corridor Activity Center

Sec. 15-8-10. Definitions. [NO CHANGE]

Sec. 15-8-20. Corridor activity center; permitted uses. [NO CHANGE]

**Sec. 15-8-30. Corridor activity center; enhanced design standards, intent and applicability.
[NO CHANGE]**

Sec. 15-8-40. Design criteria. [NO CHANGE]

Sec. 15-8-50. Site plan process. [NO CHANGE]

Sec. 15-8-60. Review by Town. [NO CHANGE]

Sec. 15-8-70. Design criteria controls other rules and regulations. [NO CHANGE]

Sec. 15-8-80. Incorporation of third amendment to first amended intergovernmental agreement pertaining to the development of the Interstate 25/State Highway 392 Interchange dated April 1, 2017, between the Town of Windsor and City of Fort Collins. [NO CHANGE]

ARTICLE IX Industrial Design Standards

Sec. 15-9-10. Minimum standards. [NO CHANGE]

ARTICLE X Residential Design Standards

Sec. 15-10-10. Single-family detached dwellings. [NO CHANGE]

ARTICLE XI Fences and Walls¹

Sec. 15-11-10. General fence and wall standards. [NO CHANGE]

Sec. 15-11-20. Residential fences and walls. [NO CHANGE]

Sec. 15-11-30. Non-residential fences and walls, excluding heavy industrial (HI). [NO CHANGE]

Sec. 15-11-40. Heavy industrial (HI) fences and walls. [NO CHANGE]

ARTICLE XII Site Lighting

Sec. 15-12-10. Intent. [NO CHANGE]

¹Editor's note(s)—Ord. No. 2022-1663, § 13, adopted Sep. 26, 2022, amended Art. XI in its entirety to read as herein set out. Former Art. XI, §§ 15-11-10—15-10-03, pertained to similar subject matter and derived from Ord. 2020-1620, § 2.

Sec. 15-12-20. General regulations. [NO CHANGE]

Sec. 15-12-30. Lighting for commercial and industrial uses. [NO CHANGE]

Article XIII Development in Proximity to Oil and Gas Facilities

Sec. 15-13-10. Minimum setback requirements from existing oil and gas wells for low-density development. [NO CHANGE]

Sec. 15-13-20. Minimum setback requirements from existing oil and gas wells for high-density development. [NO CHANGE]

Sec. 15-13-30. Landscaping and buffering requirements for new land use proposals for surface development of property adjacent to existing oil and gas wells. [NO CHANGE]

ARTICLE XIV Flood Damage Prevention

Sec. 15-14-10. Statutory authorization. [NO CHANGE]

Sec. 15-14-20. Findings of fact. [NO CHANGE]

Sec. 15-14-30. Statement of purpose. [NO CHANGE]

Sec. 15-14-40. Methods of reducing flood losses. [NO CHANGE]

Sec. 15-14-50. Definitions. [NO CHANGE]

Sec. 15-14-60. Applicability of article. [NO CHANGE]

Sec. 15-14-70. Basis for establishing the special flood hazard areas. [NO CHANGE]

Sec. 15-14-80. Compliance. [NO CHANGE]

Sec. 15-14-90. Abrogation and greater restrictions. [NO CHANGE]

Sec. 15-14-100. Interpretation. [NO CHANGE]

Sec. 15-14-110. Warning and disclaimer of liability. [NO CHANGE]

Sec. 15-14-120. Flood development permit. [NO CHANGE]

Sec. 15-14-130. Designation of Floodplain Administrator. [NO CHANGE]

Sec. 15-14-140. Duties and responsibilities of Floodplain Administrator. [NO CHANGE]

Sec. 15-14-150. Variance procedure. [NO CHANGE]

Sec. 15-14-160. General standards. [NO CHANGE]

Sec. 15-14-170. Specific standards. [NO CHANGE]

Sec. 15-14-180. Standards for areas of shallow flooding (AO/AH Zones). [NO CHANGE]

Sec. 15-14-190. Floodways. [NO CHANGE]

Sec. 15-14-200. Alteration of watercourse. [NO CHANGE]

Sec. 15-14-210. Properties removed from floodplain by fill. [NO CHANGE]

Sec. 15-14-220. Standards for subdivision proposals. [NO CHANGE]

Sec. 15-14-230. Standards for critical facilities. [NO CHANGE]

ARTICLE XV Dedications and Fees for Community Facilities

Sec. 15-15-10. Weld County School District RE-4 school site land dedication requirements. [NO CHANGE]

Sec. 15-15-20. Poudre School District R-1 school site land dedication requirements. [NO CHANGE]

Sec. 15-15-30. Thompson School District R2-J school site land dedication requirements. [NO CHANGE]

Sec. 15-15-40. Road impact fees. [NO CHANGE]

Sec. 15-15-50. Park, open space and trail fees, dedications, reservations. [NO CHANGE]

Sec. 15-15-60. Special fee for property in close proximity to Interstate 25 — State Highway 392 Interchange. [NO CHANGE]

Sec. 15-15-70. Impact fee requirements for new fire protection, rescue, and emergency services capital facilities. [NO CHANGE]

ARTICLE XVI Historic Preservation

Sec. 15-16-10. Purpose and intent. [NO CHANGE]

Sec. 15-16-20. Commission established. [NO CHANGE]

Sec. 15-16-30. Designation of landmarks and historic districts. [NO CHANGE]

Sec. 15-16-40. Procedures for designating structures and districts for preservation. [NO CHANGE]

Sec. 15-16-50. Proceedings by the Town Board. [NO CHANGE]

Sec. 15-16-60. Criteria for designation. [NO CHANGE]

Sec. 15-16-70. Revocation of designation. [NO CHANGE]

Sec. 15-16-80. Amendment of designation. [NO CHANGE]

Sec. 15-16-90. Landmark alteration certificate required. [NO CHANGE]

Sec. 15-16-100. Construction on proposed landmark sites or in proposed districts. [NO CHANGE]

Sec. 15-16-110. Landmark alteration application and review. [NO CHANGE]

Sec. 15-16-120. Unsafe or dangerous conditions exempted.

Sec. 15-16-130. Criteria for review of alteration certificate. [NO CHANGE]

Sec. 15-16-140. Relocation criteria. [NO CHANGE]

Sec. 15-16-150. Exemptions from alteration certificate requirements. [NO CHANGE]

Sec. 15-16-160. Appeal or call-up disapproved proposals. [NO CHANGE]

Sec. 15-16-170. Enforcement and penalties. [NO CHANGE]

ARTICLE XVII Sign Regulations

Sec. 15-17-10. Intent. [NO CHANGE]

Sec. 15-17-20. Application of regulations.

The general regulations contained in this Article shall apply to all signs in all zoning districts, regardless of zoning designation, of the Town.

Sec. 15-17-30. Sign area. [NO CHANGE]

(a) The sign area of any sign, including building-mounted and freestanding signs, shall be considered to be the entire advertising area of the sign containing text, decorative artwork, logos or other displayed information, including the space within and between such text and information. Only one (1) side of freestanding signs with back-to-back sign areas shall be considered in calculating the sign area, with such signs being limited to a maximum of two (2) sides per any one (1) sign. The sign area of building-mounted signs shall not include structural elements used to attach or support the sign that do not contribute to the display. The sign area of freestanding signs shall not include the monument base.

(b) Calculation of sign area. The following methods shall be used to calculate the total square footage of the sign area of any sign:

(1) Cabinet signs and signs other than individual letter signs. Sign area shall be determined by the outer edge of the sign background, frame or cabinet that encompasses all text, decorative artwork, logos or other information displayed. In instances where the background, frame or cabinet is an irregular shape, the sign area shall be calculated as the entire area within a continuous rectangular box drawn with straight lines at perpendicular angles to encompass the entire perimeter of the extreme limits of the background, frame or cabinet encompassing the background material.

(2) Individual letter signs. Signs which consist of individual letters that are mounted to a wall, or "raceway-type" signs that consist of individual letters that are mounted to a base that is mounted to a wall, which utilize the building wall as the background, and freestanding individual letters that are mounted to a monument base shall be considered individual letter signs. The sign area of such signs shall be calculated as the entire area contained within a continuous rectangular box drawn with straight lines at perpendicular angles to encompass the entire perimeter of the extreme limits of each line of text,

decorative artwork, logos or other displayed information, calculated cumulatively as the total square footage of all of the aforementioned elements, including the space within and between letters, text and other displayed information in each respective line.

