



PLANNING COMMISSION REGULAR MEETING

June 18, 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 June 4, 2025, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending the Town of Windsor Land Use Code, Chapters 14, 15 and 16, Concerning Land Use Application Procedures, Development Standards and Land Uses in the Central Business District - Carlin Malone, Chief Planner, and Kimberly Lambrecht, Long Range Planner
 - Legislative action
 - Staff presentation: Carlin Malone, Chief Planner; Kim Lambrecht, Long Range Planner
2. Recommendation to Town Board - An Ordinance Amending the Town of Windsor Land Use Code, Chapters 14, 15 and 16, Concerning Land Use Application Procedures, Development Standards and Land Uses in the Central Business District - Carlin Malone, Chief Planner, and Kimberly Lambrecht, Long Range Planner
 - Legislative action
 - Staff presentation: Carlin Malone, Chief Planner, and Kimiberly Lambrecht, Long Range Planner

D. COMMUNICATIONS

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

E. ADJOURN

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



MEMORANDUM

Date: June 18, 2025
To: Planning Commission
From:
Re: Approval of the June 4, 2025, Planning Commission Regular Meeting Minutes - L.
Richardson, Assistant Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 06.04.25 PC Draft Minutes



Planning Commission Regular Meeting

June 4, 2025 - 7:00 PM

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

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MINUTES

A. CALL TO ORDER

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

1. Roll Call

Present:

Chairman Reddick
Vice-Chair Nader
Nancy Frase
David Hassard
Ben Kirch
Jordan Spight
John Neal

Absent:

Secretary Nathan Kinney
Alternate Larry Pakowski

Also Present:

Town Board Liaison Hallett
Scott Ballstadt, Planning Director
Kim Mihm, Deputy Town Attorney
Kim Lambrecht, Long Range Planner
Sandra Mezzetti, Senior Planner
Kyra McKinley, Visual Media Coordinator
Laura Richardson, Assistant Town Clerk

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

Planning Commissioner Kirch moved to approve the agenda as presented, Planning Commissioner Nader seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal, 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 April 16, 2025, Planning Commission Regular Meeting Minutes - K. Cinnamon, Deputy 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, Jordan Spight, John Neal, 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 - An Ordinance Amending the Windsor Municipal Code Chapter 14 and Chapter 16, Concerning Accessory Dwelling Units and Short-Term Rentals - Planning Department

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.

Chairman Reddick opened the public hearing.

Sandra Mezzetti, Senior Planner, made a correction in reference to the chapter numbers and presented to the Planning Commission.

Commissioner Neal asked questions regarding accessory dwelling unit occupancy and short-term rental duration, to which Sandra Mezzetti, Scott Ballstadt, Director of Planning and Commissioner Spight answered. Commissioner Hassard and Chairman Reddick made comments and asked questions about the property owner's residency, to which Sandra Mezzetti, Senior Planner, responded.

Chairman Reddick closed the public hearing.

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

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

Planning Commissioner Nader moved to forward to the Town Board a recommendation of approval of the Ordinance Amending the Windsor Municipal Code Chapter 14 and 16, concerning Accessory Dwelling Units and Short-Term Rentals, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal, Nancy Frase; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Commissioner Hassard and Chairman Reddick stated that they would not be present for the Planning Commission Regular Meeting scheduled for July 2, 2025. Commissioner Frase provided an update on the Ad Hoc Committee.

2. Communications from Town Board Liaison

Town Board Liaison Hallett spoke about the 7th Street Bridge construction, schools being out for summer break, and provided information on upcoming Windsor Downtown Alliance events and projects.

3. Communications from Staff

Scott Ballstadt, Director of Planning, advised that there is a good likelihood that the Planning Commission Regular Meeting scheduled for July 2, 2025, will be cancelled, provided an update on the downtown zoning and stated that he will be in District Court on June 18, 2025.

Commissioner Neal asked about maintenance at Future Legends, to which Scott Ballstadt answered.

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

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.

Scott Ballstadt, Director of Planning, and Kimberly Lambrecht, Long Range Planner, presented to the Planning Commission.

Commissioner Neal, Chairman Reddick and Commissioner Kirch asked questions regarding intergovernmental agreements, annexations and land use, to which Scott Ballstadt responded.

Commissioners congratulated Kimberly Lambrecht on her promotion to Long Range Planner.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:55 p.m.

Laura Richardson, Assistant Town Clerk



MEMORANDUM

Date: June 18, 2025
To: Planning Commission
From: Carlin Malone, Chief Planner
Kimberly Lambrecht, Long Range Planner
Re: Public Hearing - An Ordinance Amending the Town of Windsor Land Use Code, Chapters 14, 15 and 16, Concerning Land Use Application Procedures, Development Standards and Land Uses in the Central Business District - Carlin Malone, Chief Planner, and Kimberly Lambrecht, Long Range Planner
Item #: C.1.

Background / Discussion:

Executive Summary

The WDA (Windsor Downtown Alliance) and the Town developed what is known as the Windsor Downtown Master Plan. This plan was accepted by the Town Board in 2024. As part of the implementation strategies within this master plan, a team from RVi Planning, Town staff, and WDA, investigated and analyzed methods within the Town's land use codes where amendments would identify compatible land uses and provide cohesive design standards for the walkable downtown area. The team also revised the land use application procedures to address certain uses needing additional design compatibility within the CB (Central Business) District, also known as Windsor's Downtown.

Staff is recommending that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapters 14, 15 and 16, subject to any Planning Commission comments being addressed, as stated in the staff recommendation section.

Background

The objective of the proposed land use code amendments is to align with the implementation strategies outlined in the Windsor Downtown Master Plan, which identified the need for updated downtown standards, standards which are over 30 years old. The Windsor Downtown Corridor Plan also provides procedures, allowable uses, and design standards. This subarea plan will be retired with this land use code update, providing procedures, types of suitable land uses, and standards for the downtown in one location.

