



PLANNING COMMISSION REGULAR MEETING

June 4, 2025 - 7:00 PM

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

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

AGENDA

A. CALL TO ORDER

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

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

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

The Planning Commission will not respond to any questions or comments made by the public during this section of the meeting, though it will take all input under advisement. If requesting a response from the Town, please leave your contact information with the Town Clerk. The Town Manager or other appropriate staff member will reach out after the meeting to address specific questions or concerns when appropriate.

B. CONSENT CALENDAR

1. Approval of the April 16, 2025, Planning Commission Regular Meeting Minutes - K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending the Windsor Municipal Code Chapter 14 and Chapter 16, Concerning Accessory Dwelling Units and Short-Term Rentals - Planning Department
 - Legislative action
 - Staff presentation: Sandra Mezzetti, Senior Planner
2. Recommendation to Town Board - An Ordinance Amending the Windsor Municipal Code Chapter 14 and Chapter 16, Concerning Accessory Dwelling Units and Short-Term Rentals - Planning Department
 - Legislative action
 - Staff presentation: Sandra Mezzetti, Senior Planner

D. COMMUNICATIONS

1. Communications from Planning Commission

2. Communications from Town Board Liaison

3. Communications from Staff

a. Review of the Town of Windsor GMA, along with the GMA's of the Town's surrounding communities

E. ADJOURN

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



MEMORANDUM

Date: June 4, 2025
To: Planning Commission
From:
Re: Approval of the April 16, 2025, Planning Commission Regular Meeting Minutes - K. Cinnamon, Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 04.16.25 PC Draft Minutes



Planning Commission Regular Meeting

April 16, 2025 - 7:00 PM

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

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

MINUTES

A. CALL TO ORDER

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

1. Roll Call

Present:

Chair Timothy Reddick
Vice-Chair Maxwell Nader
Secretary Nathan Kinney
David Hassard
Ben Kirch
John Neal
Alternate Nancy Frase

Absent:

Jordan Spight
Alternate Larry Pakowski

Also Present:

Town Board Liaison Hallett - via Zoom
Kim Mihm, Deputy Town Attorney - via Zoom
Omar Herrera, Engineering Deputy Director - via Zoom
Scott Pearson, Transportation Engineer - via Zoom
Doug Roth, Civil Engineer - via Zoom
Scott Ballstadt, Planning Director
Carlin Malone, Chief Planner
Mark Price, Planner II
Kim Lambrecht, Long Range Planner
Sandra Mezzetti, Senior Planner
Kelsey Robertson, Senior Planner
Kyra Mckinley, Visual Media Coordinator
Kaitlyn Cinnamon, Deputy Town Clerk

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

Planning Commissioner Nader moved to approve the agenda as presented with a modification made by Chairman Reddick to move agenda item three under Board Action to item three under Call to Order, Planning Commissioner Neal seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Ben Kirch, Maxwell Nader, Jason Hallett, John Neal, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Reddick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the March 5, 2025, Planning Commission Regular Meeting Minutes- L. Richardson, Assistant Town Clerk

Planning Commissioner Nader moved to approve the consent calendar as presented, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Ben Kirch, Maxwell Nader, Jason Hallett, John Neal, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

Jason Hallett, Town Board Liaison, gave a statement to the Commission.

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

C. BOARD ACTION

1. Public Hearing - Request for Preliminary Major Subdivision - Greenspire Subdivision 6th Filing - John Hall, Owner, Lot Holding Investments, LLC; Applicant, Abdul Barzak, Ripley Design

The applicant Mr. Abdul Barzak, Ripley Design Inc. has submitted an application on behalf of the property owner, Lot Holding Investments, LLC, represented by Mr. John Hall, for a preliminary major subdivision plat for the Greenspire Subdivision 6th Filing, located north of Windsor Lake, and east of State Highway 257, in the Town of Windsor.

The subject subdivision is zoned Residential Mixed Use (RMU-1) and is a 10.25-acre portion of the previously platted Greenspire Subdivision (1st Filing). The proposed subdivision reduces the number of single-family residential lots from 61 to 52, maintaining previously platted tracts for pedestrian access to the Windsor Lake Trail, open space, and a Town of Windsor dedicated park.

Chairman Reddick opened the public hearing.

Mark Price, Planner II, presented to the Planning Commission.

Abdul Barzak, the applicant with Ripley Design, presented to the Planning Commission.

Chairman Reddick opened the meeting up for public comment, to which there were none.

Chairman Reddick opened the meeting up for Planning Commission questions. Commissioner Neal asked a question regarding the home price point, to which the applicant answered.

Chairman Reddick closed the public hearing.