Sec. 15-17-40. Sign height. [NO CHANGE]

- (a) Calculation of sign height. The methods in this Section shall be used to calculate the height of any sign.
- (b) Freestanding signs. The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. For the purposes of this Section, average finished grade shall be considered the lower of:
 - (1) The lowest elevation where the base of the sign meets ground level; or
 - (2) The top of the curb of the nearest public street adjoining the property upon which the sign is erected or the grade of the land at the principal entrance to the lot on which the sign is located.

The height of freestanding signs shall include the monument base.

- (c) Building-mounted signs. The height of any sign attached to or painted on a wall or parapet of a building that is mounted flush or parallel to the building wall shall be measured as the lowest point at the bottom of individual letters, the sign background, frame or cabinet that encompasses all text, decorative artwork, logos or other information displayed to the top of the highest point on the sign. In cases involving multiple sign elements on any one (1) building elevation, the cumulative height of all sign elements located directly above or below (vertically) any portion of another sign element on the same building elevation shall be used to calculate the total sign height. Sign elements not located directly above or below any portion of another sign element shall be calculated individually. The height of the building elevation shall be measured as the vertical distance between the finished floor elevation of the building and the predominant roofline of the building elevation upon which the sign is mounted, not including the architectural elements or appurtenances such as clock towers or cupolas

Sec. 15-17-50. Sign setbacks and offsets.

- (a) Any freestanding sign that is located adjacent to an arterial street shall be set back and offset a minimum distance of fifteen (15) feet from the property line.
- (b) Any freestanding sign that is located adjacent to a collector or local street shall be set back and offset a minimum distance of ten (10) feet from the property line.
- (c) Freestanding signs within the Central Business (CB) Zoning District shall maintain a minimum setback distance of two (2) feet from the back of the sidewalk which, for the purposes of this Section, shall be defined as the edge of the sidewalk that is farthest away from the curb, gutter and street. In no event shall any sign be located within the public right-of-way or outside of the property boundary.
- (d) Commercial and industrial freestanding directional signs as allowed by this Section shall be set back and offset a minimum distance of five (5) feet from all property lines.
- (e) Distance separation. Distance separation between freestanding signs shall be measured along the street frontages adjacent to the subject monument signs. Distance between freestanding monument signs located on different street frontages shall be measured along the street frontage to the point of intersection of both street frontages. Freestanding signs shall be separated by at least one hundred (100) feet.
- (f) All freestanding signs shall be located in accordance with the sight visibility requirements of Section 15-1-10 of this Chapter.

Sec. 15-17-60. Design criteria. [NO CHANGE]

- (a) Freestanding, ground-mounted signs shall be constructed with a monument-type base consisting of materials that are complementary and compatible with the architectural elements of the project. The height of the monument base of any sign shall not exceed fifty percent (50%) of the overall height of the sign. The width and length of such base shall be at least as wide and long as the bottom edge of the sign area.
- (b) Freestanding signs shall be incorporated into a landscape planting bed with low landscape elements placed in front of signage to soften the sign and taller landscape placed behind single-sided signs to offer a backdrop.
- (c) All freestanding signs which incorporate lighting shall be served by underground utility service.
- (d) Vertical clearance. Any projecting sign or awning mounted sign which projects over the public right-of-way, sidewalk or pedestrian area shall maintain a minimum of eight (8) feet of unobstructed vertical clearance.
- (e) Building-mounted signs shall be sensitively designed to be integrated with the architecture and scale of the building on which they are mounted.
- (f) Electronic message centers. The provisions and limitations of this Subsection are adopted to minimize driver distraction, protect corridor and community aesthetics, and protect the public health, safety and welfare.

For the purposes of this Section, electronic message center shall mean the portion of an on-premise freestanding sign capable of displaying words or images that can be electronically changed by remote or automatic means. Electronic message center shall not include temporary Town-owned messaging facilities. Permanent Town-owned messaging facilities shall be subject to the limitations set forth herein.

Signs containing an electronic message center shall be subject to the following limitations:

- (1) Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (LI), Heavy Industrial (HI), and the commercial portions of Residential Mixed Use One (RMU-1) and Two (RMU-2).
- (2) The maximum allowed size of an electronic message center in a freestanding sign shall be no greater than fifty percent (50%) of the total allowed sign area.
- (3) The electronic message center must be programmed so that the displayed message does not change more frequently than once every two (2) minutes from one (1) static display to another instantaneously and without the use of scrolling, flashing, fading or other similar effects. The message or image displayed must be complete without continuation in content to the next message.
- (4) The electronic message center:
 - a. Shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare;
 - b. Shall not have moving text, images or varying light intensity;
 - c. Shall not exceed six hundred (600) candelas per square meter between dusk to dawn and eight hundred (800) candelas per square meter during all other times, as measured at the sign's face;
 - d. Shall contain a mechanism for the sign to revert to a black screen if the sign malfunctions;
 - e. Shall be integrated harmoniously into the design of the larger sign face and structure;

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- f. Shall not be the predominant element of the sign and, if located at the top of a sign, must include a substantial cap feature above the electronic message center consisting of the same material, form, color and texture as is found on the sign face or structure.
- (5) No temporary signs as provided in Section 15-17-130 shall be permitted for any business for which a freestanding electronic message center has been approved by the Town.
 - (6) The electronic message center must be provided with automatic dimming software, solar sensors or a comparable method as approved by the Town to control brightness for nighttime viewing and variations in daytime light conditions. Each application for electronic message center approval shall include the manufacturer's specifications programmed to meet this requirement, along with a description of the proposed dimming method.
 - (7) In no event shall a freestanding electronic message center sign be allowed within one hundred fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development.
 - (8) Building-mounted electronic message centers shall only be permitted when displaying time and temperature or when displaying fuel pricing on a fueling station canopy, and shall remain subject to the size limitations of Section 15-17-100(b) for building-mounted signs, or not to exceed twenty (20) square feet, whichever is less.

Sec. 15-17-70. Prohibited signs. [NO CHANGE]

- (a) No sign shall be erected on the roof of any building.
- (b) Except as provided in Subsection 15-17-60(f) of this Code and in this Subsection, no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. Signs displaying time and temperature are permitted.
- (c) Except as outlined in Section 15-17-135 of this Article, no sign or part thereof shall contain or consist of strings of lights, ribbons, streamers, spinners, pennants or similar moving, fluttering or revolving devices.
- (d) Except as outlined in Section 15-7-135 of this Article, searchlights (whether stationary or revolving), beacons or other similar illuminating devices used for the purpose of advertising or attracting attention shall be prohibited.
- (e) Unpainted signs, broken signs and signs on vacated buildings shall be removed from the premises or repaired or renovated by the owners of the premises on order of the Director.
- (f) No sign shall obscure vision or views of the natural landscape or the larger urban area along arterial and collector streets and roads, nor shall any such sign be distracting to motorists.
- (g) No sign shall be erected at the intersection of any street or road in such manner as to obstruct clear vision, nor shall any sign be erected at a location where, by reason of its position, shape or color, it may interfere with, obstruct the view of or be confused with any traffic sign, signal or control device.
- (h) Off-premises signs. No outdoor advertising sign, billboard or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any district except as a conditional use in such districts as are hereinafter provided. Any off-premises sign permitted as a conditional use shall be in harmony with the spirit and intent of these regulations. Temporary signs advertising open houses shall be allowed in accordance with Section 15-17-131(2) below.

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- (i) Signs pertaining to special events which refer to particular periods or points of time, such as garage sales, shall not be erected any sooner than the day before the event and shall be completely removed no later than two (2) hours after the end of the event.
 - (j) Pole-mounted signs are prohibited.
 - (k) No sign shall be mounted to or otherwise applied to trees or other landscaping, regulatory traffic signage, utility and light poles or other similar structures, and shall not be located within road rights-of-way or private street easements.
 - (l) Mobile signs are prohibited.
 - (1) Mobile sign is defined as any sign painted or otherwise mounted on a vehicle, trailer or boat; fixed or attached to a device for the purpose of transporting from site to site. This definition includes vehicles placed or parked for the purpose of drawing attention to a service, product, object, person, organization, institution, business, event, location or message, but not signs or lettering installed on vehicles such as buses, taxicabs or other commercial vehicles operating during the normal course of business. On-premises signs mounted to construction trailers directly related to construction on a site shall be allowed to be located on the site for the duration of construction, and shall be removed immediately upon the receipt of the last certificate of occupancy for the site. Trailers that are unrelated to the construction activities on the site shall not be allowed to be located on any site solely for the purpose of mounting signage.
 - (2) Any sign attached to, painted on or mounted on any construction trailers that are permitted in Subsection a. above shall be allowed if such signs meet the following conditions: the signs are magnetic, decals or painted in a professional manner on an integral part of the construction trailer as originally designed by the manufacturer and do not extend beyond the profile of the construction trailer.
 - (3) Banners are prohibited on construction trailers.
 - (m) No sign or other advertising device shall consist of any air- and/or wind-dancing configurations.