History – Downtown Master Plan

The following key events took place during the Downtown Master Plan process:

- Fall 2023 – Work on the Downtown Master Plan began with a public kickoff meeting. The WDA held a variety of outreach opportunities during the initial stages of the plan, engaging business owners, residents, and those who utilize the downtown for shopping, dining, events at Boardwalk Park or other activities.
- March 2024 – The “Public Brainstorming/Review/Comment” period.
- April 2024 – WDA presented the Downtown Master Plan to the Town's Planning Commission and Town Board for review and consideration. The Town Board accepted the Plan on April 22, 2024.
- October 2024 – Public open house to present findings regarding insights from the plan.
- November 2024 – Kick-off for solutions (implementation) phase of the Downtown Master Plan.
- January 2025 – Begin development of zoning code update to respond to insights developed by

the Plan.

Town Board and Planning Commission Discussion

The Town Board and Planning Commission held a joint work session on May 5, 2025, during which they received an overview of the proposed code amendments and directed staff to proceed with the public hearings for the ordinance amending the land use code after addressing comments concerning proposed design standards from Planning Commissioner David Hassard.

Courtney Livingston, RVi Planning, Planning staff, Commissioner Hassard, and Planning Commission Chairman, Tim Reddick, met on May 29, 2025, to respond and discuss the design standard comments, noting that the comments received were helpful and these recommendations had been reflected in the revised draft code. Where comments received were not modified, they were discussed as to the rationale behind no change. After there was consensus to move forward with the proposed modifications, the land use update public hearings were noticed.

Land Use Code Update Schedule

- Planning Commission recommendation to Town Board – June 18, 2025
- Town Board public hearing to consider the Planning Commission recommendation and first reading of the ordinance on July 14, 2025.
- Town Board public meeting and second reading of the ordinance on July 28, 2025.

Proposed Amendments: Chapters 14, 15, and 16 Concerning the CB Zone District

The draft code sections are attached for review, in ordinance format. Below is an overview of the sections proposed for updates, in order by chapter and section number:

Section 1 Chapter 14

- Adds procedures for specific uses in the CB zone district.
- Design review or Special Conditional Use.
- Article V, Adds definitions.

Section 2 Chapter 15

- Adds development standards for lots and buildings, as well as sign standards for properties developing in the Central Business District.

Section 3 Chapter 16

- Defines Primary and Secondary Streets in the Central Business District.
- Modifies land uses, identifying permitted, conditional and accessory land uses, and land uses not allowed in within the Central Business District.
- Amends Design Standards by Street Frontage; Architectural Standards and Parking Design Standards for Central Business District.

The land use code amendments by section are included in the ordinance, with strikeouts illustrating text

that will be deleted and bold text illustrating the text that will be added.

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:

- June 6, 2025 – Notice posted to Town’s website
- June 6, 2025 – Legal ad published in newspaper

Financial Impact:

Relationship to Strategic Plan:

The land use code update is consistent with the following Strategic Plan goal concerning Vibrant and Healthy Economy:

- Enhance and expand downtown Main Street vitality.
- Support public-private partnerships.

The land use code update is consistent with the following Strategic Plan goal concerning Strategic Growth:

- Create land use policies that support the Comprehensive Plan to direct growth and density to appropriate areas.

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending the Town of Windsor Land Use Code, Chapters 14, 15 and 16, concerning land use application procedures, development standards and uses in the Central Business District, subject to any Planning Commission comments being addressed.

CC:

Courtney Levingston, AICP, Senior Planner, Rvi Planning + Landscape Architecture

Attachments:

1. Presentation - Windsor CB District Code Updates
2. Ordinance - Code Updates Concerning Downtown



WINDSOR DOWNTOWN CODE UPDATES

June 18, 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

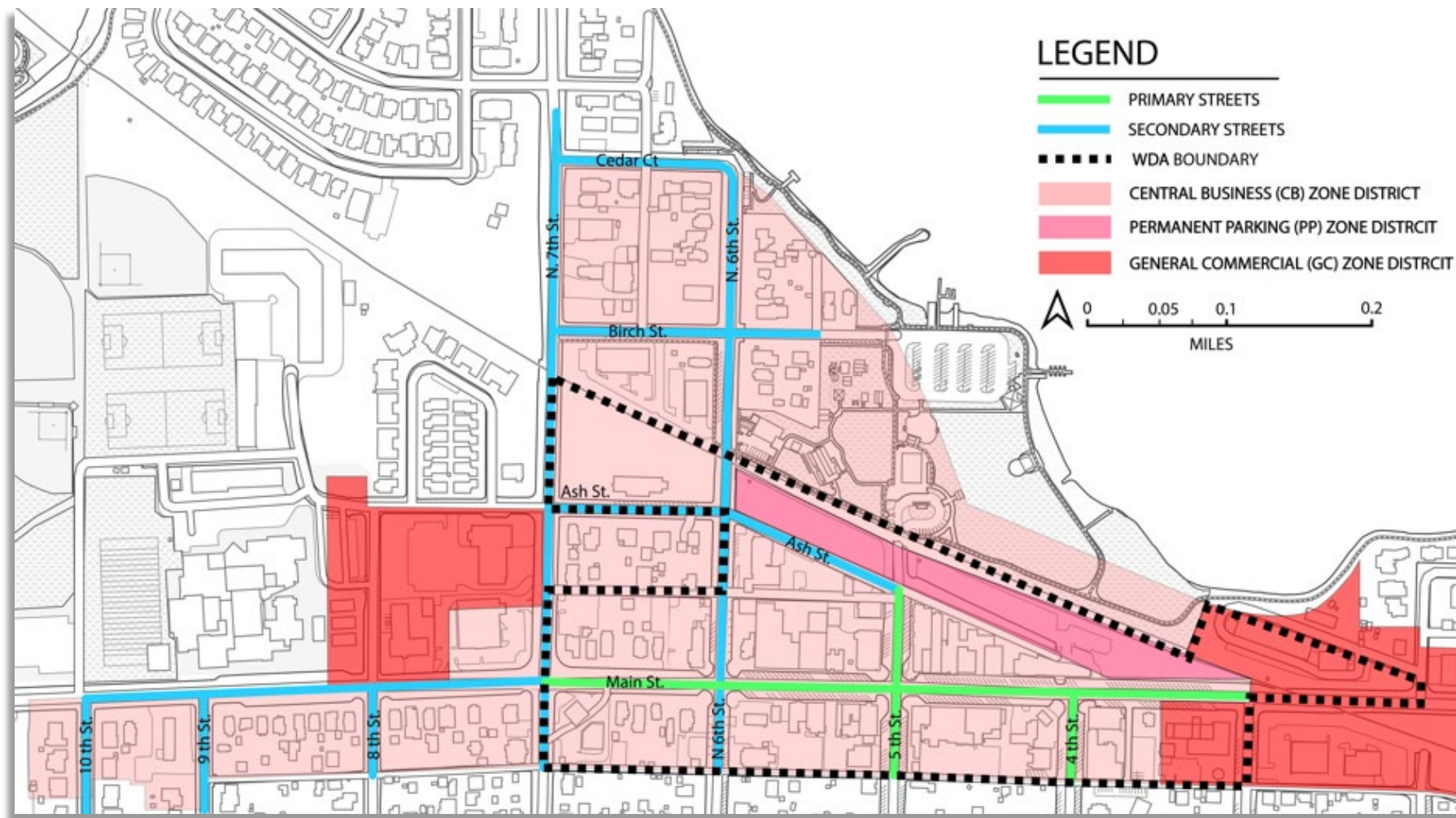
- Updates to Chapters 14 – 16 of Windsor's Code aimed to implement applicable aspects of the Downtown Windsor Master Plan. Updates include:
 - Special Conditional Use Process
 - Downtown Street Types: Primary and Secondary Streets
 - 1st Floor Residential Streets in Central Business District
 - Commercial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