2. Approval - Request for Preliminary Major Subdivision for Greenspire Subdivision 6th Filing - John Hall, Owner, Lot Holding Investments, LLC; Applicant, Abdul Barzak, Ripley Design

Please refer to public hearing item materials.

Chairman Reddick asked if Mark Price, Planner II, had anything further to add, to which he replied no.

The original motion was made as a recommendation to the Town Board but was amended to the motion stated below. The amended motion and vote took place after Communications from Staff was completed on the agenda.

Planning Commissioner Kirch moved to approve the Request for Preliminary Major Subdivision for Greenspire Subdivision 6th Filing, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Ben Kirch, Maxwell Nader, Jason Hallett, John Neal, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

3. Public Hearing Cancellation - Applicant Withdrawal of Land Use Application - Request to Amend the Town Comprehensive Plan Land Use Map from General Commercial to Mixed Residential for an area within the Village East Subdivision 8th, 12th and 13th Filings - Larry Buckendorf, owner representative; and Morgan Kidder, applicant representative, Village East Commercial Holdings, LLC

On behalf of the applicant, Mr. Larry Buckendorf of Village East Commercial Holdings LLC, Mr. Morgan Kidder, also of Village East Commercial Holdings LLC, has withdrawn the request to amend the Town's 2024 Comprehensive Land Use Plan Map from General Commercial (GC) land use designation to Residential Mixed Use (RMU) designation. Therefore, staff requests the public hearing be canceled.

The item was moved from agenda item three under Board Action to item three under Call to Order by Chairman Reddick during Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration.

Chairman Reddick opened the meeting up for public comment, to which there were none.

4. Public Hearing - Preliminary Major Subdivision - Overland 368 Subdivision - Overland 368 LLC, Zada Steidl, owner; Chad Ellington, applicant, Peak Development Group; Shelly LaMastra, applicant's representative, RVi Planning + Landscaping

The applicant's representative, Ms. Shelley LaMastra of RVi Planning + Landscaping, has submitted an application on behalf of Peak Development Group, represented by Mr. Chad Ellington, for a major subdivision consisting of approximately 173 acres known as Overland 368 Annexation. The subject property is located west of State Highway 257, east of 15th Street, and north of the Great Western Railway in the Town of Windsor.

Chairman Reddick opened the public hearing.

Sandra Mezzetti, Senior Planner, presented to the Planning Commission.

Shelley La Mastra, the applicant's representative with RVi Planning + Landscaping, presented to the Planning Commission.

Chairman Reddick opened the meeting up for public comment.

Joan Bert, Windsor resident of 451 Deerfield Drive, spoke regarding concerns about the current prairie dog colony and where her property is located related to the development.

Commissioner Hassard made a comment about the side-by-side duplex parking. He additionally asked a question regarding where downtown is in relation to the development and pedestrian access, to which Sandra Mezzetti answered.

Commissioner Neal asked questions regarding the home price point and possible future development, to which Shelley La Mastra answered.

Commissioner Frase made a comment regarding the quality-of-life consideration. She additionally asked questions about guest parking for the townhomes and traffic flow, to which Shelley La Mastra answered.

Commissioner Frase also asked if someone could address the prairie dog concern, to which the applicant, Chad Ellington with Peak Development Group, answered.

Chairman Reddick made a comment regarding the prairie dog concern as well.

Chairman Reddick closed the public hearing.

5. Approval - Preliminary Subdivision - Overland 368 Subdivision - Overland 368 LLC, Zada Steidl, owner; Chad Ellington, applicant, Peak Development Group; Shelley La Mastra, applicant's representative, RVi Planning + Landscaping

Please refer to public hearing item materials.

Chairman Reddick asked if Sandra Mezzetti, Senior Planner, had anything further to add, to which she replied no.

The original motion was made as a recommendation to the Town Board but was amended to the motion stated below. The amended motion and vote look place during this item on the agenda.

Planning Commissioner Kirch moved to approve the Preliminary Subdivision for the Overland 368 Subdivision, Planning Commissioner Nader seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Ben Kirch, Maxwell Nader, Jason Hallett, John Neal, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Commissioner Kinney spoke about the APA Conference and his takeaways from attending.

2. Communications from Town Board Liaison

Town Board Liaison Hallett spoke about the APA Conference, upcoming Windsor Downtown Authority events, and Town Board items regarding Senate Bill 131 and the Towns budget hearing process.

3. Communications from Staff

Scott Ballstadt, Planning Director, spoke about the items under Communications from Staff on the agenda and stated that those site plans are all being administratively approved but asked if there are any questions from the Planning Commission pertaining to any listed, to which there were none.

He also stated that there is not a joint work session with Town Board next week and it will actually take place on May 5, 2025.