Sec. 15-17-80. Residential district signs. [NO CHANGE]

Sec. 15-17-90. Commercial and industrial district signs.

No sign shall be erected or maintained in the Neighborhood Commercial (NC), Central Business (CB), General Commercial (GC), Limited Industrial (LI) or Heavy Industrial (HI) zoning districts, except to identify only the name of the owner, trade name, trademark or product symbol, products sold and/or the business activity conducted on the premises upon which the sign is located, in conformity with the following general regulations, unless otherwise specified in the subarea requirements of this Article.

Sec. 15-17-100. Building-mounted signs. [NO CHANGE]

Maximum number of building-mounted signs allowable.

- (1) Minor tenant. One (1) building-mounted sign per building elevation shall be allowed for any one (1) minor tenant in a multiple tenant building, not to exceed a maximum of two (2) building elevations. Freestanding minor tenants shall be allowed to erect multiple building-mounted signs, subject to the cumulative maximum sign area limitation contained in this Section.
- (2) Major tenant. Major tenants shall be allowed to erect multiple building-mounted signs, subject to the cumulative maximum sign area limitation contained in this Section.

-
- (3) Large-scale tenants. Large-scale tenants shall be allowed to erect multiple building-mounted signs, subject to the cumulative maximum sign area limitation contained in this Section.
 - (4) In no event shall any illuminated building-mounted sign be allowed within one hundred fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development.
- (b) Maximum sign area. Building-mounted signs shall not exceed ten percent (10%) of the total area of the building elevation on which they are mounted. In cases of multiple signs on a single building elevation, the cumulative total of all signs on any one (1) building elevation shall not exceed ten percent (10%) of the total area of the building elevation on which the signs are mounted.
 - (c) Maximum sign height.
 - (1) Minor tenant. The height of building-mounted signs for minor tenants shall not exceed either twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted or five (5) feet in height, whichever is less.
 - (2) Major tenant. The height of building-mounted signs for major tenants shall not exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted. However, in no event shall such sign exceed eight (8) feet in height.
 - (3) Large-scale tenant. The height of building-mounted signs for large-scale tenants shall not exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted. However, in no event shall such sign exceed twenty (20) feet in height.
 - (d) Awning-mounted signs.
 - (1) Sign bands shall be allowed on a free-hanging valance attached to canvas or soft vinyl awnings. Such signs shall be limited to a sign area no greater than six (6) inches in height and not to exceed twelve (12) square feet in area.
 - (2) Additional advertising shall be permitted on each canvas and soft vinyl awning elevation not to exceed ten percent (10%) of the area of the respective awning elevation.
 - (3) Awning signs that meet the criteria outlined in this Subsection shall be permitted to have interior illumination, provided that said lighting source is:
 - a. Mounted parallel to the elevation of the building upon which the awning is located;
 - b. Concealed within the interior portion of the awning so as not be seen except from directly below the awning; and
 - c. Directed downward so as much as practical to prevent the emitted light from spilling beyond the extended planes of the sides of the awning.
 - (4) Acrylic and plastic awning signs are prohibited.
 - (e) No building-mounted sign shall project higher than the eave or parapet line of the wall upon which the sign is mounted.
 - (f) Adhesive window advertising shall not require sign permit approval. Adhesive window advertising may be adhered to the inside or outside surface of the window glass or door glass. Adhesive window advertising shall not be applied to any window trim, walls or other surfaces beyond the window glass or door glass surfaces

Sec. 15-17-110. Freestanding signs. [NO CHANGE]

Sec. 15-17-120. Subarea requirements.

In addition to the general sign requirements for commercial and industrial signs which apply to all commercial and industrial signs, any sign located within one (1) of the following subareas shall be subject to the following subarea requirements. In cases where a subarea requirement conflicts with a general requirement, the subarea requirement shall control.

- (1) Interstate 25 (I-25) Corridor subarea requirements. In addition to all other sign criteria contained in this Section, the I-25 Corridor, defined as that one-mile area east of I-25 to Larimer County Road 5, shall also be subject to the following subarea requirements:
 - a. Maximum sign area. The maximum sign area of any freestanding sign that is located adjacent to an arterial street within the I-25 Corridor subarea shall be forty-eight (48) square feet per side if the street frontage along the lot upon which the use is located does not exceed one hundred (100) feet. If the street frontage along the lot upon which the use is located exceeds one hundred (100) feet, the maximum advertising area of any such sign shall be sixty (60) square feet per side.
 - b. Maximum sign height.
 1. The maximum height of any freestanding sign that is located adjacent to an arterial street within the I-25 subarea shall be ten (10) feet.
 2. The maximum height of any freestanding sign that is located adjacent to a collector or local street within the I-25 subarea shall be eight (8) feet.
- (2) Downtown subarea requirements. In addition to all other sign criteria contained in this Section, signs within the downtown [subarea](#), as defined [by properties within the Central Business zone district](#), shall also be subject to the following requirements:

~~a. East Town Center, Northwest Commercial and West Town Center subareas.~~

- ~~1. Building-mounted signs. Each tenant shall be allowed building-mounted signs in accordance with the general sign requirements for commercial and industrial signs contained in this Section.~~
- ~~2. Freestanding signs.
 - i. Multiple tenant development identification signs. Each multiple tenant development or complex of multiple buildings shall be permitted to have one (1) freestanding project identification sign. Such sign shall primarily identify the name of the development. Secondly, such sign shall contain smaller signage for individual tenants which are located within the development or complex.
 - ii. Individual tenant freestanding sign. Individual tenants which are not part of a multiple tenant development are allowed one (1) individual tenant freestanding sign or one (1) freestanding hanging sign constructed of a single post and perpendicular bracket design.~~

~~b. Old Town Windsor and Windsor Lake subareas.~~

- ~~1. Building-mounted signs.
 - i. Each tenant shall be allowed one (1) building-mounted sign for each building elevation (not including window signs). Building signs shall be subordinate in size to the other elements of the building elevation and shall be positioned so as not to obscure existing architectural~~

details. Signs mounted to building elevations shall fit within existing features of the building elevation and shall be designed to integrate with the building architecture.

- ii. ~~A building-mounted projecting sign. In addition to the building-mounted signs, each business shall also be allowed one (1) building-mounted projecting sign. Such signs shall not exceed four (4) feet in height and twelve (12) square feet in sign area per side of sign, not to exceed two (2) sides. In the downtown area where buildings are constructed on the property line, such projecting signs may extend above the sidewalk, provided that a minimum of eight (8) feet of unobstructed vertical clearance is maintained in accordance with the requirements of this Section.~~
- 2. ~~Freestanding signs. Individual tenants shall be allowed one (1) individual tenant freestanding sign, or one (1) freestanding hanging sign constructed of a single post and perpendicular bracket design.~~
- c. ~~General criteria. In addition to all other sign criteria contained in this Section, the following criteria shall apply to the entire Downtown Corridor subarea:~~
 - 1. ~~Lettering shall be legible and well-proportioned for clear communication.~~
 - 2. ~~Sign colors shall be compatible with the colors of the building.~~
 - 3. ~~Illumination. In the event illumination is proposed, the level of illumination of a sign shall not overpower other signs on the street or the facades of nearby buildings. Signs shall be illuminated with discreetly placed spotlights from the front, top or sides or internally illuminated. The following sign lighting types are allowed:~~
 - i. ~~Internal illumination of signs if letters are individually illuminated using routed or push-through type letters.~~
 - ii. ~~Ground-mounted lighting if the light source is concealed through planting, screening or a light shield.~~
 - iii. ~~Indirect lighting if the light source is concealed or is compatible with the building architecture.~~
 - iv. ~~Neon lighting.~~
 - d. ~~Freestanding sign criteria. In addition to all of the freestanding monument sign criteria contained in this Section, the following criteria shall apply to the entire Downtown Cor:~~
 - 1. ~~Sign height. Multiple tenant development identification signs shall not exceed ten (10) feet in height, including the monument base. Individual tenant freestanding signs shall not exceed six (6) feet in height including the monument base.~~
 - 2. ~~Sign area. The maximum sign area of a multiple tenant development identification sign shall be forty-eight (48) square feet per side. The maximum sign area of an individual tenant freestanding sign shall be twenty-four (24) square feet per side. Such area is exclusive of the sign base.~~
 - 3. ~~Freestanding hanging signs. Such signs shall be constructed of a single post and perpendicular bracket design. The height of the sign post shall not exceed six (6) feet. The sign area of such signs shall not exceed three (3) feet in height and six (6) square feet in sign area per side of sign, not to exceed two (2) sides. All such hanging signs shall incorporate a landscape planting bed with low landscape elements placed in front of signage to soften the sign and taller landscape placed behind single-sided signs to offer a backdrop.~~

4. ~~Setbacks. Freestanding signs shall be located in accordance with the setback and "sight visibility at intersections" requirements of this Chapter.~~

a. General Standards.—All signage on a site is to be integrated into or otherwise visually related to the project's building(s). Where there is more than one sign, all signs shall be complementary to each other, when possible, in material, letter size and style, and method used for supporting the sign.

b. Sign Colors and Materials. Sign colors and materials compatible with the materials of the building(s). Sign colors and materials must contribute to sign legibility and design integrity. Sign materials must be durable and weather resistant. Sign lettering shall be legible and well-proportioned for clear communication.

c. Sign Proportion, Scale and Rhythm. Signs must be placed consistent with the proportions and scale of building elements within a building's façade. On buildings with plain façade, signs must establish or continue appropriate design rhythm, proportion, and scale.