SUMMARY OF KEY UPDATES BETWEEN MAY AND JUNE 2025

- Removed definition of “drugstore” use.
- Streamlined frontage types and updated frontage types graphics for clarity.
- Updated microbrewery definition to reference the allowed amount in both barrels and gallons
- Added transparency rule of measurement with a graphic in the definitions
- Simplified and clarified select architectural design standards, including
 - Window detailing requirements removed
 - Window opacity architectural design standard
 - Exterior finishes requirements simplified
 - Building color compatibility requirements aligned with peer communities

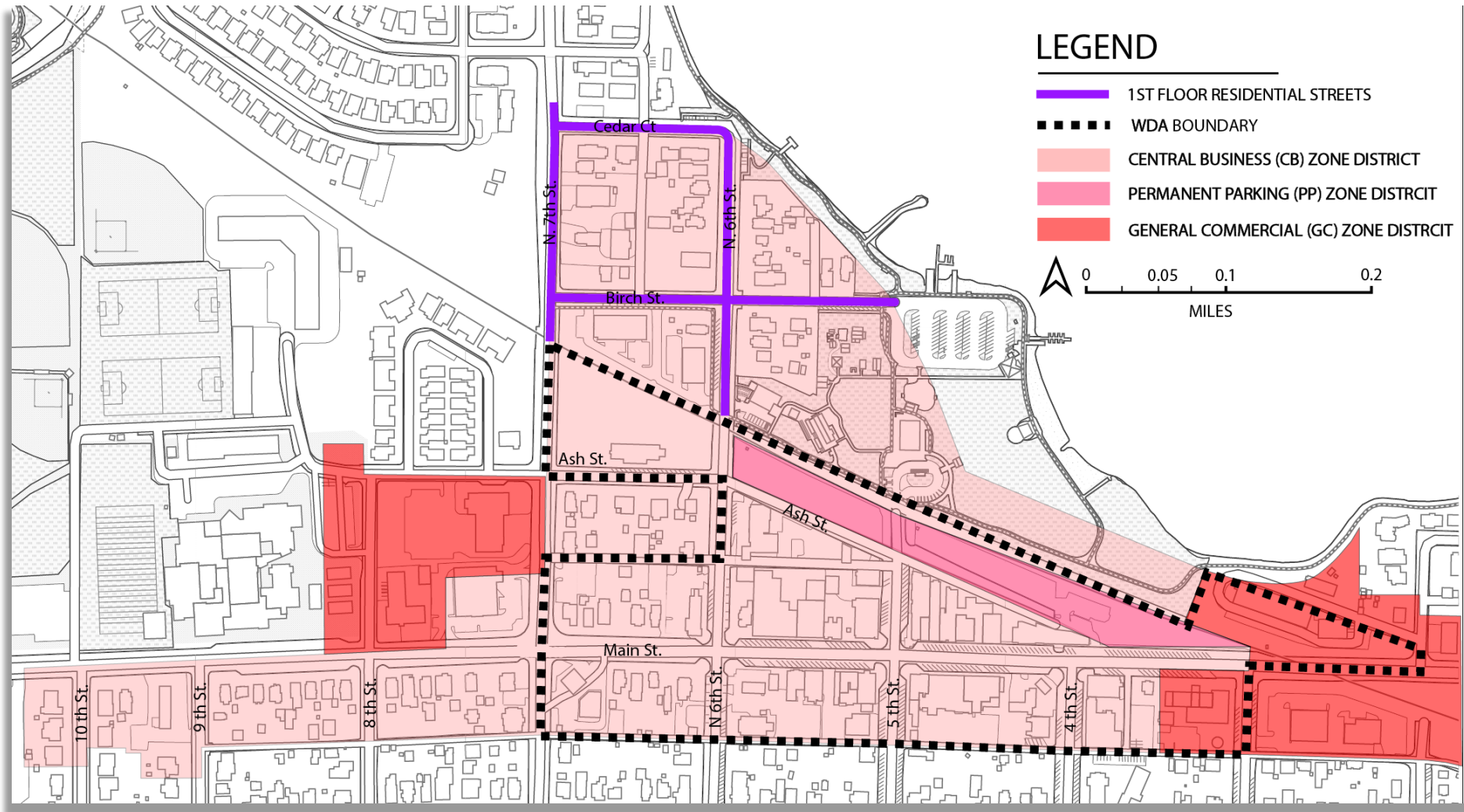
1 SPECIAL CONDITIONAL USE PROCESS

- 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".