Mark Price, Planner II, stated that his item, number two under Board Action was also for Planning Commission approval and not to be forwarded to the Town Board. Chairman Reddick stated that there will be an amendment to the motion after Communications from Staff is completed.

Carlin Malone, Chief Planner, spoke about the upcoming Advisory Board Appreciation Night and a question one of the Commissioners had regarding the site plan process. Carlin also introduced Kelsey Robertson, the Town's new Senior Planner to the Planning Commission.

Kaitlyn Cinnamon, Deputy Town Clerk, also spoke about the upcoming Advisory Board Appreciation Night on July 10, 2025.

- a. Major Site Plan - Diamond Valley 14th Filing, Lot 1 - Waste Connections - M. Price, Planner II
- b. Major Site Plan - Great Western Industrial Park 3rd, Lot 1 Block 1 - Vestas Blades America, Inc. - CPX Building - M. Price, Planner II
- c. Major Site Plan - Flex Space - Diamond Valley 13th Filing, Lot 1 (1000 Diamond Valley Drive) - S. Mezzetti, Senior Planner
- d. Major Site Plan - Flex Space - South Gate Business Park 12th Filing, Lot 1 (710 Triumph Drive) - S. Mezzetti, Senior Planner
- e. Major Site Plan - Eagle Crossing Subdivision 11th Filing, Lot 2 (6567 Crossroads Blvd) - The G.O.A.T. Restaurant - K. Lambrecht, Long Range Planner
- f. Major Site Plan - Water Valley South Subdivision 24th Filing, Lot 1 (340 E. Crossroads Blvd) - New Liberty Self Storage - K. Lambrecht, Long Range Planner
- g. Major Site Plan - Water Valley South Subdivision 13th Filing, Lot 3 (1353 Water Valley Parkway) - Water Valley Dental - K. Lambrecht, Long Range Planner
- h. Major Site Plan - Windsor School Annexation (1020 Main Street) - Weld County School District RE-4 Administration Building Addition - K. Lambrecht, Long Range Planner
- i. Major Site Plan - Shutt's Subdivision 3rd Filing, Tract H (8452 Cromwell Drive) - New Townhome Building - K. Lambrecht, Long Range Planner
- j. Major Site Plan - Raindance Subdivision 21st Filing, Tract A (Grand House) Phase I - C. Malone, Chief Planner

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:09 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: June 4, 2025
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Public Hearing - An Ordinance Amending the Windsor Municipal Code Chapter 14 and Chapter 16, Concerning Accessory Dwelling Units and Short-Term Rentals - Planning Department
Item #: C.1.

Background / Discussion:

Executive Summary

- The accessory dwelling unit (ADU) section of the Town's Municipal Code was updated in December 2024 to adhere to State legislative updates; however, legislative clarifications were made after this update.
- The proposed update adds and amends language to adhere to State requirements regarding Accessory Dwelling Units (ADUs) and terms for when ADUs are used as short-term rentals (STRs).
- The recent legislative updates create the need to update three sections of the Town's Municipal Code.

The Town Board held a work session on May 19, 2025, during which they received an overview of the proposed code amendments, reviewed the draft ordinance, and directed staff to proceed with the public hearings for the ordinance amending the land use code.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapters 14 and 16, subject to any Planning Commission comments being addressed, as stated in the staff recommendation section.

Town Board Discussion

There were no concerns with the proposed amendments to the land use code concerning the clarifications and criteria to adhere to State requirements for ADUs. There was one question from a Town Board member, asking if it was possible for the owner of one lot to have a concurrent rental of both the primary dwelling and ADU. Staff responded that when one lot has a primary dwelling unit and an ADU, those both could potentially be rented at the same time; however, there are requirements that need to be met during the ADU application process and other restrictions for the use of the ADU:

- A property owner must live in the principal dwelling unit on the property at the time of the ADU application.
- Additionally, if a property owner applies for one of the units to become a short-term rental, the property owner must live in either the principal dwelling unit or the ADU.
- The amendment also clarifies that while both dwelling units could be used as rental properties, only one unit on the property can be active as a short-term rental.

History: Accessory Dwelling Unit Code Amendment and State Legislation

Chapters 14 through 17 of the Town's Municipal Code, which collectively make up the Town's Land Use Code, were last updated in December 2024 to respond to recent State housing legislation, House Bill 24-1152. The objective of this bill is to allow accessory dwelling units (ADUs) on the same lots as single-family residential homes as a strategy to promote affordable and attainable housing. Since its passage, the State has provided additional clarification regarding requirements for ADUs. Adherence to these clarifications have created the need to amend sections of the Town's land use codes related to the specific definition of an ADU and when ADUs are used as short-term rentals, as outlined in this memorandum and in the attached draft ordinance.