Sign Type	Sign Area and Dimension Standards	<u>Other Standards</u>
<u>Building- Mounted</u> sign	A single external band may be applied at the top of the 1st floor façade of each building, providing that it not exceed two (2) feet in height by any length.	<u>Each tenant shall be allowed one (1) building-mounted sign for each building elevation (not including window signs). Building signs shall be subordinate in size to the other elements of the building elevation and shall be positioned so as not to obscure existing architectural details. Signs mounted to building elevations shall fit within existing features of the building elevation and shall be designed to integrate with the building architecture.</u> Signage may be externally illuminated by reflection of a light source aimed at its surface. All lighting must be <u>fully-shielded and down directional</u> to prevent flare of nuisance beyond the property line or night sky. <u>Illumination shall not overpower other signs on the streets or the facades of nearby buildings.</u> <u>Ground-mounted lighting if the light source is concealed through planting, screening or shield.</u> Internally illuminated cabinet signs are prohibited. <u>Where there is more than one sign on a building façade, signs must be complementary in construction materials, letter size and style, method used for support.</u>
<u>Awning or Canopy</u> sign	<u>No such signs shall exceed 20 percent of the area of each awning/canopy (top plus all sides).</u>	Where there is more than one sign on a building façade, all signage shall be complementary in type of construction, letter size and style of copy, method

	Signs on awnings or canopies shall be a maximum of 60 percent of the width of the awning	used for supporting sign. Subject to structural requirements. Acrylic and plastic awning signs are prohibited.
Projecting sign	Projecting signs, not to exceed four (4) feet in height and 12 square feet in area per face for each separate business, may be attached perpendicular to the façade. The bottom of projecting signs shall be a minimum of eight (8) feet or a maximum of ten (10) feet above the sidewalk. Subject to structural requirements.	Projecting signs shall be placed perpendicular to the building and installed according to building code. The method of attachment for projecting signs to the building shall be an integrated and appealing system and be well designed and detailed. Projecting signs shall respect the character of downtown Windsor and shall be or have the appearance of being, multi-dimensional. Projecting signs shall be attached to a building and shall not be placed on poles or other signs. No internal illumination shall be allowed on projecting signs downtown. In addition to the building-mounted signs, each business shall also be allowed one (1) projecting sign but are still subject to overall sign
Freestanding Monument sign	Freestanding monument sign shall not to exceed forty (40) square feet in area on all sides and not exceeding six (6) feet in height above grade, shall be permitted. Subject to structural requirements.	Freestanding monument signs shall be located outside of the right-of-way- Freestanding monument signs shall respect the character of Windsor and shall be, or have the appearance of being, multi-dimensional. Freestanding monument signs shall be placed no closer than 15 feet from another freestanding monument sign. Freestanding monument signs shall be ground mounted. Freestanding signs shall be located in accordance with the setback and "sight visibility at intersections" requirements of this Chapter. Freestanding monument signs shall not be internally illuminated or include electronic messages.
Freestanding Hanging signs	Freestanding hanging signs shall be constructed of a single post and perpendicular bracket design. The height of the sign post shall not exceed six (6) feet. The sign area of	hanging signs shall incorporate a landscape planting bed with low landscape elements placed in front of signage to soften the sign and taller landscape placed behind single-sided signs to offer a backdrop.

	such signs shall not exceed three (3) feet in height and six (6) square feet in sign area per side of sign, not to exceed two (2) sides.	
Freestanding Directional signs	6 feet in height maximum	Directional signs located at an exit, entrance or to direct on-site traffic are permitted.
Window sign (Permanent)	Window signs shall cover no more than 20 percent of the area of any single pane of any window and or door area. The combined area of temporary and permanent window signs must not exceed 50 percent of the area for all building mounted signs.	Window signage shall not be considered in calculation of total sign area for the building or tenant. Self-contained illuminated neon signs and single- and two-color LED signs may be placed in ground floor storefront windows and shall be included in the maximum allowed area for window signs

b) [Prohibited Signs. The following signs are prohibited in the Downtown sign subarea.](#)

1. [Both illuminated and non-illuminated box or cabinet signs are prohibited.](#)

Sec. 15-17-130. Temporary signs. [NO CHANGE]

Sec. 15-17-131. Real estate signage. [NO CHANGE]

Sec. 15-17-135. Grand opening signs. [NO CHANGE]

Sec. 15-17-140. Public agency signs. [NO CHANGE]

Sec. 15-17-150. Nonconforming signs. [NO CHANGE]

Sec. 15-17-160. Removal of signs. [NO CHANGE]

Sec. 15-17-170. Sign criteria plan. [NO CHANGE]

Sec. 15-17-180. Sign permits. [NO CHANGE]

CHAPTER 16 Zoning

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 2020-1620, as shown in Table 16-1-10.

Table 16-1-10 Zoning Districts Established			
Zoning Districts Established by Ord. 2020-1620	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 and Open Lands	O	Recreation and Open Space
AH	Agriculture Holding	n/a	n/a
PUD	Planned Unit Development	PUD	Planned Unit Development
PP*	Subarea of CB	CB	Central Business

* The PP zoning district was added by a citizen initiative duly adopted in November of 2022.

Sec. 16-1-20. Application of individual lot regulations. [NO CHANGE]

Sec. 16-1-30. Estate residential (ER) zone district. [NO CHANGE]

Sec. 16-1-40. Single family (SF-1) zone district. [NO CHANGE]

Sec. 16-1-50. Single-family attached residential (SF-2) district (Trevenna Annexation and a portion of Tacincala Annexation, only). [NO CHANGE]

Sec. 16-1-60. Multifamily residential (MF) district. [NO CHANGE]

Sec. 16-1-70. Residential mixed use one (RMU-1) district. [NO CHANGE]

Sec. 16-1-80. Residential mixed use two (RMU-2) district. [NO CHANGE]

Sec. 16-1-90. Mobile home (MH) district. [NO CHANGE]

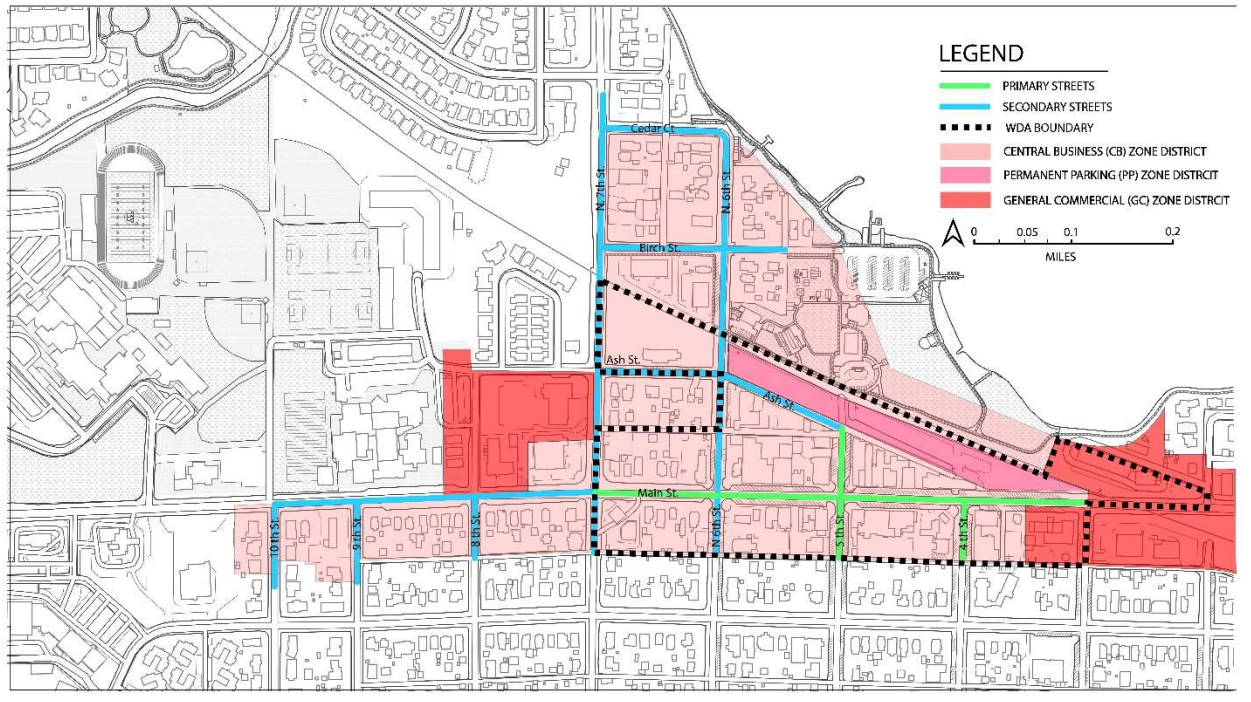
Sec. 16-1-100. Neighborhood commercial (NC) district. [NO CHANGE]