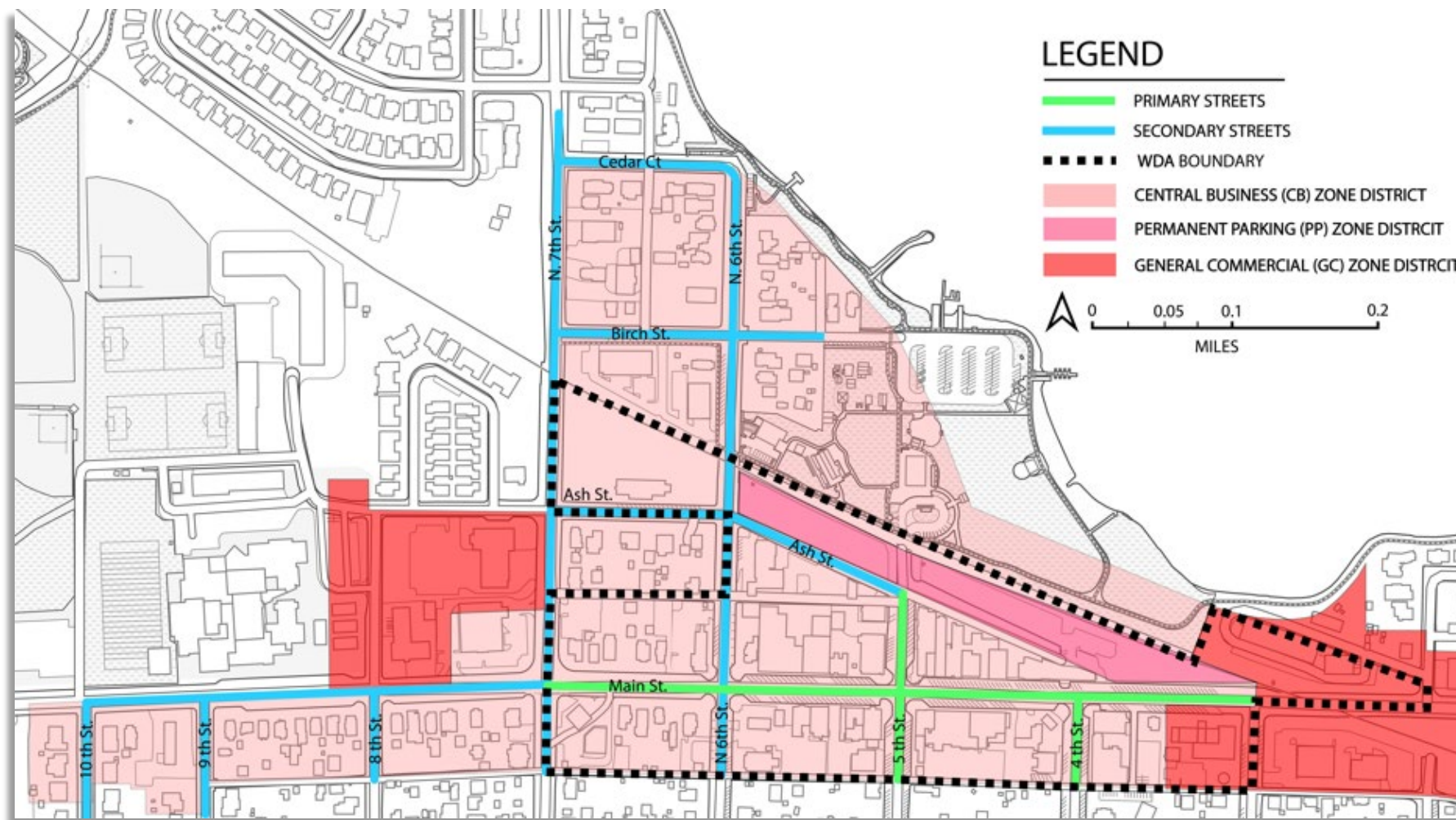
3 DOWNTOWN SIGNS

- 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 15-17-121. New section within sign code for CB zone district.*



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, more so than secondary streets.
- See the Downtown Use Table 16-1-111.



5 DOWNTOWN MAXIMUM BUILDING HEIGHT

- Currently, the Central Business District has a maximum height of 75'
- Ordinance 2022-24 modified this to subarea A and B to 65' with additional restrictions.
- Maximum heights in the central business district align 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 Street) must adhere to (generally) a frontage type.
- Intent is to support an active and visually interesting pedestrian environment along Main St.
- Simplified down to 3 options from April's draft.

Examples of Frontage Type Options



Awning



Arcade/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 more than 3 stories on primary street.
 - High-quality building material requirement
- *See section 16-1-110(f)*



Thank You!
QUESTIONS?

TOWN OF WINDSOR

ORDINANCE NO. 2025 -

AN ORDINANCE AMENDING WINDSOR MUNICIPAL CODE CHAPTERS 14-16 CONCERNING THE PROCESS, STANDARDS AND USES FOR THE CENTRAL BUSINESS ZONE DISTRICT IN THE TOWN OF WINDSOR, COLORADO

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

WHEREAS, the Town has in place a comprehensive system of zoning regulations, intended to promote the public health, safety and welfare; and

WHEREAS, the Town seeks to encourage commercial activity as a source of community vitality and a source of municipal revenue; and

WHEREAS, in response to the Windsor Downtown Master Plan implementation recommendations and requests from the business community, the Town Board has given due consideration to amending the regulations for the Central Business (“CB”) zoning district to address the process, standards and uses for the CB zoning district; and

WHEREAS, the Town Board finds that this Ordinance promotes public health, safety and welfare.