Initial Town ADU Code

The accessory dwelling unit code amendment was first added to the Land Use Code in October 2014. This code included the following requirements:

- One (1) off-street parking space shall be required for an accessory dwelling unit, which parking space shall be in addition to any parking otherwise required for the principal dwelling unit.
- Compliance with restrictive covenants. If the parcel upon which an accessory dwelling unit is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this Section shall be considered minimum requirements.
- Unit occupancy. No more than three (3) persons shall occupy an accessory dwelling unit.
- Owner occupancy. The property owner, as reflected in the books and records of the County Clerk and Recorder, must occupy either the principal dwelling unit or the accessory dwelling unit.

2024 Code Update

The above code was amended in December 2024 to align with the requirements outlined in HB24-1152. With the new law's passage, all the requirements listed above were no longer allowed, except that owner occupancy can be required at the time of the ADU application, and an on-site parking space can be required when no on-street parking is available. HB24-1152 also requires that local governments that are identified as an ADU Supportive Jurisdiction submit a ADU Compliance Report.

ADU Subject Jurisdiction

The Town of Windsor has been designated as an Accessory Dwelling Unit (ADU) Subject Jurisdiction under State law. To be recognized as an ADU Supportive Jurisdiction, Windsor is required to file an Accessory Dwelling Unit Compliance Report and demonstrate compliance with specific legal requirements. This includes implementing at least one of ten State-identified supportive strategies that promote the construction, conversion, or use of ADUs. To meet this obligation, Town staff have selected a supportive strategy that limits the use of ADUs as short-term rentals (STRs). This strategy is intended to encourage the long-term residential use of ADUs and align with State housing goals. The attached draft land use code update aligns with the State-mandated definition of ADU (Chapter 14, Article 5) and incorporates required terms for the use of ADUs as short-term rentals (STRs) (Chapter 16, Article III).

Proposed Amendments: Accessory Dwelling Unit Code Section and Short-Term Rental Section

Included below is an overview of the three sections in the land use code that will be changed, and explanations of the changes. The draft code sections are attached for review, in ordinance format.

Section 1 Chapter 14, Article V – Definitions.

- Adds a specific definition for Accessory Dwelling Units.

Section 2 §16-3-40 – Accessory dwelling units.

- Modifies language concerning ADUs when used as short-term rental units, to align with C.R.S. sections. (HB24-1152)

Section 3 §16-3-60. – Short-Term Rentals.

- Provides criteria for when an ADU is used as a short-term rental unit.

The land use code amendments by section are included in the ordinance and below, in their entirety, illustrating the proposed added language (in bold), and an explanation behind the amendment.

Section 1; Chapter 14, Article V – Definitions.

Adds a definition for Accessory Dwelling Units. An ADU was described within past Town land use code updates; however, it did not include a definition in Article V. The State provides a specific definition for jurisdictions to use, which has been reflected in the attached draft code amendment:

Dwelling, accessory dwelling unit means an internal, attached, or detached dwelling unit that:

- a) Provides complete independent living facilities for one or more individuals;**
 - b) Is located on the same lot as a proposed or existing primary residence; and**
 - c) Include facilities for living, sleeping, eating, cooking, and sanitation.**
-

Sections 2: §16-3-40 - Accessory dwelling units.

(f) Accessory Dwelling Unit Short-term Rentals. Properties containing an ADU may be granted one short-term rental license. The license can apply to either the accessory dwelling unit or the single-family dwelling, but not both. Accessory dwelling units being used for the purpose of a short-term rental shall comply with the requirements outlined in Section 16-3-60.

~~(f)~~**(g)** Recorded declaration of restrictions required. As a condition of accessory dwelling unit approval and condition of any building permit issued for or within an accessory dwelling unit, the property owner shall record a declaration of restrictions with the clerk and recorder of the county in which the property is located. Such declaration of restrictions shall be in the form approved and maintained by the Zoning Official, and shall state that:

- (1) The declarant shall reside on the property and such property shall be the primary and permanent dwelling place of the declarant, excluding temporary absences and temporary stays elsewhere, and said property shall be the declarant's place of legal residence at the time an application is submitted.
- (2) Ownership of the accessory dwelling unit shall not be transferred separately from the principal dwelling unit, nor shall the lot or parcel upon which the accessory dwelling unit is situated be subdivided.
- (3) The accessory dwelling unit shall be restricted to the approved size, and shall not be expanded. Any modification of the approved accessory dwelling unit site plan shall first be approved by the Town.
- (4) The certificate of occupancy for the accessory dwelling unit shall be in effect only so long as a principal dwelling remains on the property.
- (5) If the accessory dwelling unit is approved as Type III, the accessory dwelling unit shall not be locked off from the principal dwelling unit unless, prior to such action, the property owner has applied for and received approval for a change of designation to a Type II accessory dwelling unit.
- (6) The above restrictions are binding upon any successor in ownership of the property.