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

- (a) Purpose. The [Central Business \(CB\)](#) District is intended to [produce a vibrant downtown that promotes a mix of uses and types of high-quality development that will allow for an active and walkable downtown, designed to a human-scale.](#) 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) [Street Types. The Central Business district is characterized by two \(2\) types of streets; Primary Streets and Secondary Streets, as identified on Map 16-1-110. Street types shall determine permitted uses, and select standards. Buildings and uses fronting a primary street are held to a higher standard in support of pedestrian activity than buildings and uses along/ fronting secondary streets.](#)

[Map 16-1-110 – Primary and Secondary Streets in the Central Business District.](#)



(c) Use regulations.

- (1) Permitted uses by right. Principal uses permitted by right in the Central Business zone district are listed in Table 16-1-111 with a “P”. These uses are allowed where they comply with the development standards, and other applicable regulations of this Code.
- (2) Conditional uses. Uses allowed in the Central Business zone district if approved through the conditional use process outlined in Section 14-2-130, are listed in Table 16-1-111 with a “CU”. These uses are allowed as long as they comply with the conditional use approval criteria, development standards, and other regulations of this Code.
- (3) Special Conditional -Uses. Uses allowed in the Central Business district, if approved through the Special Conditional Use -process outlined in Section 14-2-230, are listed in Table 16-1-111 with an “S-CU”. These uses are allowed as long as they comply with the Special Conditional Use Approval Criteria, development standards, and other regulations of this Code.
- (4) Prohibited uses. If use is not listed in table, it is prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Section 16-3-40(b)(9).

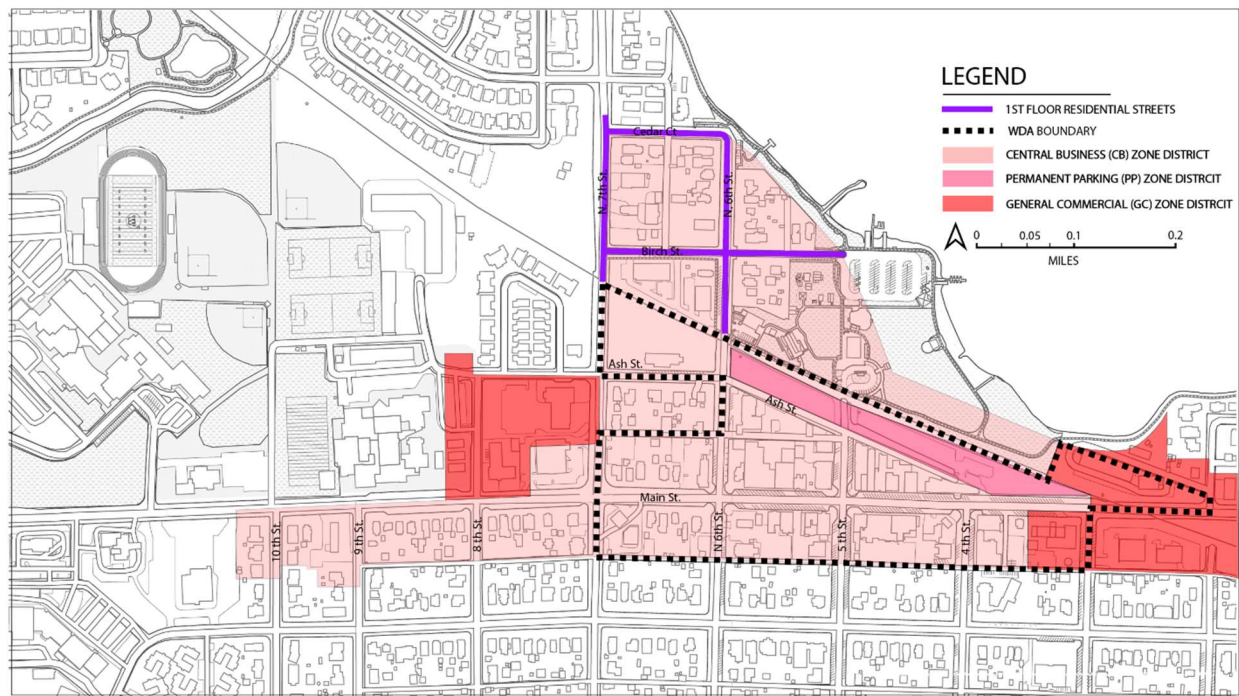
Table 16-1-111: Central Business District Principal Uses

P = Permitted Use <u>(by right)</u>	S-CU = Special Conditional Use	
CU = Conditional Use	NP = Not Permitted	
Use	Primary Street	Secondary Street
Food Store, supermarket	NP	P
Food Store, convenience	NP	S-CU
Delicatessen	P	P
<u>Baked</u> goods store	P	P

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Hardware store	S-CU		P
Drug Store	P		P
Barber and beauty shops	S-CU		P
Brewpub	P		S-CU
Microbrewery/ Microdistillery/Microwinery	P		P
Restaurant	P		P
Bar	P		P
Fine art studio	P		P
Business, professional or public service, not in excess of 1,500 square feet per establishment	S-CU		P
Boutique retail store²	P		P
Civic/Government Uses (includes Fire)	P		P
Places of assembly (small)	S-CU		P
Banks and saving and loan offices	P		P
Medical and dental offices and clinics	S-CU		P
Public administrative offices and service buildings	S-CU		P
Public utility offices and service buildings	S-CU		P
Public libraries	P		P
Commercial lodging/ hotel	S-CU		P
Theaters	P		P
Minor repair, rental and servicing establishments, excluding motor vehicle repair, rental and servicing	NP		S-CU
Passenger transportation terminals, not including truck terminals	S-CU		S-CU
Plumbing and heating contractors	NP		S-CU
Residential uses on the ground floor	NP		p ¹
Residential uses on the 2nd and above story	P		P
Existing single-unit residential	P		P
Commercial parking facilities			CU
Parks and open space	P		P
Drive-thru establishments	NP		NP
Private lodge or clubs	S-CU		S-CU

Map 16-1-112 – 1st floor residential streets



(5) Permitted accessory uses.

- a. Off-street parking and loading areas.
- b. Signs, subject to the provisions of this Code.
- c. Residential quarters on upper floors of commercial buildings for the owner, proprietor, commercial tenant, employee, or caretaker, located in the same building as the business.
- d. Commercial buildings with commercial uses on the main floor and residential uses on the upper floors.
- e. Any other structure, including garages for storage of vehicles in conjunction with the operation of a business or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.
- f. Temporary greenhouse structures in which growing plants are kept for sale to the public.
- g. Mobile food vending as set forth in this Chapter.

(d) Development standards.

	Primary Streets	Secondary Streets
Density	<u>Up to</u> 30 units/acre	<u>Up to</u> 30 units/acre
Floor Area Ratio	Not Applicable	Not Applicable
<u>Maximum Lot</u> Coverage	100%	100%
Height (max)	<u>60'</u> /4 stories; <u>45'</u> /3 stories -if within 50' of existing single-story structures	<u>45'</u> /3 stories
Setbacks		

Min. Front	0'	0'
Max. Front	10'	10'
Side	0'	0'
Min. Rear	0'	0'
Max. Rear	5'	15'
Min. Zoning Lot Size	1,900 sq. ft.	2,500 sq. ft.