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

Section 1. Portions of Article II of Chapter 14 of the Windsor Municipal Code are hereby amended to address Special Conditional Uses within the Central Business District and shall read as follows:

CHAPTER 14 Land Use Code Administration and Procedures

ARTICLE I General Administration

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

Telecom- munica- tions	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.
 - (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 eighty (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.
 - (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.
 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.
- (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. 14-2-10(h)(6) 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

*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
 - 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.
 - (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)

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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:
 - 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 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.
- (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.
- (f) 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.
- (g) 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.

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Section 2. Portions of Article V of Chapter 14 of the Code are hereby amended to add definitions applicable to the Central Business District and shall read as follows:

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:

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.

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. 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.**

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.

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. *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.

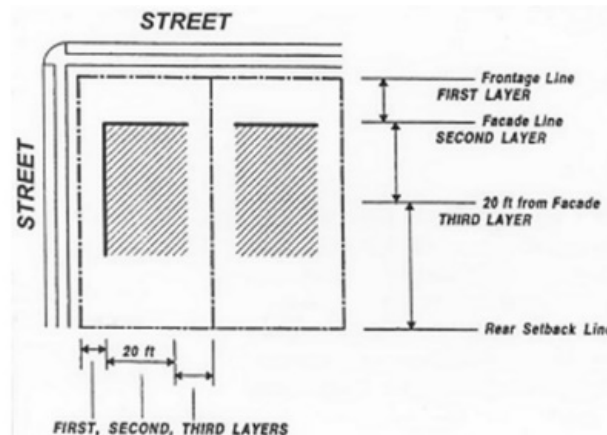
Hotel means a building in which lodging with or without meals is offered for compensation but not including kitchen facilities in individual rooms.

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.

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 465,000 gallons (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.**

***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.

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.

***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.

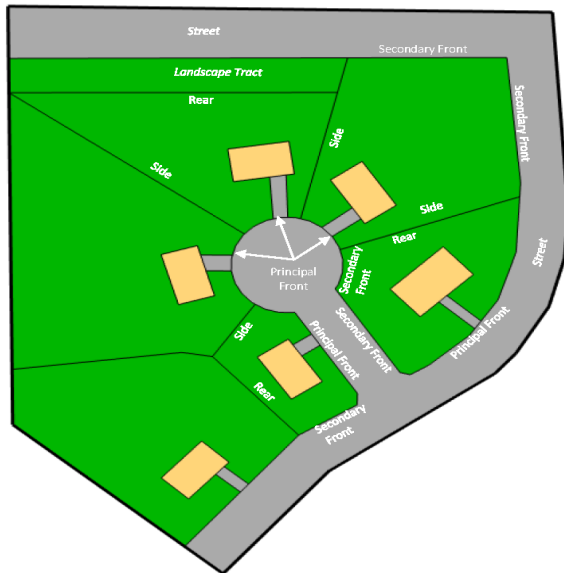
Seasonal sales mean temporary sales of a product or service which is holiday-specific, such as Christmas tree sales, Halloween pumpkin sales and the like, whether or not such product or service is offered for distribution from a temporary structure.

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. 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 decorative elements 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 the streetwall and may exceed 3 feet 6 inches in height (but cannot exceed 5 feet 6 inches in height) 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 brewery, microbrewery, microwinery, 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.

***Transparency* is measured as the total amount of linear feet of transparent surface (such as windows) within the zone of transparency divided by the total length of that same street-facing building façade. For further clarification see figure 14-6, below.**



***Transparency, zone of* is the area between 2 feet and 9 feet above the finished upper surface of the floor across the entire primary street fronting façade.**

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.

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.

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Section 3. Portions of Article XVII of Chapter 15 of the Windsor Municipal Code are hereby amended to address Sign Regulations within the Central Business District and shall read as follows:

CHAPTER 15 Development Standards

ARTICLE XVII Sign Regulations

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.

Sec. 15-17-121. Central Business (CB) zone district requirements.

The Central Business (CB) zone district included properties that were within portions of the previously known Downtown Corridor Plan. This section, as it relates to sign standards, replaces standards from the former Downtown Corridor Plan.

(1) In addition to the general sign requirements for commercial and industrial signs which apply to all commercial and industrial signs, any sign located within the Central Business (CB) zone district shall be subject to the following requirements. In cases where the zone district requirement conflicts with a general requirement, the zone district requirement shall control.

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.

d. **Building-Mounted Signs:**

1. A single external band may be applied at the top of the 1st floor façade of each building, providing that it does not exceed two (2) feet in height by any length.
2. Each tenant shall be allowed one (1) building-mounted sign for each building elevation (not including window signs).
3. 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.
4. Signs mounted to building elevations shall fit within existing features of the building elevation and shall be designed to integrate with the building architecture.
5. 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.
6. **Building-Mounted Sign Lighting.**
 - (a) Signage may be externally illuminated by reflection of a light source aimed at its surface.
 - (b) All lighting must be fully-shielded and down directional to prevent flare of nuisance beyond the property line or night sky.
 - (c) Illumination shall not overpower other signs on the streets or the facades of nearby buildings.
 - (d) Ground-mounted lighting is allowed if the light source is concealed through planting, screening or shield.
 - (e) Internally illuminated cabinet signs are prohibited.

e. **Awning or Canopy Signs:**

1. Shall not exceed 20 percent of the area of each awning/canopy (top plus all sides).

2. Signs on awnings or canopies shall be a maximum of 60 percent of the width of the awning.
3. 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 used for supporting sign.
4. Shall meet structural requirements.
5. Acrylic and plastic awning signs are prohibited.