(7) Noncompliance with the declaration of restrictions may subject both the owner of the property and any accessory dwelling unit occupants to criminal prosecution and civil remedies, including, but not limited to, injunctive relief. The owner of the property shall be liable for all Town expenses associated with civil remedies sought by the Town in association with the declaration of restrictions. The failure of the Town to pursue civil or criminal remedies shall not be deemed a waiver of any violations or noncompliance.

(8) The declaration of restrictions shall lapse upon removal of the accessory dwelling unit. To affect this intent, and upon verification of such removal, the Town shall execute documentation confirming release of the deed restriction. The property owner shall record the Town-executed documentation releasing the declaration of restrictions. The property owner shall pay all required recording fees, and shall provide satisfactory written evidence that such recording was successfully completed.

(9) The declaration of restrictions shall be perpetual and constitute covenants running with the land. The declaration of restrictions shall be binding upon the property owner, and the heirs, successors and assigns of the property owner and all persons claiming under them.

(10) Neither the declaration of restrictions, nor any of the specifics set forth or incorporated therein, shall be amended, terminated or modified in any way without the written consent of the Town, filed with the clerk and recorder of the county in which the property is located.

~~(g)~~**(h)** Procedure for accessory dwelling unit approval. The approval of each accessory dwelling unit shall be governed by the following procedures: The property owner shall file an application for approval with the Planning Department upon such forms as may be approved by the Zoning Official. Upon completion of Planning Department review, the Zoning Official shall either approve the application as presented, deny the application as presented or approve the application with conditions. The Zoning Official shall base the determination and any conditions upon the express requirements and limitations of this Article.

Section 3: §16-3-60(c) – Short-Term Rentals

Clarifying language has been added for when an ADU is used as a short-term rental, and shall read as follows:

(c) Definition. "Short-term rental" means a dwelling unit, within a residentially zoned property, that is rented for a period of twenty-nine (29) consecutive days or less.

(1) Short-term rentals, that are owned in fee-simple by an individual property owner or corporate entity, shall be allowed in the following dwelling types (as defined by the Land Use Code), and are subject to fire and building code compliance:

(a) single-family detached and attached residences;

(b) multi-family condominiums; and

(c) accessory dwelling units. **Short-term rental ADUs are subject to the following conditions in addition to the general provisions and requirements in Sec. 16-3-60(d) & (e):**

1. One Short-Term Rental permit. No more than one Short-Term Rental permit may be issued and active during the same duration. Such permit may be granted for either the principal dwelling or the ADU.

2. The property owner's primary residence shall be either the principal dwelling or the ADU for any period in which a Short-Term Rental permit is active.

Notifications

Notification of the land use code update was in accordance with the Town Code, requiring notification at least ten (10) days prior to the public hearing:

- May 23, 2025 – Notice posted to Town's website

- May 23, 2025 – Legal ad published in newspaper

Land Use Code Update Schedule

- June 4, 2025 – Planning Commission public hearing and recommendation to Town Board
- June 9, 2025 – Town Board public hearing and first reading of ordinance
- June 23, 2025 – Town Board public meeting and second reading of ordinance

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

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapters 14 and 16 of the Town Municipal Code, subject to any Planning Commission comments being addressed.

CC:**Attachments:**

1. Staff Presentation
2. Draft Code Updates Concerning ADUs and STRs



Land Use Code Update: Chapter 14 and 16 – Accessory Dwelling Units & Short-Term Rentals

Planning Commission ~ June 4, 2025

*Sandra Mezzetti, Senior Planner
Planning / Community Development*





Land Use Code Amendments

Purpose

Background / Purpose

- ❖ ADU section was updated in December 2024 to adhere to State legislative updates; however, legislative clarifications were made after this update.
- ❖ This update adds and amends language to adhere to State requirements regarding Accessory Dwelling Units (ADUs) and terms for when ADUs are used as short-term rentals (STRs).
- ❖ The recent legislative updates create the need to update three sections of the Town's Municipal Code.



Land Use Code Amendments

Part 1: ADU definition

❖ Chapter 14, Article V - Definition

Adding language defining Accessory Dwelling Units to align with Colorado Revised Statute §29-35-402

Proposed Language:

Dwelling, accessory dwelling unit means, in accordance with C.R.S. 29-35-402 as amended periodically, an internal, attached, or detached dwelling unit that:

- a) Provides complete independent living facilities for one or more individuals;
- b) Is located on the same lot as a proposed or existing primary residence;
and
- c) Includes facilities for living, sleeping, eating, cooking, and sanitation.