Notes:

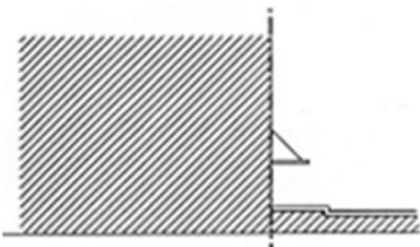
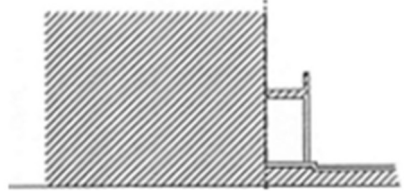
1. Building height in the Central Business District.

- a. Purpose. The purpose of using stories as the measurement of height in addition to feet in the Central Business district is to provide an incentive for the creation of buildings with improved exterior and interior proportions resulting from greater floor-to-ceiling heights.
- b. General. The dimension of each story shall be limited to 15 feet between finished floor and finished ceiling. This precludes the possibility of inserting additional stories within an allowable story. Interstitial space (between stories) shall only be permitted for the use of mechanical, electrical, plumbing, or similar equipment and materials and must be approved by the Director.

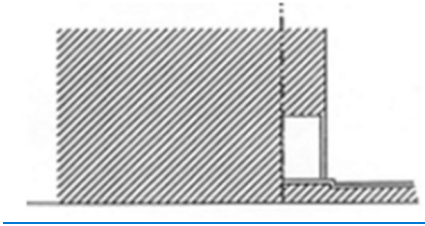
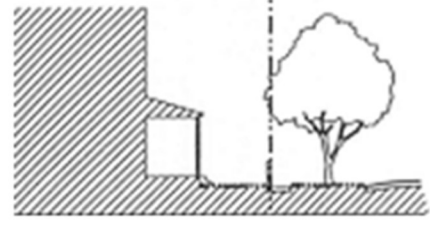
(e) Building design standards abutting primary streets.

1. These standards are limited to portions of buildings with frontages that face a primary street. Buildings that front a primary street shall provide 20' of habitable space along 70% of the front façade. Habitable space shall be measured from the interior wall of the front façade. For new construction, 1st floor habitable space must have a minimum height of 15 feet.
- All new buildings that front designated primary streets must select and adhere to one of the frontage types listed in Table 16-1-113. Encroachments into right-of-way subject to applicable permits.

Table 16-1-113: Primary Street Design Standards

Frontage Type	Detail
Awning 	Awnings shall be established at the top of the first-floor façade and shall overlap the sidewalk 6-8 feet. However, in no case shall the awning come closer than 2 feet to the curb. The minimum awning height (measured from the sidewalk to the lowest portion of the awning) shall be between 8-14 feet. Lighting shall be provided to illuminate the sidewalk.
Gallery 	The gallery shall be no less than ten feet wide (measured from the building façade to the inside of the column) and overlap the sidewalk to within three feet of the curb. Where the curb along the frontage is irregular, the predominant curb line along the block shall be used. The width of columns shall be a maximum of two feet in any horizontal direction. Openings in the gallery

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	façade shall be at least 75 percent, measured at each story. The minimum clear height within the first story walkway space shall be 12 feet. Lighting shall be provided to illuminate the sidewalk.
Arcade 	The front façade is a colonnade that overlaps the sidewalk above the first story (within the property boundary). The first story shall remain open and clear for pedestrian activation with a minimum sidewalk width of 10 feet. Pedestrian activation such as street furniture, outdoor dining, etc. is encouraged within the arcade. Lighting shall be provided to illuminate the sidewalk.
Porch & fence 	Porches shall be no less than 6 feet deep and may be utilized as habitable space if programmed for pedestrian or patron activity. A fence may be installed on private property near the front property line(s), separating the porch from and the adjacent right-of-way . Fencing shall not exceed four feet in height, shall be of an open design(wrought iron or similar high-quality material, maintaining 75% transparency, and shall not interfere with pedestrian, bicycle or vehicular visibility.

(e)(f) Architectural Design Standards

- 1) General Standards. New infill development or alterations to existing building facades shall be compatible with the established architectural character of such areas by using a design that is complementary. The architecture of new infill development shall set an enhanced standard of quality for future projects in the [Central Business zone district](#). [New infill development within the Central Business District shall meet the architectural standards outlined in Table 16-1-114.](#)

Table 16-1-114: Architectural Design Standards

<u>Architectural Standards</u>	<u>Primary Street</u>	<u>Secondary Street</u>
<u>Windows/ Transparency</u>	The first story fronting the primary street shall be a minimum 60 percent transparency. Additional stories shall be a minimum 30 percent transparency. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the	The first story fronting a secondary street shall be a minimum 30 percent transparency. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

	<u>building stories and establish human scale and proportion.</u>	
<u>Window Tint</u>	<u>Glazing shall have a clear or lightly tinted glass, not to exceed 25 percent opacity. Translucent, opaque, and mirrored glass may not be used.</u>	
<u>Entrances</u>	<u>The primary pedestrian entrance shall be a clearly defined architectural feature and easily distinguishable from the street front.</u>	
<u>Building recess (upper story setback)</u>	<u>Buildings shall have a minimum 12-foot recess from the edge of first floor façade along each street front commencing above the 3rd story.</u>	<u>Buildings shall have a minimum 12-foot recess from the edge of first floor façade along each street front commencing above the 2nd story.</u>
<u>Facades</u>	<u>Facades shall be built parallel to the front lot line along 90 percent of its length.</u> <u>In the absence of a building along the front lot line, a street wall shall be built coplanar with the façade, only when needed to screen surface parking or other unsightly conditions such as alleys.</u>	<u>Facades shall be built parallel to the front lot line along 70 percent of its length.</u> <u>In the absence of a building along the front lot line, a street wall shall be built coplanar with the façade, only when needed to screen surface parking or other unsightly conditions such as alleys.</u>
<u>Exterior finish</u>	<u>Exterior finish materials on all facades (except for windows) shall be limited to decorative architectural pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, terra cotta, tile, wood, or similar compatible high-quality materials installed to industry standards. Building materials shall not create excessive glare. False, faux or “applique” windows and architectural features are prohibited. Metal and EIFs may be used an architectural enhancement or accent and may not account for more than 20% of the exterior finish material. A variety of architectural finishes are encouraged to enhance the building façade and to create a non-monotonous façade. No single material shall account for more than 80% of the finished façade.</u>	
<u>Building color</u>	<u>The predominant building color shall facilitate compatibility and shades used shall be low reflectance. The use of metallic of fluorescent colors is prohibited. Accent colors are permitted and shall be limited to 15% of exterior color.</u>	

<u>Compatibility</u>	<u>Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building massing, similar relationships to the street, similar window and door patterns and/or the use of building materials that have color shades and textures like those existing in the immediate area of the proposed infill development. Other roof elements should include parapets concealing flat roofs and rooftop equipment from public view. Architecture shall reflect the historic nature of the downtown area.</u>
<u>Mechanical equipment</u>	<u>Mechanical equipment such as HVAC, electrical, etc. shall be concealed from public view using parapets, street walls, etc.</u>
<u>Parking screening</u>	<u>To reduce the visual impacts of vehicles located within, parking shall be screened from view from abutting streets by structural material of no less than 50 percent opacity. Expanses longer than 25 feet or higher than 3.5 feet shall be architecturally designed (e.g. vertical or horizontal changes in wall plane, landscaped, decorative view ports, wrought iron grill work, or decorative masonry patterns).</u>

(g) Parking.

The following additional standards apply to parking in the Central Business zone district and supersede where in conflict with other parking provisions.

Surface parking	Shall be located in the second or third layer <u>of the lot</u> and masked by a street wall or building. Parking on designated primary streets must be located in the third layer. <u>See Sec. 14-5-20 definitions for layer definition.</u>
Loading spaces	Loading spaces are prohibited along <u>primary street</u> frontages.
Parking access	Parking shall be accessed from an alley or secondary street when possible. If access must be provided from a primary street, there shall only be one point of access, not exceeding two lanes in width with pedestrian crossing clearly delineated. <u>Access shall adhere to applicable Town of Windsor and State of Colorado standards, where applicable.</u>
Tandem parking	Residential units may utilize tandem parking for same-unit parking only. Non-residential development may utilize tandem parking for employee parking or valet parking only.
Bicycle parking/storage	Commercial developments shall provide 1 bicycle parking space for every 1,000 sq. ft. of development for buildings over 3,000 sq.

	ft. Development with a residential component shall provide 0.25 bicycle parking space per residential dwelling unit. For larger development (over 8,000 sq. ft. of commercial, or 10 or more residential dwelling units) bicycle parking shall be distributed so that half of the required parking is short-term, and half is long-term. Short-term bicycle parking must be located within 50 feet of the main building entrance. Long-term bicycle parking shall be located within 500 feet of a building's entrance and is intended for residents, employees, and long-term guests. Examples of long-term bicycle storage: bicycle lockers, locked storage room, area enclosed by a gate. Development below these thresholds may only provide short-term bicycle parking. Short-term bicycle parking shall be provided through an "inverted U" type bicycle rack, or similar style/quality or other artistic interpretations, as approved by the Director, which shall be counted as two bicycle parking spaces. Long-term bicycle parking shall not be provided in the first or second layer on primary streets.
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Sec. 16-1-115. Permanent parking (PP) district. [NO CHANGE]

Sec. 16-1-120. General commercial (GC) district. [NO CHANGE]

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

Table 16-1-120(b): GC District Lot Development Standards	
Vehicular Access Types Permitted	
Dispersed Parking Lot	
Lot Standards	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width	100' ¹
Maximum Lot Coverage	n/a
Minimum Setbacks	

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(Supp. No. 21)

Front	20'
Side	20' ²
Rear	20' ²
Maximum Building Height	
Height	55'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	
² Reduced side and rear setbacks may be approved in accordance with Sec. 16-1-20(c).	

(c) Use Regulations.

- (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Drive-in restaurants.
 - b. Grocery stores and supermarkets.
 - c. Gasoline service stations.
 - d. Car washes.
 - e. Commercial lodging.
 - f. Restaurants and bars.
 - g. Outdoor sales areas, such as garden shops.
 - h. Automobile sales and service establishments, including used car lots.
 - i. Lumber and building supply yards.
 - j. Public, private, commercial and private group outdoor recreational facilities.
 - k. Bowling alleys.
 - l. Business and professional offices.
 - m. Places of assembly (small).
 - n. Places of assembly (large).
 - o. Other similar uses as defined in this Code.
- (2) Permitted accessory uses:
 - a. Any accessory use permitted in the Central Business CB District.
 - b. Mobile food vending as set forth in this Chapter.
 - c. Accessory outdoor storage:
 1. Shall be used only for storage of materials, inventory or equipment used or offered for sale in the ordinary course of the business activity occurring on-premises, including overstock or bulk items.
 2. Outdoor storage areas shall be located in the rear or side of the building and shall not abut or face arterial or major collector streets as defined by the Town's street standards.
 3. Shall not displace any off-street parking spaces depicted on the approved site plan for the premises.

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4. Items located in outdoor storage areas shall be permanently and fully screened from adjacent residential property, public rights-of-way and private drives by opaque structural walls, opaque fencing and/or a combination thereof that is at least as tall as the tallest items in storage. Screening materials shall conceal all items in storage, shall be opaque and consist predominately of colors and materials generally matching the principal building on the premises. Chain link screening material, with or without slats, is prohibited.
 5. If site constraints preclude items in storage from being fully concealed as required in subsection iv above, a proposed screening plan shall be reviewed and subject to approval based on the conditional use grant standards and requirements applicable to the Conditional Use Grant process as elsewhere provided in this Code.
- d. Outdoor display of merchandise for sale on-site:
 1. Outdoor display of merchandise shall be incidental to the primary retail use.
 2. Merchandise on outdoor display shall consist only of inventory offered for sale within the principal building on the premises.
 3. Outdoor merchandise display shall be adjacent to the principal building and shall be within forty (40) feet of a customer entrance to the principal building, while maintaining at all times no less than four (4) feet of clear width on the sidewalk for pedestrian use.
 4. Outdoor merchandise display shall not displace any off-street parking spaces depicted on the approved site plan.
 - e. Seasonal sales:
 1. Outdoor display of merchandise for seasonal sales shall be located in the site plan-approved parking area for the premises.
 2. The seasonal sales outdoor display area shall not displace more than five percent (5%) of site-plan required off-street parking spaces or impede parking lot circulation.
 3. All seasonal sales inventory, structures and improvements shall be removed upon the conclusion of the seasonal sale period, and the parking surface shall be restored to its former condition. For purposes of this Section, seasonal sales shall mean temporary sales of inventory or services offered for sale on a seasonal basis in the principal building for a duration of no longer than ninety (90) consecutive days for each seasonal display, whether or not such inventory or service is displayed in a temporary structure.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant as provided in Section 14-2-130:
- a. Outdoor theater.
 - b. Non-accessory signs.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Code.

(Ord. 2020-1620 §3)

Sec. 16-1-130. Limited industrial (LI) zone. [NO CHANGE]

Sec. 16-1-140. Heavy industrial (HI) district. [NO CHANGE]

Sec. 16-1-150. Recreation and open lands (ROL) district. [NO CHANGE]

Sec. 16-1-160. Agriculture holding (AH) district. [NO CHANGE]

Sec. 16-1-170. Planned unit development (PUD) district. [NO CHANGE]

ARTICLE II Reserved

ARTICLE III Residential Use Standards

Sec. 16-3-10. Accessory buildings. [NO CHANGE]

Sec. 16-3-20. Home occupations. [NO CHANGE]

Sec. 16-3-30. Home occupations involving tutoring or instruction. [NO CHANGE]

Sec. 16-3-40. Accessory dwelling units. [NO CHANGE]

Sec. 16-3-50. Small group living facilities. [NO CHANGE]

ARTICLE IV Commercial Use Standards

Sec. 16-4-10. Mobile food vending. [\[NO CHANGE\]](#)

- (a) Mobile food vending is defined as the use of a motorized wheeled vehicle, or a towed wheeled vehicle, or pushcart, or other temporary operation designed and equipped to prepare and/or serve food and/or non-alcoholic beverages. Mobile food vending is permitted, subject to the following:
- (1) Mobile food vending shall not take place in locations that are no less than two-hundred (200) feet from the main entrance of any restaurant while the restaurant is open to the public for business, unless the restaurant proprietor has otherwise consented.
 - (2) Mobile food vending shall take place only on a site that has received the appropriate site plan approval and the required site plan improvements comply with said approved site plan.
 - (3) Mobile food vending outlets shall not be open to the public between the hours of 2:00 a.m. and 6:00 a.m.
 - (4) Litter must be picked up and refuse containers must be provided for customers.
 - (5) Mobile food vendors shall comply with all applicable Town Ordinances as well as state, county, and federal laws and licensing requirements, including a Town of Windsor issued business license.

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- (6) All signage associated with mobile food vendors shall be in conformance with this Code. Additionally, all mobile food vendor signs must be mounted flush against the mobile food establishment, except that one temporary sign for daily specials shall be allowed in accordance with Section 15-17-130, Temporary signs.
 - (7) Mobile food vending shall not operate, be stored, or parked on public right-of-way unless pursuant to validly issued Special Activity Permits and Liquor-related Permits, such as "Special Event Liquor Permits" pursuant to Article II, Chapter 6, and "Liquor-Related Festival Permits" under Article VI, Chapter 6, as described in Section 16-4-10(c).
 - (8) Use of private property. Mobile food vendors may operate on private property provided they meet the following requirements:
 - a. Mobile food vending shall operate only with the property owner's continuous permission. Revocation of owner permission at any time shall terminate mobile food vending on the site in question.
 - b. Mobile food vending shall not impede vehicular or pedestrian traffic, parking lot use or circulation, or access to any public right-of-way.
 - c. If left on-site at the end of the business day, all mobile food vending equipment and signage shall be located in an inconspicuous location when not in operation.
 - (b) Mobile food vending taking place at any non-liquor related Town-sponsored Activity within public parks, recreational facilities, or trails, is subject to review and permitting by the Parks and Recreation department and is not subject to this Section.
 - (c) Mobile food vending on public rights of way shall be allowed only pursuant to validly issued Special Activity Permits and Liquor-related Event Permits, such as "Special Event Liquor Permits" pursuant to Article II, Chapter 6, and "Liquor-Related Festival Permits under Article VI, Chapter 6, and pursuant to a validly issued Right of Way Occupation Permit, as follows:
 - (1) Shall be located adjacent to public parks;
 - (2) Locations where traffic volume is minimal (less than 2000 average daily traffic ("ADT")), designated as parking or an impasse street ("dead end"); and
 - (3) Traffic control measures shall be submitted for Town approval at time of permit application, implemented at the time of the event, and costs for such measures shall be incurred by the event applicant.

(Ord. 2020-1620 §3; Ord. 2024-1699 §1)

Sec. 16-4-20. Charitable drop-off locations, donation receptacles. [NO CHANGE]

Sec. 16-4-30. Seasonal sales and farmers markets. [NO CHANGE]

ARTICLE V Industrial Use Standards

Sec. 16-5-10. Industrial areas; performance standards. [NO CHANGE]

Sec. 16-5-20. Oil and gas facilities. [NO CHANGE]

Sec. 16-5-30. Open or surface mining operations for development or extraction of solid materials. [NO CHANGE]

Sec. 16-5-40. Wireless telecommunications facilities. [NO CHANGE]

Sec. 16-5-50. Adult businesses. [NO CHANGE]

Sec. 16-5-60. Wells used for geologic sequestration of carbon dioxide. [NO CHANGE]



MEMORANDUM

Date: May 5, 2025
To: Mayor and Town Board
From: Eric Lucas, Deputy Town Manager
Brian Rowe, Deputy Director of Public Works
Re: Leaf & Brush Recycling Pilot Program Proposal - E. Lucas, Deputy Town Manager; B. Rowe, Public Works Director
Item #: 2.

Background / Discussion:

During the February coffee with the Mayor meeting, one of the topics discussed was the previous brush and recycling facility and the desire for the Town to open a new one. The largest complaint during this meeting, and the chief complaint since we closed the facility, is that our fall clean-up days typically occurs prior to most leaves falling in town.

With that in mind, the staff developed a white paper that outlined a fall 2025 pilot program for leaf and brush recycling. The proposed pilot program is a cost-conscious approach to addressing resident concerns. Staff will present the proposed pilot program, answer questions and seek board direction.

Financial Impact:

If implemented, the estimated revenue is \$12,000 with estimated expenses being \$22,680 for an estimated net loss of \$10,680. This was not budgeted for in 2025.

Relationship to Strategic Plan:

Recommendation:

Staff's recommendation is to try the pilot program in 2025 to determine if the demand is there while attempting to provide the service in a cost-conscious way.

CC:

Attachments:

1. Windsor Leaf Collection White Paper Final

Town of Windsor Leaf / Yard Debris White Paper February 2025

Background

The Town began a yard waste collection program in 2009, where residents could drop yard waste and other materials free of charge. Contractors were charged for their usage of the site.

Originally located at the former Diamond Valley Park, the site was moved to the Public Works Facility in 2018, due to illegal dumping that cost the town in excess of \$30,000 to remediate. The site was also under consideration as an incentive to a private sports tourism group.



The new site, located at 922 N 11th Street at the Public Service campus remained in place until the service was discontinued in 2020 due in part to financial losses in excess of \$120,000 annually as well as significant staffing issues, and research that showed that only 4% of residents used the service primarily because they already had curbside service.

In response to the closing, the Town began two annual cleanup events (Spring / Fall), in which residents can drop off a variety of materials at the Public Service campus.

The free cleanup events are extremely popular and continue to grow annually. Additionally, we annually offer each household a \$10 yard waste rebate if they take yard waste anytime throughout the year to a private recycling center, however participation remains low. In 2024, we only rebated \$280.



Each year, particularly in the fall, residents voice their concerns that our fall cleanup day frequently doesn't coincide with or comes after leaves have fallen. This is often time true given we also utilize the same staff for snow and our snow calendar season starts October 1st.

In an effort to meet the needs of our residents, Public Works Director Brian Rowe and I have completed research regarding how other municipalities handle fall yard cleanup. In the end we believe we have come up with a reasonable proposal that should not cost the Town significant capital or operational dollars while providing a limited fall yard waste cleanup occurring during fall leaf season.

Research

Our research consisted of visits to the following community websites:

https://www.northglenn.org/government/departments/public_works/trash/yard_waste_mulching_center.php

<https://www.jacksongov.org/Residents/Home-and-Family/Yard-Waste-Collection-Center>

<https://www.littletonco.gov/Government/City-Services/GreenEnvironmental-Programs/Fall-Leaf-Collection-Event>

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Recycle-Compost-Trash/Seasonal-Programs/LeafDrop-and-Pumpkin-Recycling>

<https://www.arvadaco.gov/718/Leaf-Recycling>

Analysis & Proposal

After review of the sources and careful consideration, we concluded that the Town could develop a pilot program for the fall 2025 leaf season. This would enable staff to see if the demand for service and revenue generated is significant enough to offset costs, while also learning what unknown hurdles we may face by providing this new service. A general description of the pilot program is outlined below.

Town of Windsor Residential Branch & Leaf Drop Location Public Services Fall 2025 Pilot Program

October 13- November 15: Weekdays 8am to 3pm & each Saturday in that timeframe (Oct 18,25 & Nov 1,8,15)

- Plan to empty your own leaf bags. All leaves must be emptied in the designated roll off bin. No bags, even compostable bags, will be accepted
- Leaves and branches bagged separately. Failure to separate will result in the resident being turned away.
- Last loads into the site will be 30 minutes before site closes to ensure time to get customers in line through the site.
- We will be closed in the case of adverse weather conditions.

Bring proof of residency. This event is open to Town of Windsor residents for residential yard waste only. Contractors and non-residents will be turned away. You must provide proof of residency either with a water utility bill or a driver's license with your current address.

We will accept the rebate coupons during the pilot program. Residents will be able to drop their yard debris and pay for the service (outlined below). All rebate requests must be submitted

through the Public Works Offices located at 922 N 15th street during regular business hours Monday – Friday.

Residential Fees

Car / Pick-up Truck: \$10per load

Single Axle Trailer: \$15per load

Tandem Axle Trailer: \$20per load

*Truck & Trailer combinations will pay both fees: *Example Truck \$10 + trailer \$15 = \$25 fee*

- Credit Card Only – No Personal Checks

Estimated Costs & Revenue

Item	Estimated Costs	Notes
<u>Expenses</u>		
Signage	\$500	New Entry Sign for Event
Staffing (Use FT Employees)	\$13,930	2 staff -8 hrs M-F 2 staff - overtime for 5 weekends
Disposal Fees	\$7,380	Estimated 8 dumpster per week for 5 weeks
Dirty Load Tip Fee	\$1,370	Estimated 2 dirty loads
<u>Total Expenses</u>	\$22,680	
<u>Revenue</u>		
Drop Off Fees	\$12,000	<i>Would need 2,268 \$10 loads to break even.</i>
Balance	<i>\$10,680 Loss</i>	

Notes:

- We did not include expenses related to fuel or equipment wear and tear while hauling to the landfill.
- We expect that we will see a significant increase in the use of the \$10 rebate coupon. Coupon usage will change the revenue generated as outlined above.
- Disposal fees are \$162 per dumpster of branches & \$198 per dumpster of leaves (Dumpster is 18cubic yards); dirty loads (mixed contamination are \$685 each.
- Additional dumpster costs are not included if the pilot program is successful to require additional dumpsters. If we purchase an additional dumpster like the two, we have that fit our trucks, we are estimating \$20,000 ea.



FUTURE TOWN BOARD MEETINGS

May 12, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Sales Tax Split Discussion Museum Strategic Plan
May 12, 2025 6:45 p.m.	Kern Board Meeting
May 12, 2025 7:00 p.m.	Town Board Regular Meeting
May 19, 2025 5:30 p.m.	Town Board Work Session Sustainable Windsor Update Windsor High School Student Presentation Proposed SAFEbuilt stormwater inspection services fee increases
May 26, 2025	Canceled – Memorial Holiday
June 2, 2025	Canceled – 1 st Monday
June 9, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Windsor Housing Authority Update Audit Presentation
June 9, 2025 7:00 p.m.	Town Board Regular Meeting
June 16, 2025 5:30 p.m.	Town Board Work Session Sex Offender Ordinance Discussion Barking Dogs Ordinance Discussion Traffic Offenses Fees Ordinance Discussion
June 23, 2025 5:30 p.m.	Town Board Work Session Charter Review Recommendations Building and Energy Codes Discussion
June 23, 2025 7:00 p.m.	Town Board Regular Meeting
June 30, 2025	Canceled – 5 th Monday
July 7, 2025	Canceled – 1 st Monday

July 14, 2025
5:30 p.m.

Town Board Work Session
Board/Manager/Attorney Monthly Meeting
Metro District Discussion for Service Plans and Finance

July 14, 2025
6:45 p.m.

Kern Board Meeting

July 14, 2025
7:00 p.m.

Town Board Regular Meeting

July 21, 2025
5:30 p.m.

Town Board Work Session

July 28, 2025
5:30 p.m.

Town Board Work Session

July 28, 2025
7:00 p.m.

Town Board Regular Meeting

Future Work Session Topics

- Wildland Resiliency Code presentation - sometime in July