f. Projecting Signs:

1. Shall 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.
2. The bottom of sign face shall be a minimum of eight (8) feet or a maximum of ten (10) feet above the sidewalk.
3. Shall meet structural requirements.
4. Shall be placed perpendicular to the building and installed according to building code.
5. The method of attachment to the building shall be an integrated and appealing system and be well designed and detailed.
6. Shall respect the character of downtown Windsor and shall be or have the appearance of being, multi-dimensional.
7. Shall be attached to a building and shall not be placed on poles or other signs.
8. No internal illumination shall be allowed on projecting signs downtown.
9. In addition to the building-mounted signs, each business shall also be allowed one (1) projecting sign but are still subject to overall sign square footage allowance.

g. Freestanding Monument Sign:

1. 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.
2. Shall meet structural requirements.
3. Shall be located outside of the right-of-way.
3. Shall respect the character of Windsor and shall be, or have the appearance of being, multi-dimensional.
4. Shall be placed no closer than 15 feet from another freestanding monument sign.
5. Shall be ground mounted.
6. Shall be located in accordance with the setback and "sight visibility at intersections" requirements of this Chapter.
7. Shall not be internally illuminated or include electronic messages.

h. Freestanding Hanging signs:

1. Shall be constructed of a single post and perpendicular bracket design.
2. The height shall not exceed six (6) feet.
3. The sign area of such sign 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.
4. 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.

i. Freestanding Directional signs:

1. Shall be no more than six (6) feet in height.
2. May be located at an exit, entrance, or to direct on-site traffic.

j. Window signs (permanent):

1. Shall cover no more than 20 percent of the area of any single pane of any window and or door area.
2. The combined area of temporary and permanent window signs must not exceed 50 percent of the area for all building mounted signs.
3. Window signage shall not be considered in calculation of total sign area for the building or tenant.
4. 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.

k. Prohibited Signs. The following signs are prohibited from the Central Business (CB) zone district:

1. Both illuminated and non-illuminated box or cabinet signs are prohibited.

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Section 4. Portions of Article I of Chapter 16 of the Windsor Municipal Code are hereby amended to address Permissible Uses, Development and Design Standards and Parking within the Central Business District and shall read as follows:

Sec. 16-1-110. Central business (CB) district.

- (a) ~~Purpose. The Central Business CB District is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as a center of community activity. It is the further intent of this District to conserve and enhance the existing central business area and to promote an aesthetically pleasing and safe walkable environment for the benefit of the community as a whole.~~
- (b) ~~Lot Development Standards. Development within the CB zone district shall adhere to the standards contained in Table 16-1-110(b) and this Section.~~

Table 16-1-110(b): CB District Lot Development Standards	
Vehicular Access Types Permitted	
Rear	
Lot Standards	
Minimum Lot Area (square feet)	n/a
Minimum Lot Width	n/a
Maximum Lot Coverage	100%
Minimum Setbacks	
Front	0'
Side	0'
Rear	0'
Maximum Building Height	
Height	75'
Note: Single Family dwellings subject to SF-1 District standards per Sec. 16-1-110(c)(1)(e)	

- (c) ~~Use regulations. A building or lot may be used for the following purposes and no other:~~

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

- ~~a. Any principal use permitted by right in the Neighborhood Commercial District.~~
- ~~b. Retail stores, excluding the sale or rental of motor vehicles.~~
- ~~c. Customer service establishments.~~
- ~~d. Business and professional offices.~~
- ~~e. Banks and saving and loan offices.~~
- ~~f. Medical and dental clinics.~~
- ~~g. Public administrative offices and service buildings.~~
- ~~h. Public utility offices and installations.~~
- ~~i. Public libraries.~~
- ~~j. Places of assembly (small).~~
- ~~k. Commercial lodging.~~
- ~~l. Theaters.~~
- ~~m. Minor repair, rental and servicing establishments, excluding motor vehicle repair, rental and servicing.~~
- ~~n. Passenger transportation terminals, not including truck terminals.~~
- ~~o. Existing single-family residential dwellings.~~
- ~~p. Plumbing and heating contractors.~~
- ~~q. Other similar uses as defined in this Code.~~
- ~~r. Residential uses on the upper floors of commercial buildings.~~

~~(2) Permitted accessory uses.~~

- ~~a. Any accessory uses permitted in the Neighborhood Commercial District.~~
- ~~b. Signs, subject to the provisions of this Code~~
- ~~c. Mobile food vending as set forth in this Chapter.~~