Land Use Code Amendments

Part 2: Accessory Dwelling Units

Chapter 16, Article III – Residential Use Standards

§16-3-40 – Accessory Dwelling Units

❖ Adding clarifying language.

§16-3-40(f) - Accessory Dwelling Unit Short-term Rentals. Properties containing an ADU may be granted one short-term rental license. The license can apply to either the accessory dwelling unit or the single-family dwelling, but not both. Accessory dwelling units being used for the purpose of a short-term rental shall comply with the requirements outlined in Section 16-3-60.



Land Use Code Amendments

Item 3: Short-Term Rentals

Chapter 16, Article III – Residential Use Standards

❖ Adding terms for STRs. §16-3-60(c).

(c) accessory dwelling units. **Short-term rental ADUs are subject to the following conditions in addition to the general provisions and requirements in Sec. 16-3-60(d) & (e):**

- a) **One Short-Term Rental permit. No more than one Short-Term Rental permit may be issued per property. Such permit may be granted for either the principal dwelling or the ADU.**
- b) **The property owner's primary residence shall be either the principal dwelling or the ADU for any period in which a Short-Term Rental permit is active.**



Notification & Next Steps

Notification of the land use code update was in accordance with the Town Code, requiring notification at least ten (10) days prior to **the public hearing**:

- May 23, 2025 – Notice posted to Town's website
- May 23, 2025 – Legal ad published in newspaper

Public Hearing / Meeting Schedule:

- June 4, 2025 – Planning Commission public hearing and recommendation to Town Board
- June 9, 2025 – Town Board public hearing and first reading of ordinance
- June 23, 2025 – Town Board public meeting and second reading of ordinance



Staff Recommendation & Record

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapters 14 and 16, subject to any Planning Commission comments being addressed.

Staff requests that the following be entered into the record:

- Ordinance
- Staff memorandum and supporting documents
- Public testimony during the public hearing

Land Use Code Amendments proposed:

- **Chapter 14:** Article V, Definitions – Add ADU definition to align with legislative updates
- **Chapter 16:** §16-3-40 – Accessory Dwelling Units (ADUs) – Align with legislative updates
§16-1-60 – Short-Term Rentals (STRs) – Align with legislative updates



Questions / Thank you

Planning Commission

June 4, 2025

TOWN OF WINDSOR
ORDINANCE NO. 2025-

AN ORDINANCE AMENDING THE WINDSOR MUNICIPAL CODE BY UPDATING
CHAPTER 14 ARTICLE V AND CHAPTER 16 ARTICLE III, CONCERNING ACCESSORY
DWELLING UNITS AND SHORT-TERM RENTALS

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality with all powers and authority vested by Colorado law; and

WHEREAS, Chapters 14 through 17 of the Windsor Municipal Code (“Code”) collectively make up the Town’s Land Use Code; and

WHEREAS, Chapter 16 of the Code is the Town’s Zoning Code; and

WHEREAS, House Bill 24-1152 (“Bill”) amended sections of the Colorado Revised Statutes to mandate subject jurisdictions to implement processes for building Accessory Dwelling Units (“ADU”) and increase the availability of the ADUs by requiring these jurisdictions to allow for one ADU on the same property as a single-family detached dwelling subject to administrative approval processes; and

WHEREAS, the Bill requires all subject jurisdictions to implement this into their code by June 30, 2025; and

WHEREAS, the Town wishes to comply with the State requirements and implement the provisions of the Bill to adjust its existing ADU regulations in response to current housing affordability issues; and

WHEREAS, these amendments serves to promote the public health, safety and welfare of the Town by allowing for more affordable housing options within its jurisdiction and comply with all of the statewide legislation.

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

Section 1. Chapter 14 of the Code is hereby amended by adding an additional definition for Accessory Dwelling Units, which shall read as follows:

Article V – Definitions

...

Dwelling, accessory dwelling unit means an internal, attached, or detached dwelling unit that:

a) Provides complete independent living facilities for one or more individuals;

b) Is located on the same lot as a proposed or existing primary residence; and

c) Include facilities for living, sleeping, eating, cooking, and sanitation.

Section 2. Chapter 16 of the Code is hereby amended by adding additional provisions to Sections 16-3-40 and 16-3-60, which shall read as follows:

Sec. 16-3-40 - Accessory Dwelling Units

....

(f) Accessory Dwelling Unit Short-term Rentals. Properties containing an ADU may be granted one short-term rental license. The license can apply to either the accessory dwelling unit or the single-family dwelling, but not both. Accessory dwelling units being used for the purpose of a short-term rental shall comply with the requirements outlined in Section 16-3-60.

(g) Recorded declaration of restrictions required. As a condition of accessory dwelling unit approval and condition of any building permit issued for or within an accessory dwelling unit, the property owner shall record a declaration of restrictions with the clerk and recorder of the county in which the property is located. Such declaration of restrictions shall be in the form approved and maintained by the Zoning Official, and shall state that:

(1) The declarant shall reside on the property and such property shall be the primary and permanent dwelling place of the declarant, excluding temporary absences and temporary stays elsewhere, and said property shall be the declarant's place of legal residence at the time an application is submitted.

(2) Ownership of the accessory dwelling unit shall not be transferred separately from the principal dwelling unit, nor shall the lot or parcel upon which the accessory dwelling unit is situated be subdivided.

(3) The accessory dwelling unit shall be restricted to the approved size, and shall not be expanded. Any modification of the approved accessory dwelling unit site plan shall first be approved by the Town.

(4) The certificate of occupancy for the accessory dwelling unit shall be in effect only so long as a principal dwelling remains on the property.

(5) If the accessory dwelling unit is approved as Type III, the accessory dwelling unit shall not be locked off from the principal dwelling unit unless, prior to such action, the property owner has applied for and received approval for a change of designation to a Type II accessory dwelling unit.

(6) The above restrictions are binding upon any successor in ownership of the property.

(7) Noncompliance with the declaration of restrictions may subject both the owner of the property and any accessory dwelling unit occupants to criminal prosecution and civil remedies, including, but not limited to, injunctive relief. The owner of the property shall be liable for all Town expenses

associated with civil remedies sought by the Town in association with the declaration of restrictions. The failure of the Town to pursue civil or criminal remedies shall not be deemed a waiver of any violations or noncompliance.

(8) The declaration of restrictions shall lapse upon removal of the accessory dwelling unit. To affect this intent, and upon verification of such removal, the Town shall execute documentation confirming release of the deed restriction. The property owner shall record the Town-executed documentation releasing the declaration of restrictions. The property owner shall pay all required recording fees, and shall provide satisfactory written evidence that such recording was successfully completed.

(9) The declaration of restrictions shall be perpetual and constitute covenants running with the land. The declaration of restrictions shall be binding upon the property owner, and the heirs, successors and assigns of the property owner and all persons claiming under them.

(10) Neither the declaration of restrictions, nor any of the specifics set forth or incorporated therein, shall be amended, terminated or modified in any way without the written consent of the Town, filed with the clerk and recorder of the county in which the property is located.

(h) Procedure for accessory dwelling unit approval. The approval of each accessory dwelling unit shall be governed by the following procedures: The property owner shall file an application for approval with the Planning Department upon such forms as may be approved by the Zoning Official. Upon completion of Planning Department review, the Zoning Official shall either approve the application as presented, deny the application as presented or approve the application with conditions. The Zoning Official shall base the determination and any conditions upon the express requirements and limitations of this Article.

Sec. 16-3-60.- Short-term rentals

...

(c) Definition. "Short-term rental" means a dwelling unit, within a residentially zoned property, that is rented for a period of twenty-nine (29) consecutive days or less.

(1) Short-term rentals, that are owned in fee-simple by an individual property owner or corporate entity, shall be allowed in the following dwelling types (as defined by the Land Use Code), and are subject to fire and building code compliance:

(a) single-family detached and attached residences;

(b) multi-family condominiums; and

(c) accessory dwelling units. **Short-term rental ADUs are subject to the following conditions in addition to the general provisions and requirements in Sec. 16-3-60(d) & (e):**

1. One Short-Term Rental permit. No more than one Short-Term Rental permit may be issued and active during the same duration. Such permit may be granted for either the principal dwelling or the ADU.

2. The property owner's primary residence shall be either the principal dwelling or the ADU for any period in which a Short-Term Rental permit is active.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance are hereby repealed, only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Introduced, passed on first reading, and ordered published this ____ day of ____ 2025.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this ____ day of ____ 2025.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



MEMORANDUM

Date: June 4, 2025
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Recommendation to Town Board - An Ordinance Amending the Windsor Municipal Code Chapter 14 and Chapter 16, Concerning Accessory Dwelling Units and Short-Term Rentals - Planning Department
Item #: C.2.

Background / Discussion:

Please refer to the information provided with the public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapters 14 and 16 of the Town Municipal Code, subject to any Planning Commission comments being addressed.

CC:

Attachments:



MEMORANDUM

Date: June 4, 2025
To: Planning Commission
From:
Re: Review of the Town of Windsor GMA, along with the GMAs of the Town's surrounding communities
Item #: D.3.a.