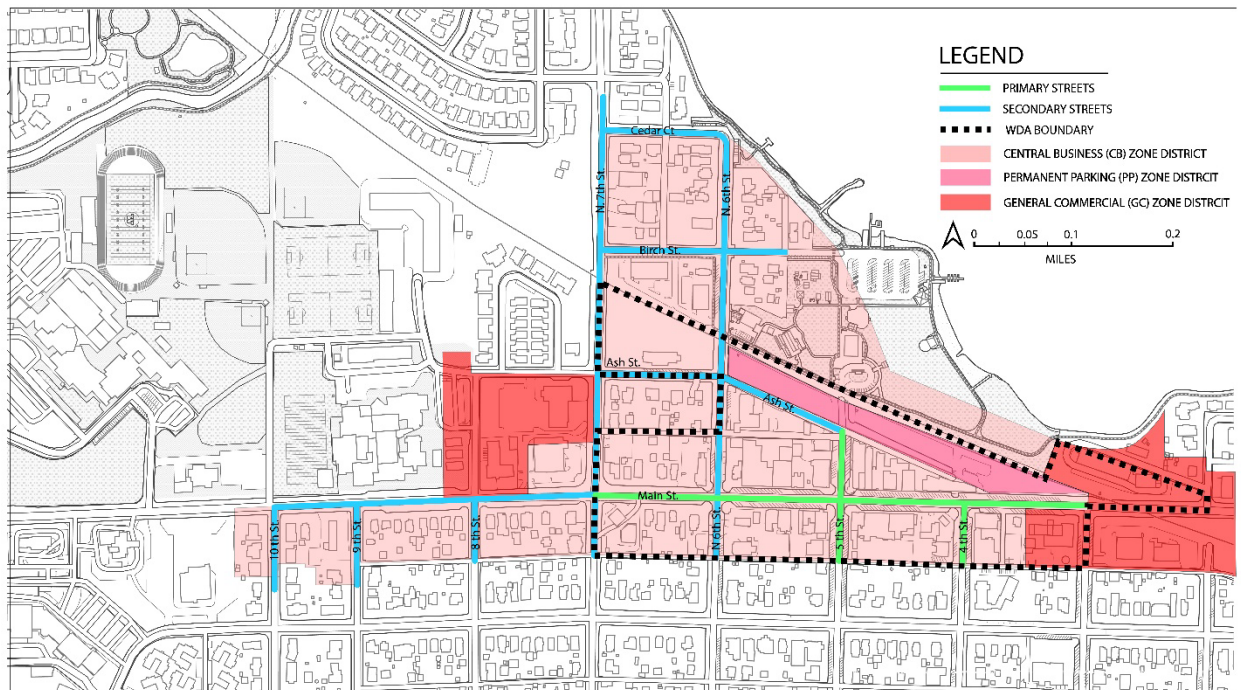
~~(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use permit as provided in Section 14-2-130:~~

- ~~a. Commercial parking facilities.~~
- ~~b. Gasoline service stations.~~
- ~~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 Chapter.~~

~~(Ord. 2020-1620 §3; Ord. 2024-1694 §7)~~

- (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).

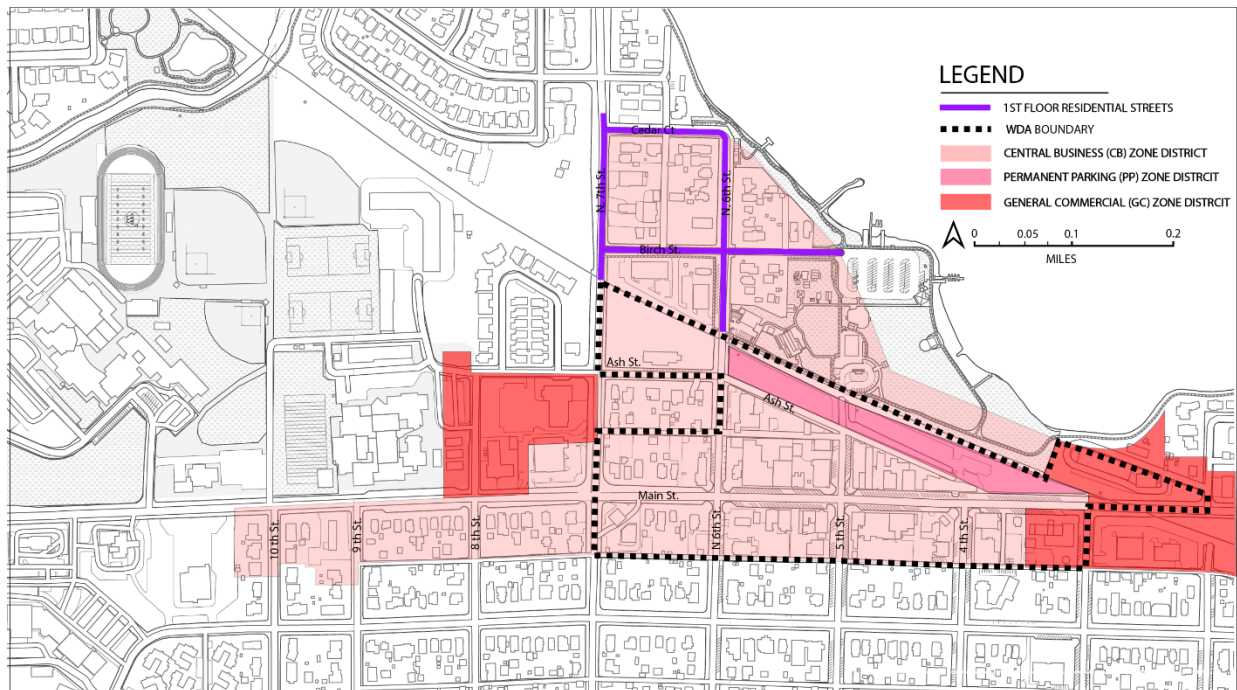
Table 16-1-111: Central Business District Principal Uses

P = Permitted Use (by right)	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
Baked goods store	P	P
Hardware store	S-CU	P
Drugstore	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 store	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 2 nd 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