Background / Discussion:

Staff would like to take an opportunity for an annual review of the current Land Use Map. Included in the discussion will be a review of an interactive map outlining the Growth Management Areas (GMA), Municipal boundaries, and various Intergovernmental Areas (IGA) of the Town's neighboring communities.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

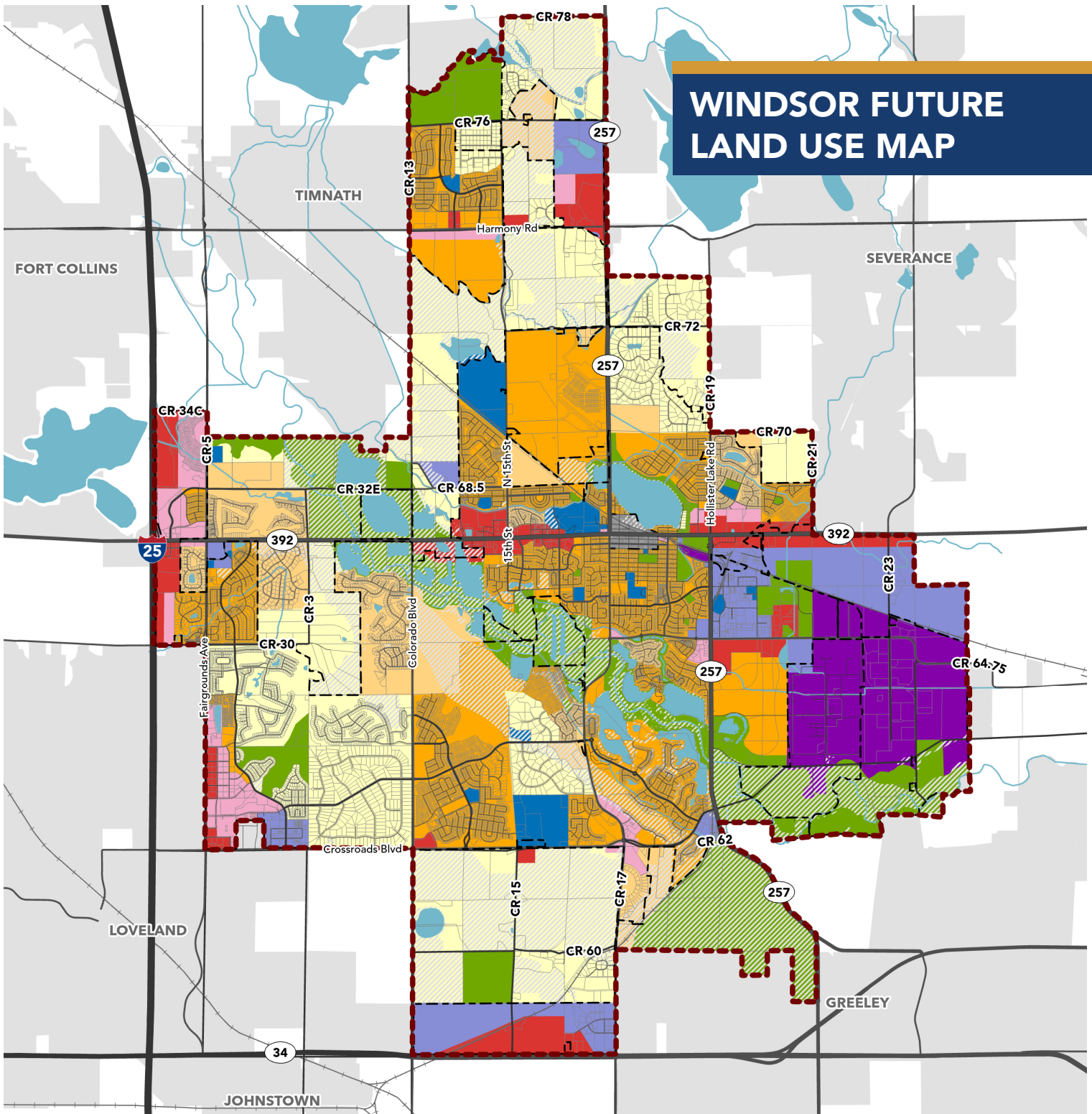
CC:

Attachments:

1. 2024 Comp Plan Chapter 4 - Land Use Map
2. Interactive Map - Example Image



WINDSOR FUTURE LAND USE MAP



- Growth Management Area
- Town Boundary
- Water Bodies
- Rivers & Streams

- Downtown Study Area
- Potential Natural Areas and Open Space Overlay

- Future Land Uses**
- Employment/Flex Industrial
 - Heavy Industrial

- Low Density/Clustered Residential
- Medium Density Residential
- Mixed Residential

- Commercial Mixed Use
- General Commercial
- Parks and Open Space
- Public/Semi-Public