1 Permitted only on streets within the CB zone district identified as “1st floor residential streets” on Map 16-1-112

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

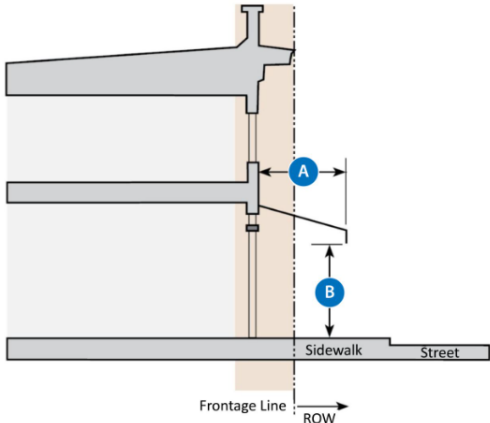
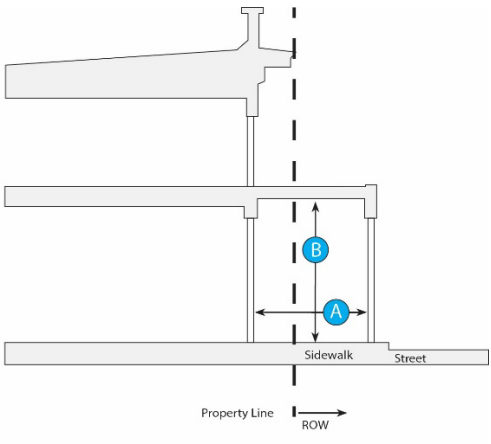
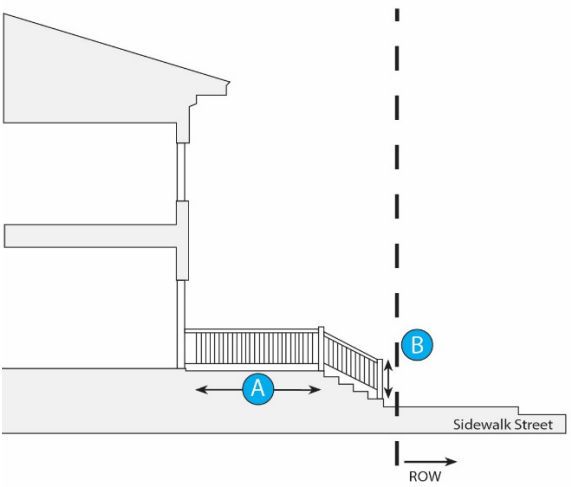
- a. *Purpose.* The purpose of using stories as the measurement of height in addition to feet in the Central Business district is to provide an incentive for the creation of buildings with improved exterior and interior proportions resulting from greater floor-to-ceiling heights.
- b. *General.* The 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 14 feet.
2. All new buildings that front designated primary streets must select and adhere to a minimum of 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 Frontage Design Standards

Frontage Type	Detail
Awning/Canopy/ Marquee	A. Awnings/ Canopies shall have a minimum depth of 5 feet measured perpendicular to the wall face. B. Awnings/Canopies/Marquees shall have a minimum clearance height of 8 feet measured from the sidewalk to the lowest portion of the canopy/awning/ marquee.

	Awnings/canopies/ marquees shall be established at the top of the first-floor façade. There are no minimum requirements for additional awnings or canopies above the first floor. Awnings/canopies shall not extend closer than 2 feet from the back of curb (street).
Arcade/Gallery 	A. The arcade/gallery shall be no less than ten feet wide (measured from the building façade to the inside of the column) Where the curb along the frontage is irregular, the predominant curb line along the block shall be used. The arcade/gallery may encroach in the R.O.W. with a permit. B. The minimum clear height within the first story walkway space shall be 12 feet. Pedestrian activation such as street furniture, outdoor dining, etc. is encouraged within the arcade/gallery structure. A permit for any encroachment into the R.O.W. may be required.
Porch & fence 	A. Porches shall be no less than 6 feet deep and may be utilized as habitable space if programmed for activity. B. Fencing shall not exceed four 4 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). A fence may be installed on private property near the front property line(s), separating the porch and the adjacent right-of-way.

(f) Architectural Design Standards

General Standard. 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

Architectural Standards	Primary Street	Secondary Street
Transparency	The first story fronting the primary street shall be a minimum 60 percent transparency. Additional stories shall be a minimum 30 percent transparency.	The first story fronting a secondary street shall be a minimum 30 percent transparency.
Window Opacity	To support visual connection and engagement along the primary street, opaque, “black-out” and/or mirrored glass may not be used along primary street fronts	
Entrances	The primary pedestrian entrance shall be a clearly defined architectural feature and easily distinguishable from the street front.	
Building recess (upper story stepback)	Buildings shall have a minimum 12’ upper story stepback taken from the edge of first floor façade along the primary street front commencing above the 3 rd story.	
Facades	Facades shall be built parallel to the front lot line along 90 percent of its length. On corner lots, chamfered corners on buildings are permitted exception. 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.	Facades shall be built parallel to the front lot line along 70 percent of its length. On corner lots, chamfered corners on buildings are permitted exception. 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.
Exterior finish	A variety of architectural finishes are encouraged to enhance the building façade and to create a non-monotonous façade.	

	False, faux or “applique” windows and architectural features are prohibited. Prefinished, non-corrugated architectural metal may be used as an architectural enhancement and may not account for more than 50% of the exterior finish material.
Building color	Material colors shall be used to blend buildings into an area, to coordinate elements of a development, and be drawn from the prevalent color schemes in the surrounding area. Primary material colors should be low-reflectance, subtle, neutral or earth tone colors. Monotonous or monochromatic color palettes are strongly discouraged. The use of high-intensity colors, metallic colors, black or fluorescent colors is limited to accent areas.
Mechanical equipment	Mechanical equipment such as HVAC, electrical, etc. shall be concealed from public view from the right-of-way using parapets, street walls, etc.
Parking screening	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 feature vertical or horizontal changes in wall plane, landscaped, decorative view ports, wrought iron grill work, decorative masonry patterns or similar to provide visual interest.

(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 of the lot and masked by a street wall or building. Parking on designated primary streets must be located in the third layer.
Loading spaces	Loading spaces are prohibited along primary street 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. Access shall adhere to applicable Town of Windsor and State of Colorado standards, where applicable.
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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Section 5. 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 6. 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 18, 2025
To: Planning Commission
From: Carlin Malone, Chief Planner
Kimberly Lambrecht, Long Range Planner
Re: Recommendation to Town Board - An Ordinance Amending the Town of Windsor Land Use Code, Chapters 14, 15 and 16, Concerning Land Use Application Procedures, Development Standards and Land Uses in the Central Business District - Carlin Malone, Chief Planner, and Kimberly Lambrecht, Long Range Planner
Item #: C.2.

Background / Discussion:

Please refer to public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments: