



TOWN BOARD WORK SESSION

October 13, 2025 - 5:30 PM

1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

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

AGENDA

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

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

WORK SESSION AGENDA ITEMS

1. Board/Manager/Attorney Monthly Meeting
2. Electric Vehicle (EV) Charging Station Ordinance - K. Lambrecht, Long Range Planner
3. Landscaping Ordinance - K. Robertson, Senior Planner
4. Right of Way Regulation - E. Lucas, Deputy Town Manager
5. Future Meetings Agenda

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



MEMORANDUM

Date: October 13, 2025
To: Mayor and Town Board
From: Kimberly Lambrecht, Long Range Planner
Re: Electric Vehicle (EV) Charging Station Ordinance - K. Lambrecht, Long Range Planner
Item #: 2.

Background / Discussion:

In May 2024, the Colorado Legislature passed HB24-1173 **concerning streamlining the process for permitting electric motor vehicle (EV) charging stations**, in order to further promote the adoption of electric vehicles and increase the development of the electric vehicle charging infrastructure. The legislation requires counties with populations over 20,000 people, and municipalities with over 10,000 people to adopt an ordinance or resolution establishing **objective standards, with an administrative review process** (no public hearings) to be used by said municipality during the review of a land use application that includes EV charging stations by December 31, 2025.

There are three (3) types of EV charging stations:

- Level 1 Charging: Slow charging, typically associated with a standalone residential charging station.
- Level 2 Charging: Mid-speed charging that might likely be associated with higher density residential (apartments) locations.
- Direct Current Fast Charging (DCFC): uses a 480V 3-phase outlet, and may charge in as fast as 20-30 minutes

This Land Use Code Amendment focuses on **DCFC Charging Stations (DCFC)**.

The key component of the amendment is to ensure that inclusion of EV Charging Stations within a new commercial development, or the addition of EV Charging Stations to an existing commercial development is permitted through an administrative process, such as a Site Plan, and that no public hearings are required.

In conjunction with the passing of HB24-1173, the Colorado Energy Office (CEO) developed a Model Land Use Code and supporting information to assist in the development of a local Code. The Model Land Use Code provided an outline of those elements of an EV Charging Station project to assess during the evaluation of an application for permitting, such as: **definitions, allowed zone districts, site development, landscaping, screening, lighting, and site lines**. As outlined in HB24-1173, municipalities have the option of adopting the EV Charging Stations Model Code as it is; adopting EV Charging permitting standards directly, including adopting objective permit review standards along with an administrative review process; or retaining existing permitting processes and standards. The Town currently does not have EV Charging Station standards in place, and the Model Code utilizes terms and standards that do not align with the current Land Use Code. **Consequently, Staff has developed a hybrid Code section that uses the intent and content of the Model Code, but tailors the specific language to the terminology and processes found within the Town of Windsor Land Use Code.** As required by HB24-1173, any modifications to the language found in the Model Code must allow for an **objective and administrative review** of an EV Charging Station permit application.

The attached ordinance proposes to allow EV Charging Stations in commercial zone districts, and in those residential zone districts where commercial uses are permitted. The Charging Stations must

comply with the Lot Development Standards outlined in each zone district. No new applications or procedures are anticipated with this Code update. A new EV Charging Station project, or the inclusion of EV Charging Stations within a new commercial development will utilize the current Site Plan application for review.

The proposed ordinance would be added to Chapter 15 (Development Standards) of the Land Use Code, and will be designated as Article XVIII - Electric Vehicle Charging Stations.

Note, this Land Use Code Amendment does NOT require a certain quantity of EV Charging Stations to be included in a parking lot or with a new project, nor is it requiring EV Charging Stations to be implemented. Rather, per the requirements of HB24-1173, it is the path forward for the streamlined permitting of DCFC EV Charging Stations that are proposed as part of a Site Plan (or other Land Use) application. As a side note, in an effort to further support and promote the use of electric vehicles, the State will be requiring a certain number of EV charging stations to be implemented in parking lots as part of commercial and/or multifamily projects through an upcoming update to the **International Building Code**. This requirement will be reviewed as part of a building permit application for commercial and multifamily projects.

Financial Impact:

N/A

Relationship to Strategic Plan:

Vital Infrastructure:

Windsor places significant value on building and maintaining a safe multi-modal public transportation network, consistent communications systems, efficient wastewater and stormwater management, reliable water delivery and storage systems, and accessible and equitable public facilities that provide a high quality of life for our community.

Recommendation:

No recommendation at this time.

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Planning Manager
Kim Mihm, Deputy Town Attorney

Attachments:

1. EV Charging Stations_2024a_1173_signed
2. TBWKS -Staff Slides_10.13.2025
3. 10.8.25 Draft Ordinance 2025- XX EV Charging Station

An Act

HOUSE BILL 24-1173

BY REPRESENTATIVE(S) Valdez, Amabile, Brown, deGruy Kennedy, Epps, Froelich, Garcia, Hernandez, Herod, Jodeh, Joseph, Lieder, Lindsay, Mabrey, Mauro, Ortiz, Parenti, Rutinel, Story, Woodrow, Boesenecker, Kipp, McLachlan, Ricks, Sirota, Young, McCluskie;
also SENATOR(S) Priola and Jaquez Lewis, Cutter, Fields, Hansen, Michaelson Jenet, Sullivan.

CONCERNING STREAMLINING THE PROCESS FOR PERMITTING ELECTRIC
MOTOR VEHICLE CHARGING SYSTEMS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The transportation sector is a leading source of greenhouse gas emissions and pollution, and vehicle electrification is a key component in reducing greenhouse gas emissions in the transportation sector;

(b) According to the United States department of energy, an electric vehicle produces an average of less than one-fourth of the average emissions of a motor vehicle powered by an internal combustion engine

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

over its lifetime;

(c) To further promote the adoption of electric vehicles, the state needs to encourage the rapid development of a network of electric vehicle charging systems and other infrastructure to support those electric vehicles;

(d) As of January 2024, there are more than 108,000 electric vehicles on the road in Colorado but less than 5,000 Level 2 and only 980 DC fast charging electric vehicle charging ports available for public use;

(e) The "2023 Colorado EV Plan" calls for at least 5,800 Level 2 and 1,700 DC fast charging electric vehicle charging ports available for public use by 2025; and

(f) The promotion of electric vehicles and the development of electric vehicle charging systems is a matter of mixed state and local concern.

(2) The general assembly further declares that it is in the best interest of Coloradans and a matter of mixed state and local concern to facilitate the permitting of electric vehicle charging systems by streamlining the process for local governments to approve permits for developing electric vehicle charging infrastructure.

SECTION 2. In Colorado Revised Statutes, **add** 30-28-213 as follows:

30-28-213. Electric motor vehicle charging systems - county permitting procedures - permit application - approval process - definitions. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:

(I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A COUNTY PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN COUNTY ZONING LAWS OR OTHER COUNTY LAWS; AND

(II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF THIS SECTION.

(b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(c) (I) "COUNTY PERMITTING AGENCY" MEANS THE ENTITY OR ENTITIES FOR A COUNTY THAT ARE RESPONSIBLE FOR ISSUING AN EV CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM.

(II) "COUNTY PERMITTING AGENCY" MAY INCLUDE:

(A) A COUNTY BUILDING DEPARTMENT OR AGENCY;

(B) A COUNTY PLANNING DEPARTMENT OR AGENCY; OR

(C) A COUNTY PUBLIC WORKS OR ROAD AND BRIDGE DEPARTMENT OR AGENCY.

(d) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

(e) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

(f) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT A COUNTY MAY REQUIRE TO AUTHORIZE AN APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

(g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY THE APPLICANT AND COUNTY PERMITTING AGENCY STAFF PRIOR TO THE

APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

(II) DOES NOT REQUIRE COUNTY PERMITTING AGENCY STAFF TO MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER PERMIT APPLICATION.

(2) (a) ON OR BEFORE DECEMBER 31, 2025, THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITH A POPULATION OF TWENTY THOUSAND OR MORE ACCORDING TO THE 2020 FEDERAL CENSUS SHALL DO ONE OF THE FOLLOWING:

(I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE THE SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE USED BY THE COUNTY PERMITTING AGENCY DURING THE COUNTY'S REVIEW OF APPLICATIONS FOR EV CHARGER PERMITS IN ACCORDANCE WITH SUBSECTIONS (4) AND (5) OF THIS SECTION.

(B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE COUNTY PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE DEVELOPED IN CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE DISTRICT, ANY ELECTRIC UTILITIES SERVING THE COUNTY, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COUNTY.

(III) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES THAT THE COUNTY DOES NOT INTEND TO ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OR (2)(a)(II) OF THIS SECTION AND THAT THE COUNTY PERMITTING AGENCY WILL CONTINUE TO UTILIZE THE COUNTY'S EXISTING PERMITTING REVIEW PROCESS FOR EV CHARGER PERMIT APPLICATIONS.

(b) ON OR BEFORE MARCH 1, 2026, A COUNTY THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE DESCRIBING THE COUNTY'S

COMPLIANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

(c) ON OR BEFORE JANUARY 31, 2027, A COUNTY SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE REGARDING EACH APPLICATION FOR AN EV CHARGER PERMIT THAT WAS RECEIVED BY THE COUNTY PERMITTING AGENCY BETWEEN DECEMBER 31, 2025, AND DECEMBER 1, 2026. THE REPORT MUST INCLUDE:

(I) THE FINAL DETERMINATION MADE BY THE COUNTY PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

(II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO THE COUNTY PERMITTING AGENCY, THE DURATION BETWEEN THE DATE THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY THE COUNTY PERMITTING AGENCY AND THE DATE THAT THE COUNTY PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER PERMIT APPLICATION.

(d) IF THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY ADOPTS THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPTS AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION DO NOT APPLY TO THE COUNTY.

(3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR COUNTIES.

(b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE DEVELOPED IN CONSULTATION WITH COUNTIES, REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES, PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COLORADO ENERGY OFFICE.

(c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL ONLY APPLY TO A COUNTY'S LAND USE AND ZONING PERMITTING

PROCESSES AND SHALL NOT CONTRAVENE:

- (I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;
- (II) COUNTY ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;
- (III) STATE ELECTRICAL INSPECTION REQUIREMENTS;
- (IV) COUNTY ELECTRICAL INSPECTION REQUIREMENTS; OR
- (V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

(d) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL NOT CONTAIN REQUIRED TIMELINES THAT A COUNTY PERMITTING AGENCY MUST COMPLY WITH FOR THE REVIEW, APPROVAL, OR DENIAL OF EV CHARGER PERMIT APPLICATIONS.

(4) (a) A COUNTY PERMITTING AGENCY SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER PERMIT USING THE COUNTY'S ADMINISTRATIVE REVIEW PROCESS TO DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM IS IN COMPLIANCE WITH THE COUNTY'S OBJECTIVE STANDARDS.

(b) A COUNTY PERMITTING AGENCY SHALL NOT DENY OR PLACE CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING PUBLIC HEALTH OR SAFETY.

(c) IF A COUNTY PERMITTING AGENCY DENIES AN APPLICATION FOR AN EV CHARGER PERMIT, THE COUNTY PERMITTING AGENCY SHALL MAKE WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM WOULD VIOLATE THE COUNTY'S OBJECTIVE STANDARDS OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC HEALTH OR SAFETY AND SEND THOSE WRITTEN FINDINGS TO THE APPLICANT WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY DENIES THE APPLICATION.

(d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV CHARGER PERMIT BY A COUNTY PERMITTING AGENCY MAY APPEAL THE COUNTY PERMITTING AGENCY'S DECISION TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY.

(e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(5)(a) THE COUNTY PERMITTING AGENCY MUST MAKE AVAILABLE TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A CHECKLIST OF ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN APPLICATION FOR AN EV CHARGER PERMIT.

(b) A COUNTY PERMITTING AGENCY SHALL REVIEW AN APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(c) A COUNTY PERMITTING AGENCY SHALL CONSIDER AN APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION A COMPLETE APPLICATION.

(d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE COUNTY PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY DETERMINES THE APPLICATION IS NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN

ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(6) (a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE TO COUNTIES TO ASSIST A COUNTY IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

(I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF COUNTY CODES; AND

(II) MATERIALS AND SUPPORT FOR TRAINING COUNTY PERMITTING AGENCY STAFF WITH INTERPRETING AND APPLYING EV CHARGER PERMIT STANDARDS AND PROCESSES.

(b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO PROVIDE TECHNICAL ASSISTANCE TO COUNTIES IN ACCORDANCE WITH THIS SUBSECTION (6).

(c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

(7) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY A BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION, A COUNTY PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY MAKES THE DETERMINATION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION, SEND NOTICE TO AN APPLICANT FOR AN EV CHARGER PERMIT THAT STATES THE COUNTY PERMITTING AGENCY'S DETERMINATION ON THE APPLICANT'S EV CHARGER PERMIT APPLICATION.

SECTION 3. In Colorado Revised Statutes, **add** 31-23-316 as follows:

31-23-316. Electric motor vehicle charging systems - municipal permitting procedures - permit application - approval process - definitions. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:

(I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A MUNICIPAL PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN MUNICIPAL ZONING LAWS OR OTHER MUNICIPAL LAWS; AND

(II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF THIS SECTION.

(b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(c) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

(d) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

(e) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT A MUNICIPALITY MAY REQUIRE TO AUTHORIZE AN APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

(f) (I) "MUNICIPAL PERMITTING AGENCY" MEANS THE ENTITY OR ENTITIES FOR A MUNICIPALITY THAT ARE RESPONSIBLE FOR ISSUING AN EV CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM.

(II) "MUNICIPAL PERMITTING AGENCY" MAY INCLUDE:

(A) A MUNICIPAL BUILDING DEPARTMENT OR AGENCY;

(B) A MUNICIPAL PLANNING DEPARTMENT OR AGENCY; OR

(C) A MUNICIPAL PUBLIC WORKS OR ROAD AND BRIDGE DEPARTMENT OR AGENCY.

(g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY THE APPLICANT AND MUNICIPAL PERMITTING AGENCY STAFF PRIOR TO THE APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

(II) DOES NOT REQUIRE MUNICIPAL PERMITTING AGENCY STAFF TO MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER PERMIT APPLICATION.

(2) (a) ON OR BEFORE DECEMBER 31, 2025, THE GOVERNING BODY OF A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR MORE ACCORDING TO THE 2020 FEDERAL CENSUS SHALL DO ONE OF THE FOLLOWING:

(I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE THE SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE USED BY THE MUNICIPAL PERMITTING AGENCY DURING THE MUNICIPALITY'S REVIEW OF APPLICATIONS FOR EV CHARGER PERMITS IN ACCORDANCE WITH SUBSECTIONS (4) AND (5) OF THIS SECTION.

(B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE MUNICIPALITY PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE DEVELOPED IN CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE DISTRICT, ANY ELECTRIC UTILITIES SERVING THE MUNICIPALITY, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE MUNICIPALITY.

(III) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES THAT THE MUNICIPALITY DOES NOT INTEND TO ADOPT AN ORDINANCE OR

RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OR (2)(a)(II) OF THIS SECTION AND THAT THE MUNICIPAL PERMITTING AGENCY WILL CONTINUE TO UTILIZE THE MUNICIPALITY'S EXISTING PERMITTING REVIEW PROCESS FOR EV CHARGER PERMIT APPLICATIONS.

(b) ON OR BEFORE MARCH 1, 2026, A MUNICIPALITY THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE DESCRIBING THE MUNICIPALITY'S COMPLIANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

(c) ON OR BEFORE JANUARY 31, 2027, A MUNICIPALITY SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE REGARDING EACH APPLICATION FOR AN EV CHARGER PERMIT THAT WAS RECEIVED BY THE MUNICIPAL PERMITTING AGENCY BETWEEN DECEMBER 31, 2025, AND DECEMBER 1, 2026. THE REPORT MUST INCLUDE:

(I) THE FINAL DETERMINATION MADE BY THE MUNICIPAL PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

(II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO THE MUNICIPAL PERMITTING AGENCY, THE DURATION BETWEEN THE DATE THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY THE MUNICIPAL PERMITTING AGENCY AND THE DATE THAT THE MUNICIPAL PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER PERMIT APPLICATION.

(d) IF THE GOVERNING BODY OF A MUNICIPALITY ADOPTS THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPTS AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION DO NOT APPLY TO THE MUNICIPALITY.

(3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR MUNICIPALITIES.

(b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE

COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE DEVELOPED IN CONSULTATION WITH MUNICIPALITIES, REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES, PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COLORADO ENERGY OFFICE.

(c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL ONLY APPLY TO A MUNICIPALITY'S LAND USE AND ZONING PERMITTING PROCESSES AND SHALL NOT CONTRAvene:

(I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(II) MUNICIPAL ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(III) STATE ELECTRICAL INSPECTION REQUIREMENTS;

(IV) MUNICIPAL ELECTRICAL INSPECTION REQUIREMENTS; OR

(V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

(d) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL NOT CONTAIN REQUIRED TIMELINES THAT A MUNICIPAL PERMITTING AGENCY MUST COMPLY WITH FOR THE REVIEW, APPROVAL, OR DENIAL OF EV CHARGER PERMIT APPLICATIONS.

(4) (a) A MUNICIPAL PERMITTING AGENCY SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER PERMIT USING THE MUNICIPALITY'S ADMINISTRATIVE REVIEW PROCESS TO DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM IS IN COMPLIANCE WITH THE MUNICIPALITY'S OBJECTIVE STANDARDS.

(b) A MUNICIPAL PERMITTING AGENCY SHALL NOT DENY OR PLACE CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING PUBLIC HEALTH OR SAFETY.

(c) IF A MUNICIPAL PERMITTING AGENCY DENIES AN APPLICATION FOR AN EV CHARGER PERMIT, THE MUNICIPAL PERMITTING AGENCY SHALL MAKE WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM WOULD VIOLATE THE MUNICIPALITY'S OBJECTIVE STANDARDS OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC HEALTH OR SAFETY AND PROVIDE THOSE WRITTEN FINDINGS TO THE APPLICANT WITHIN THREE BUSINESS DAYS AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY DENIES THE APPLICATION.

(d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV CHARGER PERMIT BY A MUNICIPAL PERMITTING AGENCY MAY APPEAL THE MUNICIPAL PERMITTING AGENCY'S DECISION TO THE GOVERNING BODY OF THE MUNICIPALITY.

(e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(5)(a) THE MUNICIPAL PERMITTING AGENCY MUST MAKE AVAILABLE TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A CHECKLIST OF ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN APPLICATION FOR AN EV CHARGER PERMIT.

(b) A MUNICIPAL PERMITTING AGENCY SHALL REVIEW AN APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(c) A MUNICIPAL PERMITTING AGENCY SHALL CONSIDER AN APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION A COMPLETE APPLICATION.

(d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE MUNICIPAL PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS

AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY DETERMINES THE APPLICATION IS NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(6) (a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES TO ASSIST A MUNICIPALITY IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

(I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF MUNICIPAL CODES; AND

(II) MATERIALS AND SUPPORT FOR TRAINING MUNICIPAL PERMITTING AGENCY STAFF WITH INTERPRETING AND APPLYING EV CHARGER PERMIT STANDARDS AND PROCESSES.

(b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES IN ACCORDANCE WITH THIS SUBSECTION (6).

(c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

(7) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY THE GOVERNING BODY OF A MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION, A MUNICIPAL PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY MAKES THE DETERMINATION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION, SEND NOTICE TO AN APPLICANT FOR AN EV CHARGER PERMIT THAT STATES THE MUNICIPAL PERMITTING AGENCY'S DETERMINATION ON THE APPLICANT'S EV CHARGER

PERMIT APPLICATION.

SECTION 4. In Colorado Revised Statutes, 24-38.5-102, **amend** (1)(l) and (1)(m); and **add** (1)(n) and (1)(o) as follows:

24-38.5-102. Colorado energy office - duties and powers - definitions. (1) The Colorado energy office shall:

(l) Develop basic consumer education or guidance about leased solar installation and purchased solar installation in consultation with industries that offer these options to consumers; **and**

(m) In consultation with the appropriate industries, develop basic consumer education or guidance about purchased or, if available, leased installation of a system that uses geothermal energy for water heating or space heating or cooling in a single building or for space heating for more than one building through a pipeline network;

(n) DEVELOP AND PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH SECTIONS 30-28-213 (3) AND 31-23-316 (3); **AND**

(o) PROVIDE ASSISTANCE AND SUPPORT TO A BOARD OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF A MUNICIPALITY IN DEVELOPING ORDINANCES OR RESOLUTIONS FOR THE PERMITTING OF ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS IN ACCORDANCE WITH SECTIONS 30-28-213 (6) AND 31-23-316 (6).

SECTION 5. In Colorado Revised Statutes, 24-38.5-103, **amend** (1)(a) as follows:

24-38.5-103. Electric vehicle grant fund - creation - administration - legislative declaration. (1)(a)(I) There is ~~hereby~~ created in the state treasury the electric vehicle grant fund, referred to in this section as the "fund". The Colorado energy office shall use the fund to:

(A) Provide grants to state agencies, public universities, public transit agencies, local governments, landlords of multifamily apartment

buildings, private nonprofit or for-profit corporations, and the unit owners' associations of common interest communities as defined in article 33.3 of title 38 to install charging stations for electric vehicles;

~~(B) The Colorado energy office may also use the fund for~~ COVER the administrative costs of providing ~~these~~ grants PURSUANT TO SUBSECTION (1)(a)(I)(A) OF THIS SECTION; AND

(C) PROVIDE ANALYSIS AND TECHNICAL SUPPORT RELATED TO THE DEVELOPMENT, PERMITTING, AND ENERGIZATION OF ELECTRIC VEHICLE CHARGING STATIONS, INCLUDING PROVIDING TECHNICAL ASSISTANCE TO COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH SECTIONS 30-28-213 (6) AND 31-23-316 (6).

(II) The Colorado energy office shall prioritize ~~these~~ grants PROVIDED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION based upon:

~~(I) Repeated:~~

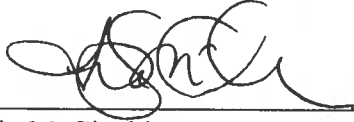
~~(H)~~ (A) The extent to which the proposed recipients' charging locations are likely to effectively serve existing electric vehicles or encourage the acquisition of additional electric vehicles;

~~(HH)~~ (B) The extent to which one or more charging stations would not be installed but for the financial assistance provided by a grant from the fund; and

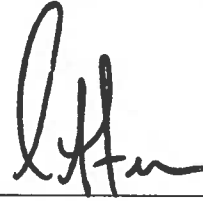
~~(IV)~~ (C) Any other criteria defined by the Colorado energy office.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

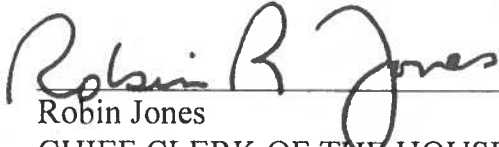
November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

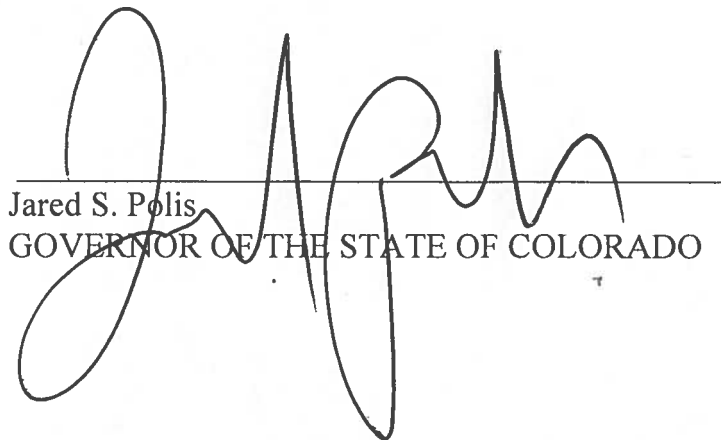


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Tuesday May 21st 2024 at 12:00 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO



Land Use Code Update: Chapter 15 Electric Vehicle (EV) Charging Stations

*Town Board Work Session
October 13, 2025*

*Kimberly Lambrecht, Long Range Planner
Planning | Community Development*





Land Use Code Amendments

Chapter 15, Article XVIII

Purpose

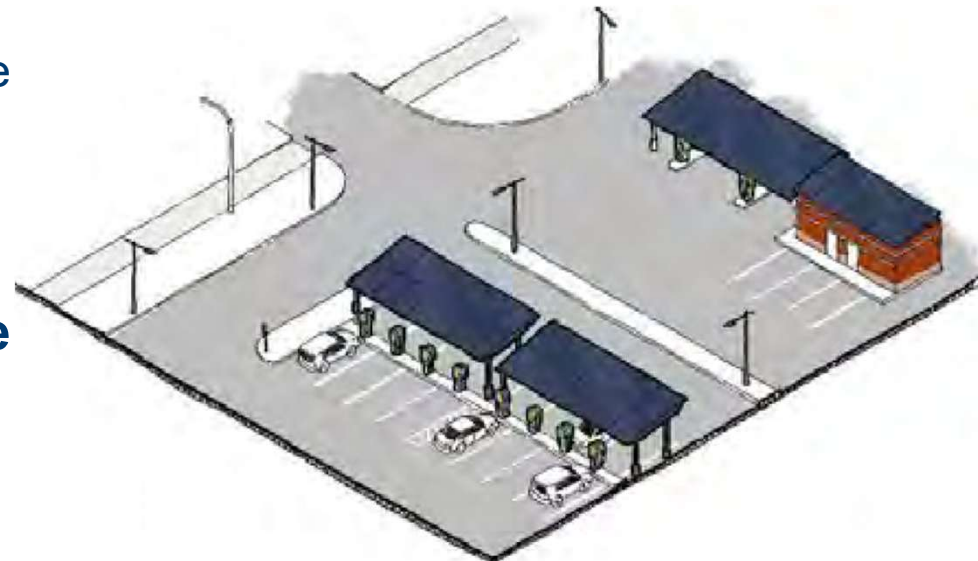
- ❖ In 2024, the Colorado Legislator passed HB24-1173 concerning ***streamlining the process for permitting Electric Motor Vehicle (EV) Charging Systems***, which is intended to promote the adoption of electric vehicles and increase the network of charging ports.
- ❖ This amendment adds a new section to the Land Use Code, providing regulations and procedures for permitting EV Charging Stations in the Town.
- ❖ Per HB24-1173, Chapter 15 of the Town's Municipal Code shall be amended to include these regulations by December 31, 2025.
- ❖ Additionally, the Town is required to submit a report describing compliance with HB24-1173 by March 1, 2026.



Land Use Code Amendments

Purpose

- ❖ HB24-1173 speaks primarily to Direct Current Fast Charging (DCFC) charging stations which are more commercial in nature – similar to how a fuel pump at a gas station would operate.
 - ❖ Level 1 and Level 2 Charging Stations are not regulated by this Code.
- ❖ The permitting process allows for *approval, approval with conditions, or denial*, stemming from an **administrative review** based on **objective standards** that do not require a public hearing.





Land Use Code Amendments

Background

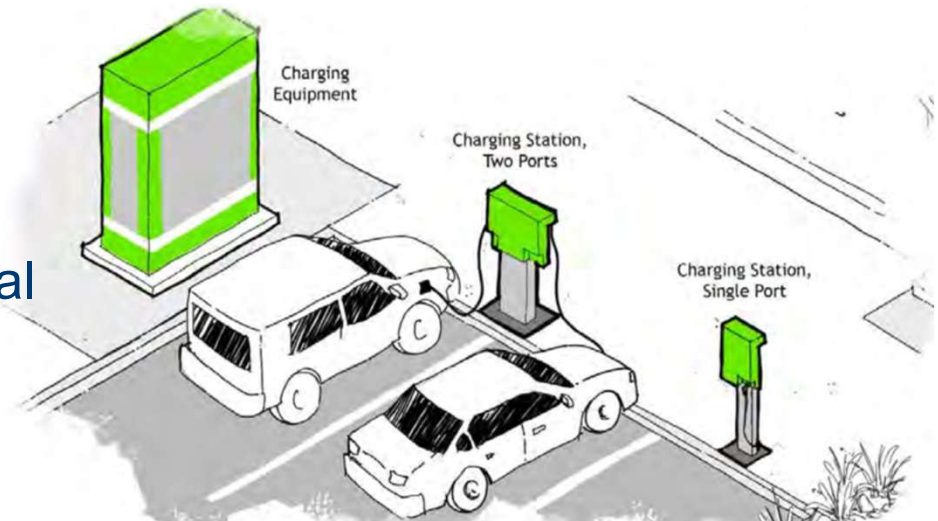
- ❖ As required by HB24-1173, the Colorado Energy Office provided a Model Code that outlined definitions, references, procedures and permitting.
- ❖ Staff generally followed the guidance provided by the Model Code, making some adjustments to terminology and processes to be in alignment with the definitions and procedures found in Chapters 14 and 15 of the Town of Windsor Land Use Code.
 - ❖ Remain equal to or more stringent than the requirements of HB24-1173
- ❖ The Town's Code amendment will outline an ***objective and administrative review process***.
- ❖ Note, all ***building, fire and electric codes*** are still in effect, and must be complied with.



Land Use Code Amendments

Procedures

- ❖ EV Charging Stations will be permitted in commercial zone districts, and in those residential zone districts where commercial uses are permitted.
- ❖ Reviewing mechanism will be the existing Site Plan application that currently exists.
 - ❖ For the addition of EV Charging Stations to an existing parking lot, a Plot Plan will be required to be submitted with the building permit application.
- ❖ Current lot development standards in effect in each zone district will apply.
- ❖ No changes to the Town's Land Use application/checklist are anticipated.





Next Steps

Upcoming Public Hearing / Meeting Schedule:

- **November 5, 2025** – Planning Commission public hearing and recommendation to Town Board
- **November 10, 2025** – Town Board public hearing and first reading of ordinance
- **November 24, 2025** – Town Board public meeting and second reading of ordinance

December 31, 2025 – Ordinance in effect



Land Use Code Amendment proposed:

- **Chapter 15, Article XVIII – Electric Vehicle (EV) Charging Stations:**

Adding Section XVIII to align with legislative updates (HB24-1173) concerning the administrative permitting of EV charging systems.



Thank you / Questions?

Town Board Work Session

October 13, 2025

TOWN OF WINDSOR
ORDINANCE NO. 2025-

AN ORDINANCE AMENDING CHAPTER 18 OF THE WINDSOR MUNICIPAL CODE
ESTABLISHING PERMITTING PROCEDURES FOR ELECTRIC VEHICLE CHARGING
SYSTEMS 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, in the 2024 Colorado Legislative Session, House Bill 24-1173 (“HB 24-1173”) established municipal permitting procedures by adding Colorado Revised Statute (“C.R.S”) Sec. 31-23-316 which set the deadline of on or before December 31, 2025, to adopt an Ordinance establishing the objective standards and permitting process for any electric vehicle charging systems within a municipality; and

WHEREAS, HB 24-1173 establishes that the Town must either adopt the Colorado Energy Office’s model permitting code for electric vehicle charging systems, adopt its own objective standards and administrative review process for permitting electric vehicle charging systems, or formally declare that it does not intend to adopt the model code or establish a new permitting process, and will instead continue to operate under its existing permitting practices; and

WHEREAS, the Town does not currently have a separate or distinct permitting review process specific to electric vehicle charging systems within the Windsor Municipal Code; and

WHEREAS, the Town desires to comply with the requirements of HB 24-1173 by establishing its own objective standards and administrative review process to be used by the Town regarding the review of electric vehicle charger permits; and

WHEREAS, the Town intends on developing these objective standards and review processes in consultation with the Windsor-Severance Fire Protection District, all electric utilities serving the Town and other stakeholders who may be impacted by the provisions of this Ordinance; and

WHEREAS, The Town finds it in the public’s best interest to comply with state requirements and establish clear, objective permitting standards for electric vehicle charging systems, ensuring their timely, consistent, and accessible use in alignment with the Town Board’s goals.

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

Section 1. Chapter 15 of the Windsor Municipal Code is hereby amended by the addition of a new Article XVIII, which shall read as follows:

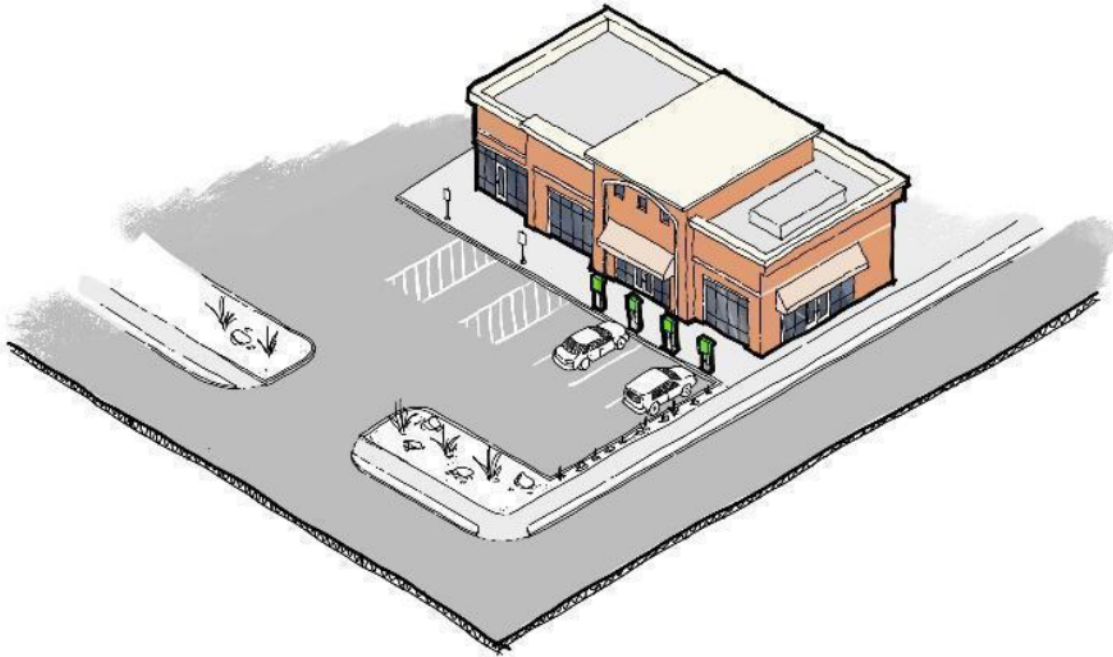
Chapter 15, Article XVIII – Electric Vehicle (“EV”) Charging Stations

Purpose. The Electric Motor Vehicle (EV) Charging Station requirements are intended to streamline the process for permitting electric motor vehicle charging systems, as required

by HB24-1173 and pursuant to the International Building Code requirements adopted by the Town and set forth in Chapter 18.

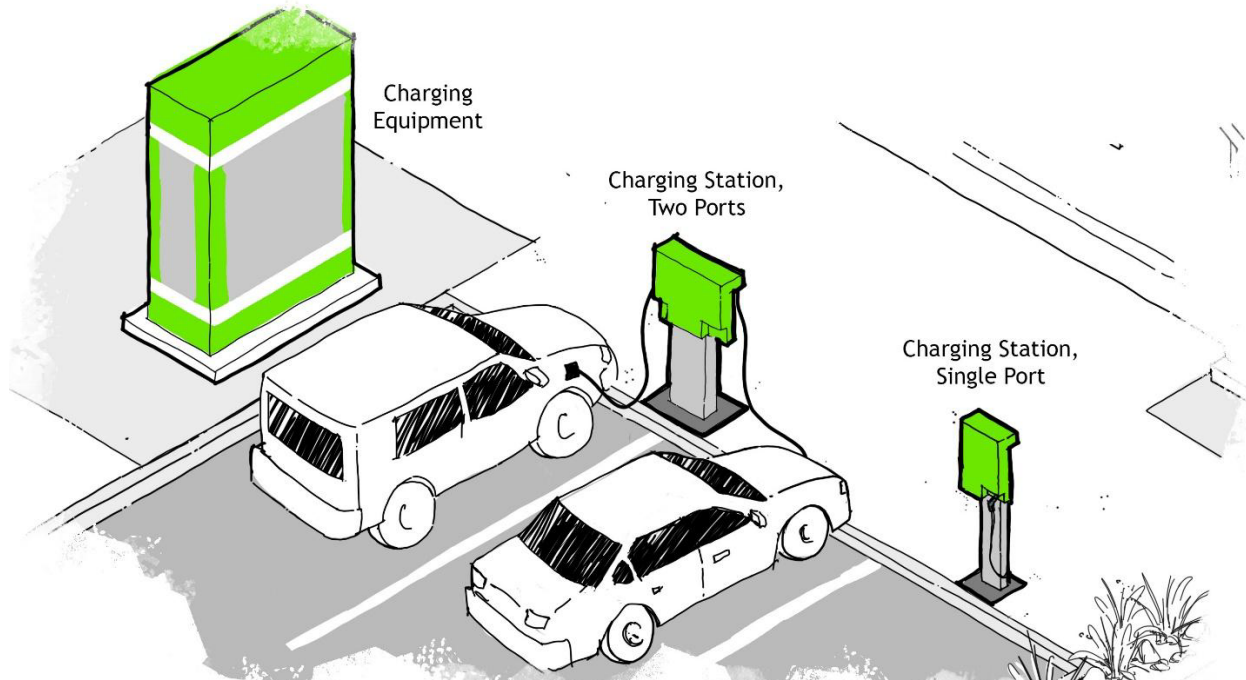
Sec. 15-18-10 – Definitions.

Accessory Use EV Charging Project means a proposed development of Direct Current Fast Charging (“DCFC”) Charging Stations and Equipment that are incidental and subordinate to the Principal Use on the Subject Property.



Electric Vehicle (EV) means a motor vehicle which relies partially or entirely on electrical energy to power its movement, requiring periodic electrical current charging of its battery.

EV Charging Equipment means all equipment necessary to provide electrical current charging for EVs, except for EV Charging Stations. This may include power conversion equipment, electrical distribution equipment such as transformers, switchgear boxes, and distribution lines, and other supportive equipment.



EV Charging Port means a power supply device that provides electrical current charging for EVs. One EV Charging Port provides power for one vehicle.

a. ***“Direct Current Fast Charging (DCFC)”***: High-speed charging that provides about 50-350+ kW of power per hour and uses a 480V three-phase outlet.

b. ***“Level 2 Charging”***: Mid-speed charging that provides about 7-19 kW of power per hour and uses a 240V outlet.

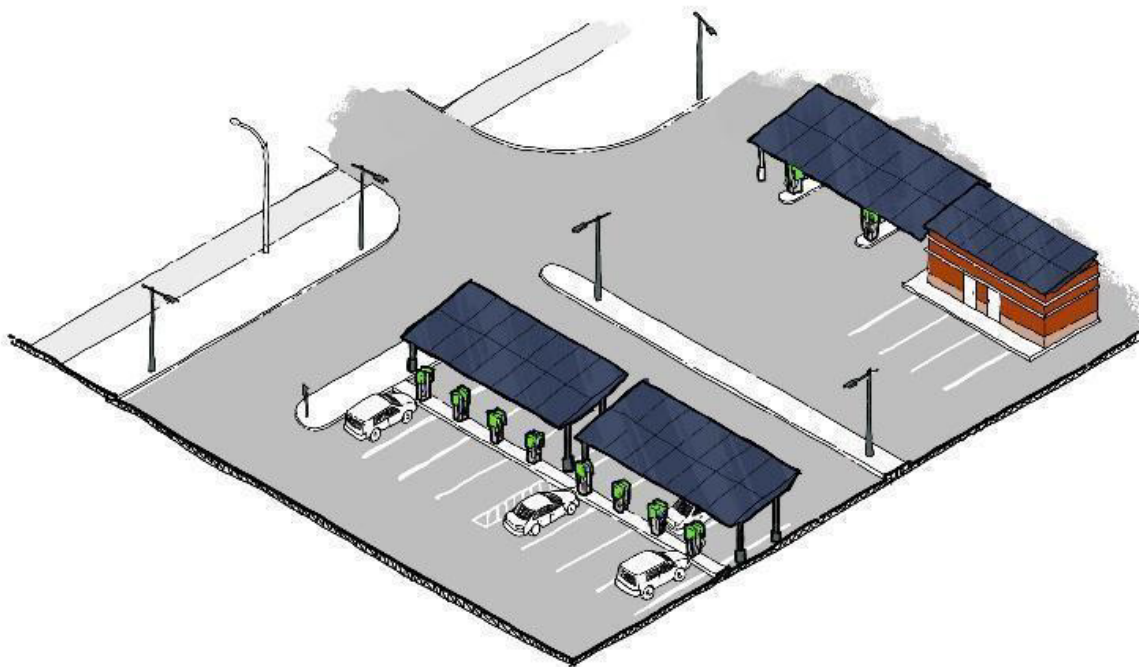
c. ***“Level 1 Charging”***: Slow charging that provides about 1-2 kW of power per hour and uses a 120V outlet.

EV Charging Project means a proposed development of Principal or Accessory Use EV Charging Stations and Equipment, which may include other supporting site improvements like landscaping, lighting, or weather protection.

EV Charging Station means equipment that includes one or more EV Charging Ports to provide charging for EVs, located adjacent to dedicated space(s) for the vehicle(s) while they charge. One EV Charging Station may provide power for one or more vehicles.

Site lighting means the area on a horizontal surface in which a light fixture provides direct or high intensity illumination for an EV Charging Station.

Principal Use EV Charging Project means any proposed development of DCFC EV Charging Stations and Equipment that serves as the principal function and land use on the Subject Property.



Sec. 15-18-20 - Permit Applicability.

A permit shall be required for EV charging development that meets the definition of an “EV Charging Project” (and associated definitions for “Principal Use” and “Accessory Use” EV Charging Projects).

Sec. 15-18-30- Permit Review Process.

Applications for EV Charging Projects shall use the applicable permitting processes from the zoning district where projects are proposed.

- a. Major Site Plan application for EV charging stations as a new principal use. Site Plan shall include location of charging stations and equipment, and shall also show setbacks, dimensions to property lines, structures, and landscaping.
- b. EV Plot Plan for accessory use to an existing site, to be included with a building permit application for. Plot Plan shall include location of charging stations and equipment, and shall also show setbacks, dimensions to property lines, structures, and landscaping.
- c. EV Plot Plan for EV Charging Stations as an accessory use in a new site plan. Plot Plan shall include location of charging stations and equipment, and shall also show setbacks, dimensions to property lines, structures, and landscaping.

Sec. 15-18-40- Existing Principal Use Conformance.

No site improvements to existing land uses on the same Subject Property with a proposed Accessory Use EV Charging project shall be required, nor will there be any requirements to otherwise conform with land use regulations, unless the existing land uses propose

simultaneous changes to their use, structures, or site that would otherwise require such conformance.

Sec. 15-18-50- Regulation of Principal Use EV Charging Stations.

Development standards for similar uses as contained in Chapter 15 of this Code.

Sec. 15-18-60- Use by right.

Principal Use EV Charging Projects and Accessory Use EV Charging projects shall be permitted as a use by right in all zoning districts, including multifamily projects, with the exception of Single Family Detached (SF-1), Single Family Attached (SF-2) and Estate Residential (ER). In the Residential Mixed Use One and Residential Mixed Use Two (RMU-1 and RMU-2) zones, EV Charging Stations are permitted as a use by right for commercial and multifamily uses as outlined in those zone districts. DCFC EV Charging Stations are not permitted in areas of residential uses found in the RMU-1 and RMU-2 zones.

Sec. 15-18-70 – Parking minimums.

Any parking space served by an EV Charging Port or any parking space used to site EV Charging Stations or Equipment must be counted toward applicable parking minimums as at least one standard automobile parking space.

Sec. 15-18-80 – Accessible parking minimums.

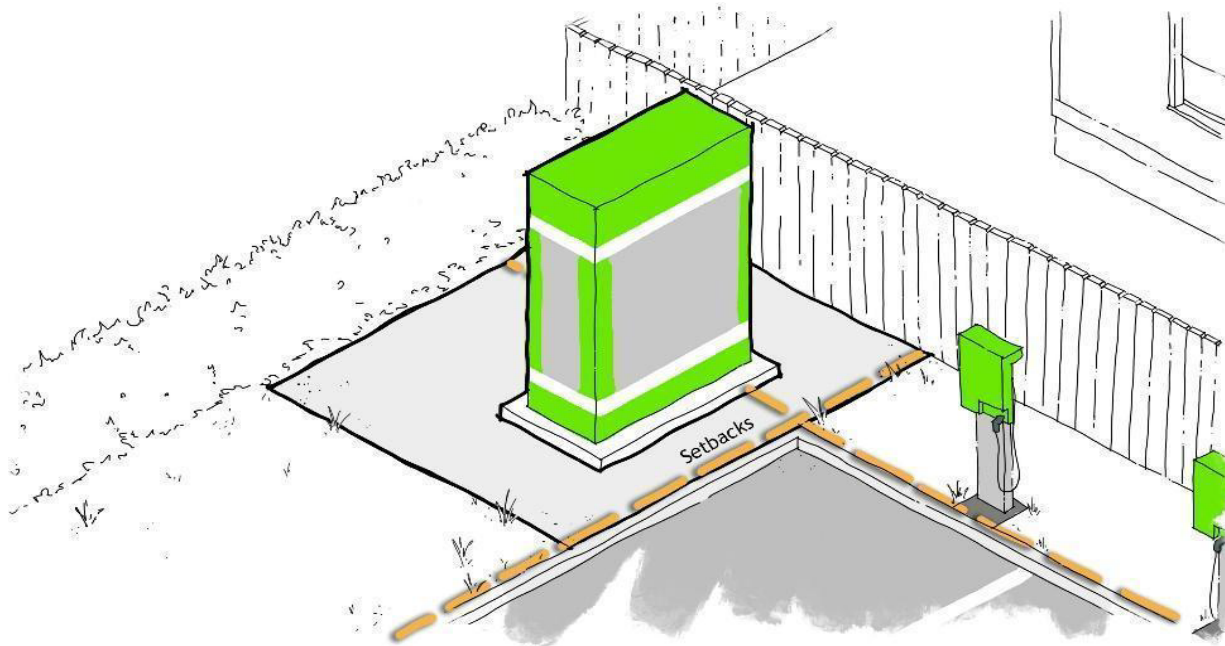
Any van-accessible parking space that is designated to accommodate a person in a wheelchair, is served by an EV Charging Port, and is not designated as parking reserved for a person with a disability under C.R.S. 42-4-1208 must be counted as at least two standard automobile parking spaces towards applicable parking minimums.

Sec. 15-18-90 – Compliance with accessibility regulations.

The design of parking spaces and parking access for all EV Charging Projects shall comply with the US Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations or any applicable accessibility regulations issued by the federal Department of Justice or Department of Transportation, or in state statute.

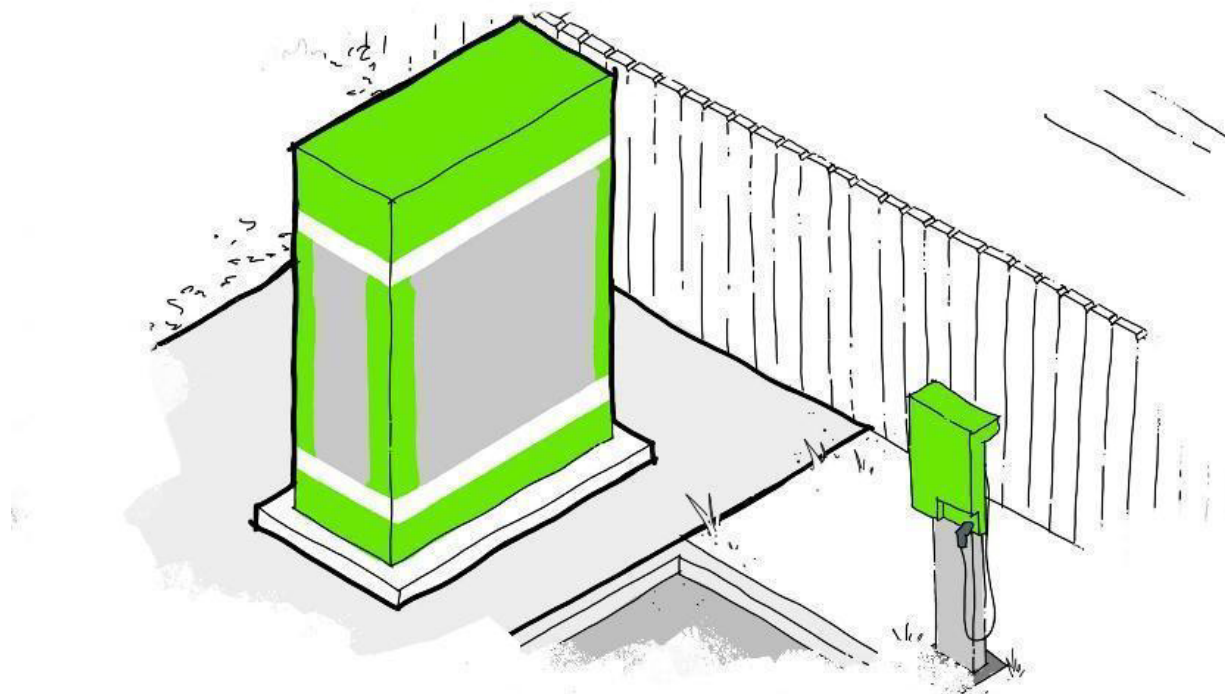
Sec. 15-18-100 – Permissions within setbacks.

For Accessory Use EV Charging Projects, EV Charging Stations and Equipment, and any required screening material, shall be permitted within designated setbacks of the Subject Property, as long as there are no encroachments into existing easements or right-of-way.



Sec. 15-18-110 – Design standards.

Subject to EV plan approval, the appearance, materials, and dimensions of EV Charging Stations and Equipment shall be determined by current EV Charging manufacturing standards and utility design standards. Digital displays shall comply with the lighting standards found in this Chapter. There shall be no audio associated with EV Charging equipment, charging stations, or displays.



Sec. 15-18-120 – Screening.

Screening for Accessory Use EV Charging Projects shall not be required except in the following circumstances:

- a. Screening may be required for EV Charging Equipment located along the perimeter of a Subject Property and shall comply with screening requirements set forth in Chapter 15, Articles 7 and 11 of this Code.**
 - i. Screening may only be required along the length of the EV Charging Equipment and parallel to the property line between the EV Charging Equipment and the adjacent property.**
 - ii. Screening dimensions shall be determined based upon the size and length of the EV Charging Equipment.**
 - iii. Screening materials shall be the same materials and be compatible with the principal use, walls, fencing or landscaping materials or a combination of all, so long as there are no encroachments into any right of way or easements.**
 - iv. Any applicant may request an exception to screening requirements by demonstrating in their application that site-specific conditions negate the need for visual separation, which will be administratively reviewed.**

Sec. 15-18-130 – Site lighting.

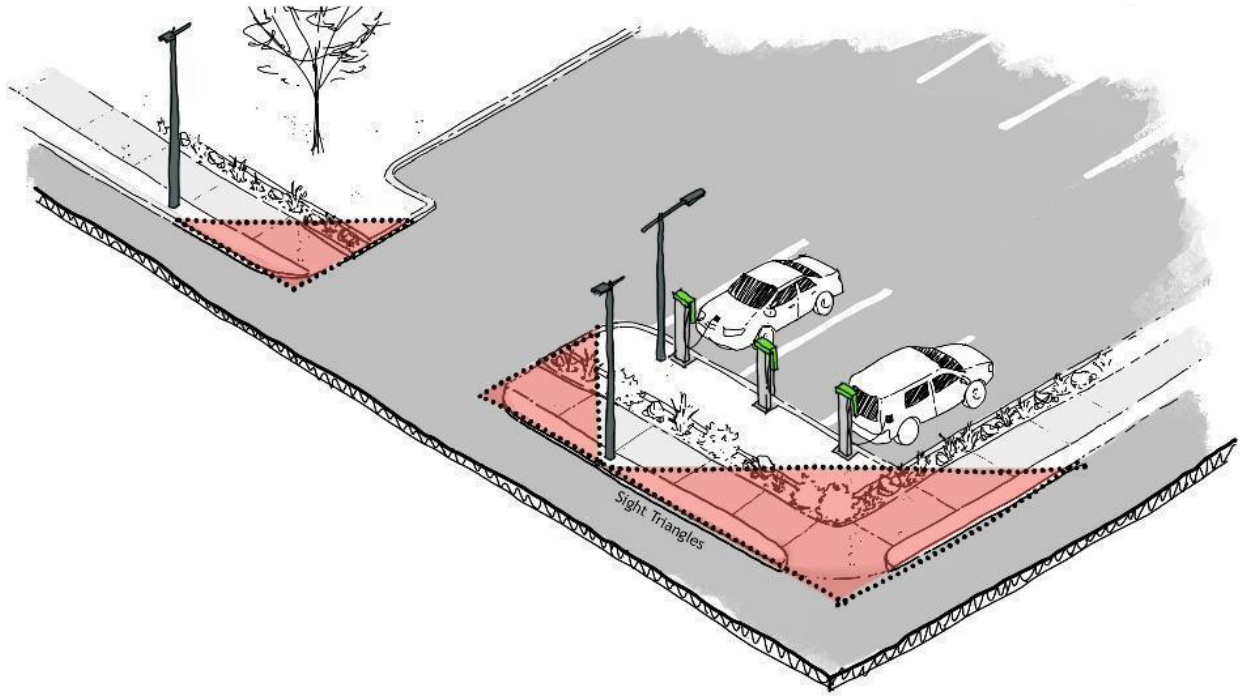
Charging Stations proposed as part of an EV Charging Project must meet the site lighting requirements, as defined in this Code. Lighting may be provided by existing on-site lighting and/or by new lighting fixtures integrated into EV Charging Stations or Equipment or by new separate light fixtures.

Sec. 15-18-140 – Pavement markings.

Existing standards for parking pavement markings and striping established within this Code apply to EV Charging Projects.

Sec. 15-18-160 – Maintain site triangle visibility.

EV Charging Stations and EV Charging Equipment shall comply with the visibility requirements set forth in this Code.



Sec. 15-18-170 – Landscape standards.

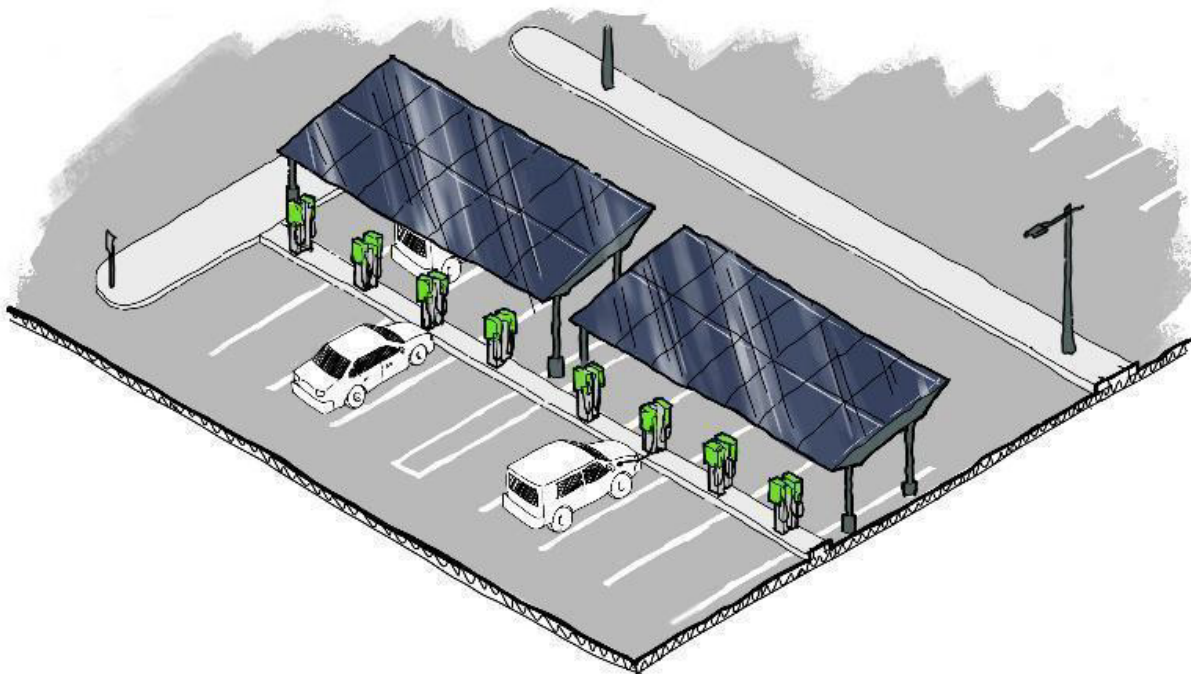
When existing landscape plants on a Subject Property are removed during the installment of an Accessory Use EV Charging Project, they shall be replaced with similar plants in close proximity to the charging station project so as to maintain the property's compliance with landscaping standards for the property's existing uses, and in compliance with this Code.

Sec. 15-18-180 – Signage.

Signage may be provided as part of an EV Charging Project to provide information about charging types, voltages, fees, wayfinding, or other related information. Any signage provided is subject to the applicable standards in this Code.

Sec. 15-18-190 – Weather canopies.

If weather canopies are included as part of an EV Charging Project, they are subject to the applicable siting, dimensional, setback, appearance, materials, and other standards in this Code.



Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

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

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

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

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

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



MEMORANDUM

Date: October 13, 2025
To: Mayor and Town Board
From: Kelsey Robertson, Senior Planner
Re: Landscaping Ordinance - K. Robertson, Senior Planner
Item #: 3.

Background / Discussion:

Executive Summary

This work session item contains three landscaping code topics for discussion. The first topic proposes an update to the Town Municipal Code to comply with Senate Bill 24-005. The second provides an overview of upcoming requirements from House Bill 25-1113. The third addresses amendments to the code to correct and clarify ongoing issues with the current landscaping regulations.

This memo summarizes the proposed changes and the rationale behind them. Attached are the draft code sections for review.

Once the Town Board has reviewed and discussed the proposed amendments, staff will seek direction on preparing the land use code amendment ordinance for public hearings. Public hearing dates will then be scheduled for Planning Commission and Town Board, and notifications will be issued in accordance with the Town's Municipal Code.

Topic 1- Conformance with Senate Bill 24-005

Colorado Senate Bill 24-005 aims to reduce outdoor water demands in communities across the state by limiting the amount of non-native, cool season, high water use turf (i.e., Kentucky Bluegrass, fescue, etc.) for non-residential uses. This bill applies to all "new development" and any "redevelopment" that results in a disturbance of more than fifty percent of the existing landscape area. The goal of the bill is to replace the practice of installing nonfunctional (as defined within the draft code, Appendix A), high water use turfgrasses with "water-wise landscaping" that reduces outdoor water consumption without adversely impacting quality of life or landscape functionality. The bill also mandates local governments to prohibit the installation of nonfunctional artificial turf and invasive species.

To comply with state regulations, the Town of Windsor must update its land use code by January 1st, 2026. Please note, the Town of Windsor already complies with the regulation banning the installation of invasive species. The Town promotes low water use plantings and discourages turf only.

Town Staff proposes to update the code to comply with regulations as follows:

Affected Code Sections:

Section 15-3-20 (b)(1)- This section prohibits the installation of nonfunctional turf for land uses categorized as Public/Semi Public, Parks and Open Space, Industrial, and Commercial, as well as areas maintained by common interest communities, and transportation areas.

Section 15-3-20(b)(2)- Prohibits artificial turf and plants, unless approved by the Director, and only if classified as "functional artificial turf".

Section 15-3-20(b)(3)- Defines the types of development of which (b)(1) and (b)(2) above apply, including new development of property and redevelopment of property resulting in the disturbance of more than 50% of existing landscaped areas.

Various Sections- Additional minor revisions will be made to various sections of the code to align with new definitions and requirements, including changing the term “turf” to “grass” or similar, where appropriate. Please see draft code for detailed revisions.

Appendix A- (Formerly Appendix B) – New definitions for artificial turf, functional artificial turf, functional turf, invasive species, nonfunctional turf, and turf.

Topic 2- House Bill 25-1113 Requirements

House Bill 25-1113 was passed in May 2025 and expands the requirements of SB24-005. By January 1, 2028, it mandates local governments to include multifamily development with more than 12 units in the list of applicable properties subject to SB24-005 requirements. Additionally, local governments must establish standards or processes to reduce irrigation demands in all new residential developments, although the bill does not specify how this should be regulated.

To proactively address HB25-1113, Town Staff proposes to include multifamily development with more than 12 units in the list of applicable properties in the current round of code updates. This aligns with the Comprehensive Plan Guiding Principle 7 to “ease water availability limitations through robust and proactive planning for water efficiency”. Furthermore, minimizing irrigation requirements safeguards the Town's water resources.

Town Staff recommends engaging in further discussion at a later date to explore regulations and develop standards aimed at reducing irrigation demands in new residential developments.

Affected Code Section:

Section 15-3-20(b)(d): Adds multifamily residential property with more than 12 units to the list of applicable properties where nonfunctional turf is prohibited.

Topic 3- Resolving Errors and Ongoing Issues in the Existing Landscape Code

Town Staff proposes amendments to the current code to correct typographical errors, reference inaccuracies, and provide clarifications to resolve ongoing issues with the current landscape code. Staff proposes adding two exhibits to help customers understand landscaping requirements. Town Staff also recommends removing the Plant List from Appendix A and establishing it as a standalone administrative document titled the *Town Approved Plant List*.

Financial Impact:

N/A

Relationship to Strategic Plan:

Vision:

Windsor is recognized as a regional leader that demonstrates fiscal responsibility, environmental stewardship and strategic excellence.

Strategic Plan Guiding Principles:

Fiscal Responsibility — Windsor is committed to sound fiscal management and transparency in all decision making. We plan for future generations through adequate allocation of resources that will allow for operations and maintenance of our facilities and land. We consistently evaluate our resources to maintain a healthy balance of programs and services.

Strategic Growth

Implement growth strategies from Comprehensive Plan: Create policies related to population and land use, infrastructure capacities, and reduce obligated demand.

Recommendation:

No action. This item is for board discussion and direction to staff.

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Planning Manager
Kim Mihm, Deputy Town Attorney

Attachments:

1. Staff Presentation - Landscaping Ordinance
2. Draft Landscaping Code Ordinance



Landscaping Legislation Updates

Town Board Work Session ~ October 13, 2025

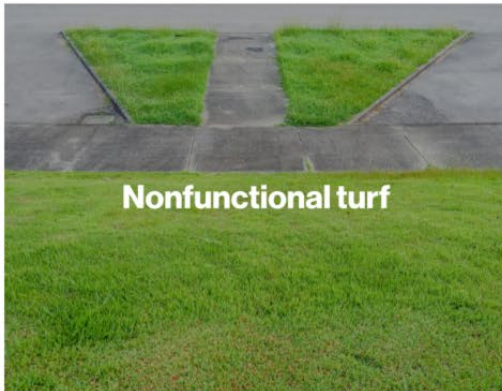
*Kelsey Robertson, Senior Planner
Planning / Community Development*

Senate Bill 24-005

- ❖ SB24-005 aims to reduce outdoor water demands across the state
- ❖ Compliance by all local governments required by January 1, 2026

What does the bill prohibit?

SB5 prohibits the use of:



Graphic Credit: Western Resource Advocates



Senate Bill 24-005

Where does this bill apply?

SB5 applies to all new and some redevelopment* projects on:



Commercial, institutional or industrial properties



State-owned properties



Common interest community property, i.e., homeowner association (HOA) common areas



Street rights-of-way, parking lots, medians, and transportation corridors

*Redevelopment is defined as projects that require a building permit or landscaping permit, plan check, or design review AND that result in a disturbance of more than 50% of the aggregate landscape area.

Residential properties are not subject to SB5 requirements.

Graphic Credit: Western Resource Advocates

Senate Bill 24-005



Not Allowed: High Irrigation Need

Cool season non-native turf grasses

Common examples include, but are not limited to:

- Kentucky bluegrass, including blends and hybrids
- Tall fescue
- Fine fescue
- Perennial ryegrass
- Texas hybrid bluegrass
- Hybrids of the species above, including those selected for "drought" or "heat" tolerance

Graphic Credit: Western Resource Advocates

Allowed: Low/No Irrigation Need Use

Native, warm season and climate adapted grasses

Common examples include,⁴ but are not limited to:

- Buffalograss
- Blue grama
- Buffalograss/blue grama grass mixture
- Native shortgrass prairie mixture⁵
- Cold-hardy bermudagrass
- Other native and low water use grasses, including mixes



Photo Credit: Colorado Native Plant Society



Photo Credit: The Spruce



Photo Credit: Colorado Native Plant Society



Overview – SB24-005 Code Amendments

❖ Chapter 15, Article III Standards for Landscaping in Developed Areas

Adding language for compliance with SB24-005

Proposed Language:

- 1) Nonfunctional turf shall not be installed on:
 - a. Any property containing a principal use that is characterized as Public/Semi-Public, Parks and Open Space, Industrial, or Commercial; or
 - b. Any property within a common interest community as defined in C.R.S. 38-33.3-103(8) that is owned and maintained by a unit owners association, such as entryways, parks, and other common elements; or
 - c. Any portion of a street right-of-way, median, transportation corridor, or parking lot subject to this Code.
- 2) Artificial Turf and Plants. No artificial turf or artificial plants may be included in any landscape plan or installed. The Director may approve an exception to allow artificial turf to be installed if it is classified as functional artificial turf and alternatives are not reasonable. Any exception to allow artificial turf must be noted in the landscape plan.
- 3) Subsection (1) and (2) above shall apply to the following types of development:
 - a. Any new development of property that requires a building permit or site plan approval; and
 - b. Any redevelopment of property that requires a building permit or site plan approval and that will result in the disturbance of more than 50 percent of existing landscaped area(s).



SB24-005 Code Amendments

Key Definitions



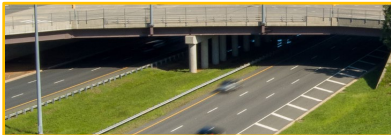
Turf

Continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.



Functional Turf

Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough.



Nonfunctional Turf

Turf that is not functional turf.



House Bill 25-1113

❖ Expansion of SB24-005, with compliance required by January 1, 2028

What is HB25-1113?

Expands the requirements of SB24-005 to include:



Multifamily Residential Development with more than 12 Units

Requires local governments to:



Establish standards to reduce irrigation demands in all new residential developments

*Does not specify how local governments must accomplish this, providing flexibility in implementation



Overview – HB-1113 Code Amendments

❖ Chapter 15, Article III Standards for Landscaping in Developed Areas

Adding language for compliance with part of HB-1113

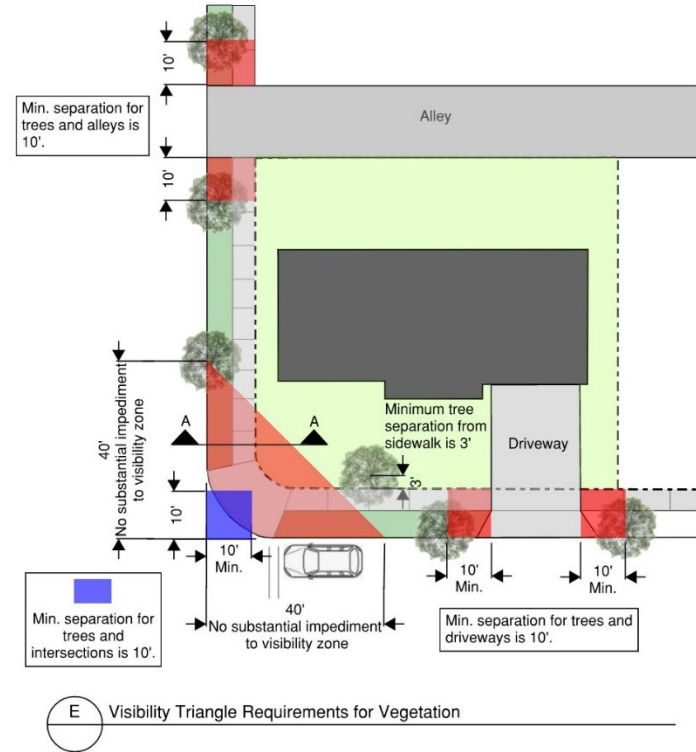
Proposed Language:

- 1) Nonfunctional turf shall not be installed on:
 - a. Any property containing a principal use that is characterized as Public/Semi-Public, Parks and Open Space, Industrial, or Commercial; or
 - b. Any property within a common interest community as defined in C.R.S. 38-33.3-103(8) that is owned and maintained by a unit owners association, such as entryways, parks, and other common elements; or
 - c. Any portion of a street right-of-way, median, transportation corridor, or parking lot subject to this Code.
 - d. Any multifamily residential property with more than twelve (12) units.**
- 2) Artificial Turf and Plants. No artificial turf or artificial plants may be included in any landscape plan or installed. The Director may approve an exception to allow artificial turf to be installed if it is classified as functional artificial turf and alternatives are not reasonable. Any exception to allow artificial turf must be noted in the landscape plan.
- 3) Subsection (1) and (2) above shall apply to the following types of development:
 - a. Any new development of property that requires a building permit or site plan approval; and
 - b. Any redevelopment of property that requires a building permit or site plan approval and that will result in the disturbance of more than 50 percent of existing landscaped area(s).

Resolving Errors and Ongoing Issues in the Existing Landscaping Code

❖ Town Staff proposes to:

- Correct typographical errors and reference inaccuracies
- Provide clarifications to resolve ongoing issues with current code
- Add exhibits to help customers understand landscaping requirements
- Remove the plant list from the code and establish it as a standalone administrative document





Questions?

Thank you



TOWN OF WINDSOR
ORDINANCE NO. 2025-

AN ORDINANCE BY THE TOWN OF WINDSOR, COLORADO AMENDING CHAPTER 15, OF THE LAND USE CODE ADJUSTING THE STANDARDS FOR LANDSCAPING IN DEVELOPED AREAS

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

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

WHEREAS, since adoption, the Town has adjusted its requirements regarding standards for landscaping in developed areas; and

WHEREAS, beginning January 1, 2026, Senate Bill (“SB”) 24-005 prohibits local governments from allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or invasive plant species on commercial, institutional, or industrial property, common interest community property, or a street right-of-way, parking lot, median, or transportation corridor; and

WHEREAS, beginning January 1, 2026, House Bill (“HB”) 25-1113 prohibits local entities, including governments, special districts and metropolitan districts, from installing, planting, placing or allowing others to install, plant, or place, non-functional turf (including non-functional artificial turf) on any “applicable property” within the local entities’ jurisdiction; and

WHEREAS, beginning January 1, 2028, the prohibition on non-functional turf will be expanded to include multifamily residential housing premises property, defined as entry ways, parks, and other common elements associated with a property that includes more than 12 dwelling units; and

WHEREAS, to comply with the requirements set forth in SB 24-005, and HB 25-1113, amendments to the landscaping standards are to be adopted by December 31, 2025; and

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

WHEREAS, the Town deems it to be in the best interests of the health, safety and welfare of the residents of Windsor to timely comply with the legislative requirements and amend the code accordingly.

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

Section 1. The Town of Windsor Municipal Code Chapter 15, Article III is hereby amended and shall read as follows:

Sec. 15-3-20. Landscape standards.

All plantings shall be in accordance with the Town Approved Plant List, as may be amended from time to time. The Town Approved Plant List shall be located on the Town Website.

(a) Trees. Trees shall be planted according to the following guidelines:

- (1) At least three (3) feet from any curb, sidewalk or other paved surface.
- (2) Planted only within pervious areas with a minimum width of six (6) feet.
- (3) At least ten (10) feet or one-half ($\frac{1}{2}$) the mature canopy width from a building foundation, whichever is greater.
- (4) At least ten (10) feet from any water or sewer line, and at least four (4) feet from any underground gas, electric, telephone or other similar utility.

(b) Shrubs, Grasses, and Ground Cover.

(1) Nonfunctional turf shall not be installed on:

- a. Any property containing a principal use that is characterized as Public/Semi-Public, Parks and Open Space, Industrial, and/or Commercial; or
- b. Any property within a common interest community as defined in C.R.S. 38-33.3-103(8) that is owned and maintained by a unit owners association, such as entryways, parks, and other common elements; or
- c. Any portion of a street right-of-way, median, transportation corridor, or parking lot subject to this Code.
- d. Any multifamily residential property with more than twelve (12) units.

(2) Artificial Turf and Plants. No artificial turf or artificial plants may be included in any landscape plan or installed. The Director may approve an exception to allow artificial turf to be installed if it is classified as functional artificial turf and alternatives are not reasonable. Any exception to allow artificial turf must be noted in the landscape plan.

(3) Subsection (1) and (2) above shall apply to the following types of development:

- a. Any new development of property that requires a building permit or site plan approval; and
- b. Any redevelopment of property that requires a building permit or site plan approval and that will result in the disturbance of more than 50 percent of existing landscaped area(s).

(4) Ground cover, such as grass ~~turf~~ or seed, shrubs, and perennials, shall be planted on all disturbed and undeveloped surfaces to prevent erosion, dust and weeds; infiltrate storm water; and improve the function and aesthetics of sites.

(5) Ground cover shall consist of living plant material except that rock beds may be used in accordance with the following:

- a. As ground cover within planting beds, provided organic mulch is used around the base of all plants in accordance with Section 15-3-20(b)(36)b.
 - b. Independent from planting beds, subject to the following:
 1. Shall be limited to no more than twenty percent (20%) of required landscape area.
 2. No rock bed shall be greater than three thousand (3,000) square feet.
 3. Elements from at least two (2) of the following three (3) groups are used:
 - A. Boulders (minimum size twenty-four (24) inches by thirty (30) inches), or dry creek beds or other significant landscape feature;
 - B. Western collectibles (e.g.: mining cart, wagon, agricultural implement), shade structure or other structure (e.g.: small bridge, pavilion), or fine art/sculpture (NOT including small garden ornaments);
 - C. Interspersed shrubs at ratio of one (1) per two hundred (200) square feet. Evergreen trees may be used instead of shrubs at a ratio of one (1) tree per four (4) shrubs. Ornamental grasses may be used instead of shrubs at a ratio of three (3) grasses for every shrub.
- (6) Mulch for all planting beds or other areas shall meet the following:
- a. Black plastic or impermeable weed barriers are prohibited.
 - b. Organic mulches (i.e. bark or wood chips and wood grindings) are allowed in planting beds and are generally required around the base of all plants and trees in accordance with the Town planting details.
 - c. Inorganic mulches (i.e. gravel) and/ or decorative rock may be used in planting beds provided the required organic mulch base is provided around plants.
- (7) Shrubs shall generally be clustered in groupings or planted to form a continuous hedge.
- (8) One (1) gallon ornamental grasses may be substituted for up to twenty percent (20%) of the required shrubs at a ratio of three (3) grasses for one (1) shrub.
- (9) Grass varieties in high visibility areas which are commercially available as sod must be installed by sodding. Other areas and grass varieties not commercially available as sod may be installed with plugging or seeding.
- (10) No plants shall be placed within three (3) feet of any fire department connection, other than low-growing ground cover.
- (c) Visibility at Intersections. All plant material shall be located to maintain compliance with the intersection visibility requirements contained in the Town of Windsor Design Criteria and Construction Specifications - Division I Streets.
- (d) Water Wise Requirement.

- (1) A minimum of sixty-five percent (65%) of the shrubs that are installed to meet the requirements of this Article shall be classified very low or low water use in ~~Appendix A~~ **the Town Approved Plant List**.
- (2) No more than fifteen percent (15%) of shrubs or trees that are installed to meet the requirements of this Article shall be classified as high water use in ~~Appendix A~~ **the Town Approved Plant List**.
- (3) Sites ~~over three (3) acres~~ shall be organized into distinct hydrozones according to their microclimatic needs and water requirements. Plants with similar water requirements shall be grouped together in the same irrigation zones.
- (4) Grass ~~turf areas classified as medium or high water use in Appendix A shall be limited to high use or high visibility areas. Grass varieties listed as low water use in Appendix A may be used without limitation.~~ **shall comply with Code Sec. 15-3-20.**

(e) Irrigation.

- (1) An irrigation plan is required with all landscape plans. **It is recommended to have irrigation plans prepared by a Certified Irrigation Designer or a licensed landscape architect.**
- (2) Permanent underground, automatic irrigation shall be provided for all **functional** turf areas, trees, and shrubs.
- (3) Native, dryland, and restorative grasses shall be supplied permanent underground automatic irrigation or temporary irrigation. Temporary irrigation shall be supplied for a minimum of two (2) years to allow for establishment. The Director may waive the irrigation requirement for remote, low visibility areas.
- (4) Trees or shrubs within low water grass areas shall be irrigated in accordance with Section 15-3-20(e).2.
- (5) Automatic rain shutoff sensors to all controllers in all irrigation systems shall be installed to monitor rainfall levels and to override the controller(s) to prevent unnecessary irrigation.

(f) Plant Selection. ~~All landscaping shall be in accordance with Appendix A, Plant List.~~

- (1) Approved Plants. Only those plants listed as approved in ~~Appendix A~~ **the Town Approved Plant List** may be used to meet the standards of this Article. Plants that are on neither the approved plant list nor the prohibited plant list may be installed but shall not be counted towards compliance with this Article unless **a written request is made to and** approved by the Director in consideration of Code Sec. ~~Section~~ 15-3-20(f)(3). The approved plants list shall include:
 - a. Street Trees (deciduous trees with a mature height that is generally more than thirty-five (35) feet)
 - b. Shade Trees (deciduous trees with a mature height that is generally more than thirty-five (35) feet);

- c. Ornamental Trees (deciduous trees with a mature height that is generally thirty-five feet (35') or less which typically have ornamental characteristics such as spring flowers or attractive bark)
 - d. Evergreen Trees (conifers or other evergreens with a mature height of more than twenty (20) feet); and
 - e. Shrubs (perennials or evergreens with a mature height of at least three (3) feet).
 - f. Ornamental Grasses
 - g. **Low-Irrigation Lawn Grasses**
 - h. **Functional** Turf Grasses
 - i. Classification of water needs of very low, low, medium, or high
- (2) Prohibited Plants. The following plants are prohibited, and are subject to disapproval and removal during development or redevelopment:
- a. Plants identified as noxious, invasive **species**, or prohibited in Windsor by the United States or the State of Colorado; or
 - b. Plants identified as prohibited in ~~Appendix A~~ **the Town Approved Plant List**.
- (3) Modifications. The approved and prohibited plants listed in ~~Appendix A~~ **the Town Approved Plant List** may be amended by the Director in consideration of:
- a. USDA Climate zone;
 - b. Growth habits;
 - c. Invasiveness;
 - d. Expected lifespan;
 - e. Resistance to disease and harmful insects;
 - f. Leaf litter;
 - g. Structural strength; and
 - h. Watering needs/drought tolerance.
- (g) Technical Specifications. All landscaping shall adhere to the technical specifications of ~~Appendix B~~ **A**. The Director is authorized to amend ~~Appendix B~~ **A** in consideration of changes in best management practices.
- (h) Plant Specifications. All landscape material shall be planted and maintained in accordance with the American Standards for Nursery Stock (ASNS), Appendix A and B, and Table 15-3-20(h).

Table 15-3-20(h) Plant Specifications	
Plant Type	Caliper at 4.5' Above Ground (breast height)
Street Tree	2" caliper; 1.5" caliper acceptable as street tree on local residential street
Shade Tree	2" caliper
Ornamental Tree	1.5" caliper

Evergreen	6' minimum height
Shrub	5 gallon minimum
Ornamental Grasses	1 gallon minimum

- (i) **Tree Diversity.** To safeguard Windsor's urban forest from catastrophic loss due to pests and/or diseases, minimum tree diversity shall be required in accordance with the **10-20-30 rule to prevent over-reliance on a single species, genus, or family. Unless otherwise authorized by the Town Forester, all landscape plans shall include no more than 10 percent of any individual tree species, 20 percent of any genus, or 30 percent of any family.** Table 15-3-20(i).

Table 15-3-20(i) Tree Diversity	
Required Trees	Diversity
1—9	May be all one species but should be diverse from other species or genus in the vicinity.
10—19	At least 2 genus; AND No more than 50% of any one species
20—39	At least 2 genus; AND No more than 33% of any one species
40—59	At least 3 genus; AND No more than 25% of any one species
60+	At least 3 genus; AND No more than 15% of any one species
Generally	At any amount of required trees, existing trees in the vicinity may be used to specify certain species based this table to meet the intent and design objectives of this Section.

- (j) **Tree Protection and Replacement.**

- (1) **Protected Trees.** Existing trees greater than two (2) inches in caliper at four and one-half (4½) feet above ground that meet standards of this Article ~~with~~ **regarding** species, condition, location, and size shall be considered protected trees. Trees less than two (2) inches in caliper at four and one-half (4½) feet above ground which were planted to satisfy the requirement of this code shall also be considered protected trees.
- (2) **Identification on Landscape Plans.** All trees eligible for protection within the project or adjacent rights-of-way shall be identified on a landscape plan noting the location, species, size and condition. The plan shall indicate whether the tree will be removed, transplanted or protected.
- (3) **Minimize Disturbance.** Streets, buildings, and lot layouts shall be designed to minimize the disturbance to existing protected trees.
- (4) **Removal Criteria.** Trees that meet one (1) or more of the following removal criteria may be exempt from these requirements:
 - a. Dead, dying, or naturally fallen trees, or trees found to be a threat to public health, safety, or welfare.
 - b. Trees that are determined by the Town to substantially obstruct clear visibility at driveways or intersections.
 - c. Tree species that, in the opinion of the Town Forester, constitute a nuisance to the public such as cotton bearing cottonwood, Russian olive, and female boxelder. Native cotton bearing cottonwood trees and female boxelder trees, when located in a natural habitat and feature buffer zone, as may be described in future

amendments to this Chapter adopted by official action of the Town Board, are not considered nuisance tree species.

- (5) Credits for Existing Vegetation. Any tree that is incorporated into the landscape plan and protected by the steps in this section and the specifications may count toward the required landscape. Any tree that is more than eight-inch caliper may count toward the required landscape as two (2) trees.
- (6) Replacement. The Director, based on the recommendation of the Town Forester, may determine that removal of any Protected Trees that could otherwise be protected requires mitigation as follows:
 - a. Replacement of between one (1) and five (5) trees for each tree removed to mitigate the loss of the eligible tree based on Table 15-3-20(j)(6)(a).

Table 15-3-20(j)(6)(a) Tree Replacement Requirements	
Caliper at 4.5' Above Ground (breast height)	Number of Replacement trees
20+ inches	5
13- 19.99 inches	4
8-12.99 inches	3
2-7.99 inches	2
0-1.99 inches	1

- b. Replacement trees shall be in addition to those otherwise required by this section.
- c. Replacement trees must be on the Town's recommended tree list (Exhibit A) or approved by the Town Forester.
- d. Replacement trees shall meet the minimum size requirements of Table 15-3-20(j)(6)(d).

Table 15-3-20(j)(6)(d): Minimum Replacement Tree Size Criteria	
Shade Trees	
Size of Tree Being Replaced	Minimum Size of Replacement
Less than 3" caliper	2" caliper balled and burlap or equivalent
3" caliper or larger	3" caliper balled and burlap or equivalent
Ornamental Trees	
Size of Tree Being Replaced	Minimum Size of Replacement
Less than 2.5" caliper	2" caliper balled and burlap or equivalent
2.5" caliper or larger	2.5" caliper balled and burlap or equivalent
Evergreen Trees	
Size of Tree Being Replaced	Minimum Size of Replacement
All sizes	8' height balled and burlap or equivalent

- (7) Protection Measures. Landscape plans **shall include the tree protection detail as shown in Appendix A and shall indicate protection steps in accordance with the specifications in Appendix B following.** At a minimum these steps shall include:
 - a. Protection of root zone from all construction activity, up to a minimum of six (6) feet from the trunk or one-half (½) the drip line, whichever is greater.
 - b. Limit grading or cut and fill in the drip line to no more than a four-inch depth.

- c. Locate utilities away from protected trees or, where not possible, use boring under the root system, at least twenty-four (24) inches below grade and at a sufficient distance from the face of the tree.
 - d. Barriers and marking to prevent storage of vehicles, construction equipment, waste or other materials harmful to the tree within the drip line or otherwise protected zone specified by the protection plan.
 - 1. Barrier fencing shall be a minimum of four (4) feet in height.
 - 2. Barriers or marking must be present for the duration of the construction period.
 - 3. Barriers shall be inspected by the Town Forester prior to issuance of building permit or beginning of construction.
 - e. Deviation from these steps and specifications in Appendix ~~BA~~ may only be authorized based on protection plans that preserve the health of the tree and that were evaluated and approved by a qualified arborist or forester.
- (k) Maintenance.
- (1) Tree Lawns. Tree lawns and street trees are the responsibility of the adjacent property owner unless an owner's association or metropolitan district has assumed responsibility. In certain cases, the Town may maintain tree lawns where specifically approved by a development agreement or other means. Any plants determined by the Town Forester to be dead or in an unacceptable condition shall be replaced by the responsible party within a specified planting period, as soon as weather conditions allow. Replacements shall meet the minimum specifications of the materials replaced.
 - (2) Modification. No tree shall be planted or removed within the right-of-way without prior authorization of the Town.
 - (3) On-site landscaping. Ongoing compliance with approved landscape plans is required. All plant material shall be kept in healthy condition (free of dead or dying branch tips; bearing foliage of normal density, size, and color; and closely matching adjacent specimens of the same species). Any plants determined by the Town Forester to be dead or in an unacceptable condition shall be replaced by the property owner within a specified planting period, as soon as weather conditions allow. Replacements shall meet the minimum specifications of the materials replaced.
 - (l) Plan Preparation. All landscape plans shall be prepared by a licensed landscape architect **in accordance with C.R.S. Sec. 12-130-104, as may be amended from time to time. Landscape plans which do not require preparation by a licensed landscape architect per C.R.S. Sec. 12-130-104 shall be prepared by a** ~~or~~ similarly qualified professional.
 - (m) Colorado Wildfire Resiliency Code. Property owner is responsible for ensuring compliance with the Colorado Wildfire Resiliency Code.**

Sec. 15-3-30. Site design.

- (a) Calculation of Landscape Requirements. A minimum percentage of landscaped area shall be provided for all lots proposed for development in accordance with Table 15-3-30(a). Additional landscaped area may be required in order to meet other provisions of this Article.

Table 15-3-30(a) Minimum Site Landscaping			
	Site Acreage		
Zoning	0—3 acres	3—10 acres	10+ acres
AH	—	—	—
ER	—	—	—
SF-1	—	—	—
SF-2	—	—	—
MF	20%	20%	20%
RMU-1	Varies	Varies	Varies
RMU-2	Varies	Varies	Varies
NC	15%	15%	15%
GC	20%	20%	20%
CB	—	—	—
LI	15%	8%	5%
HI	15%	8%	5%
ROL	—	—	—
MH	20%	20%	20%
Note: In determining minimum landscape percent for properties zoned RMU-1 or RMU-2, the Director shall assign a percentage based on the percentage required for the most similar zoning district which would allow the land use. For example, apartment complexes shall be classified MF, retail uses GC, etc.			

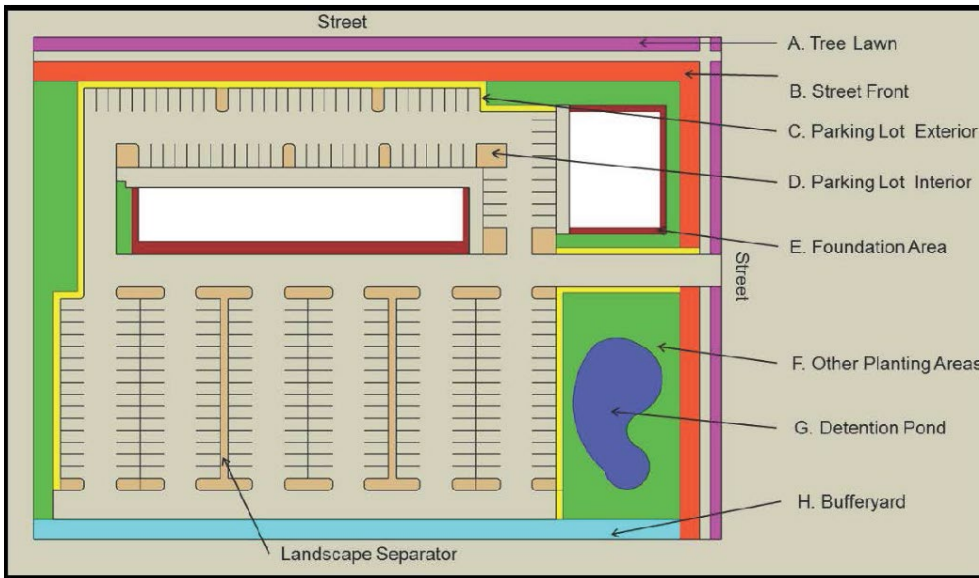
- (b) Landscape Areas. Landscape Components. There are eight (8) general areas of a parcel and abutting right-of-way in which landscaping may be required which are established by Table Figure 15-3-30(b) and shown in Figure 15-3-30(b) and further described in Sections 15-3-30(b)(1) through 15-3-30(b)(8). These Landscape Areas are not intended to be cumulative or require multiple or overlapping landscape areas, screening areas, buffer yards or perimeter treatments. When more than one (1) such standard applies, that standard which results in the higher landscaping, screening or buffering requirement shall apply.

Table 15-3-30(b) Required Landscape Areas			
Landscape Component	Width (min.)	Trees	Shrubs
1 — Tree Lawn Sec. 15-3-30(b)(1)	Varies	1 Street Tree per 40'	—
2 — Street Front Sec. 15-3-30(b)(2)	Arterial roads: 20' All other roads: 15'	1 per 50' of street frontage	1 per 5' of street frontage.
3 — Parking Lot Exterior Sec. 15-3-30(b)(3)	6'	1 per 40'	1 per 2.5'
4 — Parking Lot Interior Sec. 15-3-30(b)(4)	n/a	1 per single row parking lot island and 2 per double row parking lot island; and 1 per 40' of landscape separator	5 per single row landscape island
5 — Foundation Area Sec. 15-3-30(b)(5)	5'/ 10' 1	n/a	1 per 5'
6 — Detention Ponds Sec. 15-3-30(b)(6)	n/a	1 per 40' around perimeter	—
7 — Other Planting Areas Sec. 15-3-30(b)(7)	Varies	1 per 3,000 s.f.	1 per 250 s.f.

8 — Bufferyards Sec. 15-3-30(b)(8)	See Sec. 15-3-30(b)(8)		
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¹ Foundation Area shall be five (5) feet in width generally and ten (10) feet in width immediately adjacent to public or private roads or access drives used by the general public.

Figure 15-3-30(b)2



- (1) Tree Lawns. Tree Lawns are areas of a subject property or adjoining right-of-way that are used for the planting of street trees. The area typically is located between the street and sidewalk or in the case of an attached sidewalk may be behind the sidewalk. This landscape area may or may not be a part of the subject property.
 - a. Minimum Requirements. Tree Lawns shall comply with the following:
 1. One street tree shall be provided for every forty (40) feet of street frontage and spaced no closer than thirty (30) feet.
 2. Tree lawns shall be provided along new public streets or private streets that are created on or adjacent to a parcel proposed for development or with any new development lacking adjacent street trees when adequate space exists for planting.
 3. In the case of detached sidewalks, trees shall be centered in planting area between curb and sidewalk.
 4. In the case of attached sidewalks without tree grates or in other cases where street trees cannot be planted within the above requirements, they may be located along the lot frontage, between three (3) feet and seven (7) feet from the back of a sidewalk.
 5. Trees shall be at least ten (10) feet from any street, driveway, or alley intersection, **as shown in Appendix A, Exhibit E- Visibility Triangle Requirements for Vegetation.**
 6. Trees shall be at least forty (40) feet from any ~~street lights~~ **streetlights**.

7. An attached sidewalk with integrated tree grates may be approved provided the sidewalk is at least twelve (12) feet wide and planting area has at least twenty-four (24) square feet permeable surface and at least four (4) feet wide on all sides.
 8. Tree lawn landscaping within rights-of-way is subject to approval of the entity responsible for the right-of-way. If tree lawn landscaping is not authorized within a right-of-way it shall be accommodated on the adjacent property.
- b. Substitution of Shade Trees. Ornamental Trees may be substituted for Street Trees in locations where overhead utilities or other site constraints require smaller trees. If such substitutions are made, then Ornamental Trees shall be spaced at intervals of twenty (20) feet on center.
 - c. Timing of installation. Street Trees shall be installed prior to the acceptance of subdivision improvements on all streets unless a landscaping phasing plan is approved or when street trees are to be located outside of right-of-way and are the responsibility of individual lot owners. If the development is not a subdivision, then Street Trees are required prior to the issuance of the first certificate of occupancy.
- (2) Street Front. Street Front is the portion of property immediately adjacent to the right-of-way of all public streets or private streets or drives that function similar to public streets. Street Trees shall not count toward this requirement.
- a. Street Front Requirements. In addition to the requirements enumerated in Table 15-3-30(b) ~~7-6(2)~~, Street Front areas shall be landscaped with a minimum of thirty percent (30%) of trees being Shade Trees.
 - b. Reduced setbacks. When a building setback less than the required width of the Street Front is approved, the Street Front width may be reduced proportionately to the reduced setback.
- (3) Parking Lot Exterior. Parking Lot Exterior is the area surrounding the entire perimeter of surface parking lots, vehicle display or inventory areas, and other public vehicle use areas such as gas station fueling areas and includes drive aisles and access drives. Shared parking lots on common lot lines are not required to provide Parking Lot Exterior landscaping on the common lot line.
- a. Minimum Requirements. Parking Lot Exterior areas shall be landscaped as follows:
 1. Minimum width shall be ~~five (5)~~ **six (6)** feet.
 2. Trees shall be planted at a ratio of one (1) tree per forty (40) feet of parking lot exterior.
 3. Shrubs shall be planted at a ratio of one (1) per three (3) feet of parking lot exterior. Shrub requirement applies to any parking area adjacent to a public or private street and any parking areas or traffic circulation areas where headlight glare could impact activity on adjacent property or roadways.

4. Tree requirement applies to entire perimeter of parking lot.
 5. Unless specifically stated otherwise, shrubs shall be installed at a minimum height of fifteen (15) inches and shall be of a species expected to reach a minimum height of thirty (30) inches within three (3) years of planting. Shrubs planted within sight distance triangles shall have a maximum mature height of thirty (30) inches.
 6. At least fifty percent (~~25%~~) (50%) of required shrubs shall be evergreen.
 7. At least sixty-five percent (65%) of required trees shall be Shade Trees.
 8. An ornamental wall between two and one-half (2½) feet and three (3) feet high may be used with a fifty percent (50%) reduction in shrubs for the length of the wall. Fence or wall materials shall complement the architecture of the building and have details or ornamentation compatible with the overall site design.
 9. All shrubs and trees shall be located at least three (3) feet from either the back of curb of the vehicular use area or back of wheel stops.
 10. A landscaped berm between three (3) feet and four (4) feet high, measured from the grade of the adjacent parking area, may be used with up to a fifty-percent reduction in shrubs for the area immediately on or adjacent to the berm, provided the width is at least fifteen (15) feet with a maximum slope of 3:1.
- (4) Parking Lot Interior. Parking Lot Interior landscaping is required within surface parking lots and vehicle display or inventory areas that accommodate more than fifteen (15) vehicles and includes drive aisles and access drives. Parking lots in screened service areas are not required to provide Parking Lot Interior landscaping.
- a. Minimum Requirements. Parking Lot Interior landscaping shall be provided as follows:
 1. Trees shall be planted ~~in~~ as follows: one (1) per single row parking lot island, two (2) trees per double row parking lot island, and one (1) per forty (40) feet of landscape separator or access drive. At least sixty-five percent (65%) of required trees shall be Shade Trees.
 2. Shrubs shall be planted at a ratio of five (5) per single row parking lot island and ten (10) per double row parking lot island.
 3. All shrubs and trees shall be located at least three (3) feet from either the back of curb of parking stalls or back of wheel stops.
 4. Parking lot landscaped areas shall be at least six (6) inches above the surface of the parking lot and protected with concrete curbing.
 - b. Parking Lot Islands. Parking Lot Islands shall:
 1. Be installed on the ends of all parking rows and entry drives to separate parking from drive aisles.
 2. Be provided between every fifteen (15) contiguous parking spaces.

3. Be a minimum of eight (8) feet wide.
 4. Be a minimum of eighteen (18) feet long adjacent to a single row of parking and thirty-six (36) feet long adjacent to a double row of parking.
 5. Parking lot islands shall be designed to allow plant materials to survive and flourish given harsh conditions and the need to store snow during the winter.
- c. Large Parking Lots. Large Parking Lots are surface parking lots, vehicle display or inventory areas with more than two hundred (200) spaces. Large Parking Lots shall be divided into smaller parking modules by the use of landscape separators that comply with the following standards:
1. Each parking module shall contain a maximum of three (3) drive aisles or one hundred fifty (150) parking spaces, whichever results in a smaller module.
 2. Landscape Separators shall be parallel to the parking rows.
 3. At least one (1) landscape separator shall contain a walkway to the front entrance of the building.
 4. Walkways shall connect to adjacent public sidewalks.
 5. Where walkways cross drive-aisles, the crossing shall be distinguished through the use of raised crosswalks or special pavement treatments such as colored concrete, pavers, brick or other similar materials.
 6. Landscape separators with a walkway shall be a minimum of nineteen (19) feet in width. Landscape separators without a pedestrian walkway shall be a minimum of eight (8) feet in width.
 7. Pedestrian walkways within a landscape separator shall be a minimum of seven (7) feet wide unless wheel stops are used, in which case the minimum width shall be five (5) feet.
 8. Vegetative ground cover and/or shrub beds shall be used in all landscape separators
- (5) Foundation Area. Foundation Areas are those areas along building foundations that are in high use or high visibility areas. Foundation Areas shall be landscaped as follows:
- a. Foundation Area landscaping if required for a minimum of fifty percent (50%) of the length of all building façades that are in high use or high visibility areas including areas within fifty (50) feet of right-of-way, open or civic spaces, or other similar publicly accessible and visible spaces.
 - b. Foundation planting is not required where building facades directly abut pedestrian access such as sidewalks, plazas or other similar features provided the facade includes windows, doors, architectural detailing, or other pedestrian oriented features.
 - c. Foundation Areas shall have a minimum width of five (5) feet generally and ten (10) feet in width immediately adjacent to public or private roads or access drives used by the general public.

- d. Shrubs shall be planted at a ratio of one (1) per five (5) linear feet of adjacent building.
- (6) Detention Ponds. Detention Ponds shall be landscaped as follows:
- a. Ground cover shall consist of ~~irrigated turf grass~~, native grasses or drought hardy approved vegetation.
 - b. Trees shall be planted at a ratio of one (1) per forty (40) feet of pond perimeter. Trees may be regularly spaced or grouped.
- (7) Other Planting Areas. Other Planting Areas are all other landscaped areas not otherwise covered in this subsection that are required to comply with this Section and shall be landscaped as follows:
- a. One (1) tree per three thousand (3,000) square feet.
 - b. One (1) shrub per two hundred fifty (250) square feet.
- (8) Bufferyards. Bufferyards are areas on the perimeter of a parcel proposed for development where landscaping is required to buffer the development from neighboring properties.
- a. Generally. This subsection describes four (4) types of bufferyards which are classified from less screening (Type A) to more screening (Type D).
 - b. Purposes of Bufferyards. Bufferyards are used to soften the visual interaction between differing zones and improve compatibility of adjoining uses.
 - c. Bufferyard Required. Bufferyards shall be provided in the following situations:
 - 1. Along zone boundaries as listed in Table 15-3-30(b)(8)(C) when the zone district boundary line follows the property line of the parcel proposed for development and when the adjacent property is not separated from the parcel proposed for development by an easement, right-of-way, or permanent open space that is at least fifty (50) feet in width, such as a public street, creek, trail, utility easement, or resource protection area.
 - 2. Between uses within the RMU-1 zone district as described in Section 15-3-30(b)(8)i.
 - 3. Subdivisions platted with double frontage lots shall provide a Type A bufferyard along the rear frontage.
 - 4. For certain uses as described in future amendments to this Chapter adopted by official action of the Town Board.
 - 5. In situations where the Director determines that the arrangement of uses or design of buildings does not adequately mitigate conflicts reasonably anticipated to exist between dissimilar uses, site elements or building designs, a bufferyard shall be used to mitigate the conflicts.

Table 15-3-30(b)(8)(C) Zone Boundary Bufferyard Standards												
Adjoining Zone												
Zoning of Proposed Development	MH	ER	SF-1	SF-2	MF	RMU-1	RMU-2	NC	GC	CB	LI	HI

MH	—	B	B	B	B	*	*	A	A	—	A	B
ER	—	—	—	—	—	—	—	A	A	—	A	B
SF-1	—	—	—	—	—	—	—	A	A	—	A	B
SF-2	—	—	—	—	—	—	—	A	A	—	A	B
MF	B	B	B	B	—	*	*	A	A	—	A	B
RMU-1	*	*	*	*	*	*	*	*	*	*	*	*
RMU-2	*	*	*	*	*	*	*	*	*	*	*	*
NC	B	B	B	B	B	*	*	—	—	—	—	-
GC	C	C	C	C	C	*	*	—	—	—	—	-
CB	—	—	—	—	—	—	—	—	—	—	—	-
LI	C	C	C	C	C	*	*	C	C	C	C	-
HI	D	D	D	D	D	*	*	C	C	C	B	-

*Varies

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

- d. Bufferyard Options. There are two (2) bufferyards options. Standard Bufferyards designed in accordance with Table 15-3-30(b)(8)(D)(1) shall generally be used. For properties constrained by size or other site-specific limitations, a Limited Bufferyard designed in accordance with Table 15-3-30(b)(8)(D)(2) is allowed using a berm or fence in conjunction with a narrower bufferyard and lower density of plant material.

Table 15-3-30(b)(8)(D)(1) Standard Bufferyards						
Planting Requirements per 100 linear feet						
Type	Width (min.)	Shade Trees	Ornamental Trees	Evergreen Trees*	Shrubs	Wall, Opaque Fence, or Berm Height
Type A	15'	2	2	2	10	n/a
Type B	15'	2	2	2	30	n/a
Type C	25'	2	3	5	30	n/a
Type D	25'	2	5	10	50	n/a

* Ornamental trees shall be used in-lieu of evergreen trees when evergreens would cast winter shadows on public roadways or sidewalks.

Table 15-3-30(b)(8)(D)(2) Limited Bufferyards						
Planting Requirements per 100 linear linear feet						
Type	Width (min.)	Shade Trees	Ornamental Trees	Evergreen Trees*	Shrubs	Wall, Opaque Fence, or Berm Height
Type A	10'	1	1	1	5	3.5'
Type B	10'	1	1	1	15	3.5'
Type C	15'	1	2	3	20	6'
Type D	15'	1	3	5	30	6'

* Ornamental trees shall be used in-lieu of evergreen trees when evergreens would cast winter shadows on public roadways or sidewalks

- e. Substitutions. Evergreen trees may be used in place of ornamental trees at a ratio of one (1) to one (1).

- f. **Reduced Bufferyards.** In cases where development proposed for a property would be allowed in a less intense zone district (e.g. commercial development in the LI zone district), the Director may approve use of the bufferyard required for the less intense zone district. Reduced bufferyards shall only be approved when the characteristics of the proposed development make conversion to higher intensity use unlikely.
- g. **Increased Bufferyards.** Bufferyard width or bufferyard planting may be increased at the discretion of the Director, Planning Commission or Town Board where the potential impacts from visual, audible or physical aspects of a particular use or particular site are greater than anticipated, based on the intent and design objectives of this section.
- h. **Properties Adjacent to Corporate Limits.** Bufferyard requirements for properties adjacent to properties outside the Town of Windsor corporate limits shall be based on the land use depicted in the Comprehensive Plan Future Land Use Map or adjacent community's zoning or land use designation.
- i. **RMU District Bufferyards.**
 1. In determining bufferyard requirements involving properties zoned RMU-1 or RMU-2, the Director shall assign a bufferyard type based on the bufferyard required for the most similar zoning district which would allow the land use. For example, apartment complexes shall be classified MF, retail uses GC, etc.
 2. Bufferyards shall be required for abutting properties which are both within the RMU-1 district using the methodology described in Section 15-3-30(b)(7)(I)1.
- j. **Minimum Shrub Size.** Unless specifically stated otherwise, shrubs shall be installed at a minimum height of fifteen (15) inches, and shall be of a species expected to reach a minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three (3) years of planting. Shrubs planted within sight distance triangles shall have a maximum mature height of thirty (30) inches.
- k. **Plant Spacing.** Plants in bufferyards shall generally be spaced regularly throughout the bufferyard, although concentration of some plantings can occur to emphasize gateways or entries, or to maximize the screening and buffering of specific site elements.

<i>Appendix A Plant List</i> Prohibited Species	
Botanic Name	Common Name
<i>Acer negundo</i>	Boxelder
<i>Acer saccharinum</i>	Silver Maple
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Betula species</i>	Birch
<i>Eleagnus angustifolia</i>	Russian Olive
<i>Fraxinus pennsylvanica</i>	Ash
<i>Malus species Hopa</i>	Hopa Crabapple

Populus species	Hybrid cottonwoods
Populus tremuloides	Aspen
Salix alba X Matsudana	Austree
Salix specie	Willows
Sorbus species	Mountain Ash
Tamarix species	Tamarisk
Ulmus pumila	Siberian Elm

Approved Street Trees			
Botanic Name	Common Name	Selected Cultivars	Water Need
Catalpa speciosa	Northern Catalpa		L-M
Celtis occidentalis	Northern Hackberry		M
Gleditsia triacanthos inermis	Honeylocust		L-M
Gymnocladus dioica	Kentucky Coffeetree		L-M
Quercus buckleyi	Texas Red Oak		L-M
Quercus macrocarpa	Bur Oak		L-M
Quercus muehlenbergii	Chinkapin Oak		L-M
Quercus shumardii	Shumard Oak		L-M
Quercus robur	English Oak	Species, Skymaster	L-M
Tilia americana	American Linden	Species, boulevard, Frontyard, Legend, Sentry	M
Tilia cordata	Littleleaf Linden	Chancellor, Dropmore, Greenspire, Norlin, Olympic, Prestige, Shamrock	M
Tilia x euchlora	Redmond Linden		M
Tilia x flavescens	Glenleven Linden		M
Ulmus sp.	Accolade Elm		L-M
Note: Director may approve alternative species that are suitable for use as street trees which are rated "A" or "B" on the Front Range Tree Recommendation List©			

Approved Shade Trees			
Botanic Name	Common Name	Selected Cultivars	Water Need
Acer platanoides	Norway Maple		M
Aesculus glabra	Ohio Buckeye		M
Aesculus hippocastanum	Common Horsechestnut		M
Catalpa speciosa	Northern Catalpa		L-M
Celtis occidentalis	Northern Hackberry		M
Ginkgo biloba	Ginkgo		M
Gleditsia triacanthos inermis	Honeylocust		L-M
Gymnocladus dioica	Kentucky Coffeetree		L-M
Quercus buckleyi	Texas Red Oak		L-M
Quercus macrocarpa	Bur Oak		L-M
Quercus muehlenbergii	Chinkapin Oak		L-M
Quercus shumardii	Shumard Oak		L-M
Sophora japonica	Japanese Pagoda Tree		M

<i>Quercus robur</i>	English Oak	Species, Skymaster	L-M
<i>Tilia americana</i>	American Linden	Species, boulevard, Frontyard, Legend, Sentry	M
<i>Tilia cordata</i>	Littleleaf Linden	Greenspire, Norlin, Olympic, Prestige, Shamrock	M
<i>Tilia x euchlora</i>	Redmond Linden		M
<i>Tilia x flavescens</i>	Glenleven Linden		M
<i>Ulmus</i> sp.	Accolade Elm		L-M
Note: Director may approve alternative shade trees suitable for the site which are rated "A" or "B" on the Front Range Tree Recommendation List©			

Approved Ornamental Trees			
Botanic Name	Common Name	Selected Cultivars	Water Need
<i>Amelanchier canadensis</i>	Shadblow Serviceberry		M
<i>Cercis Canadensis</i>	Eastern Redbud		M
<i>Crataegus crusgalli</i>	Hawthorn Cockspur var. inermis		M
<i>Crataegus ambigua</i>	Russian Hawthorne		L-M
<i>Crataegus douglasii</i>	River/Douglas Hawthorne		M
<i>Crataegus laevigata</i>	English 'Crimson Cloud' or 'Pauls Scarlet' Hawthorne		M
<i>Crataegus mollis</i>	Downy Hawthorne		L-M
<i>Crataegus x mordenensis</i>	Toba Hawthorne		M
<i>Crataegus phaenopyrum</i>	Washington Hawthorne		M
<i>Crataegus viridis</i>	Green - 'Winter King' Hawthorne		
<i>Koelreuteria paniculata</i>	Goldenrain Tree		
<i>Malus</i> Species	Crabapple	Adams, Centurion®, Coralburst™, David, Indian Magic, Indian Summer, Prairiefire, Profusion, Radiant, Spring Snow, Thunderchild	M
<i>Prunus</i> Species	Plum and Cherry		
<i>Pyrus</i> species	Pear		
<i>Syringa reticulata</i>	Japanese Lilac		
Note: Director may approve alternative ornamental trees suitable for the site which are rated "A" or "B" on the Front Range Tree Recommendation List©			

Approved Evergreen Trees			
Botanic Name	Common Name	Selected Cultivars	Water Need
<i>Abies concolor</i>	White Fir		H
<i>Abies lasiocarpa</i>	Subalpine or Rocky Mountain Fir		H
<i>Pseudotsuga menziesii glauca</i>	Douglas Fir		M

<i>Juniperus chinensis</i> [±]	Chinese Juniper	'Blue Point', 'Spartan', 'Spear-mint' Hetzi Columnaris	L-M
<i>Juniperus monosperma</i> [±]	One-Seed		L
<i>Juniperus osteosperma</i> [±]	Utah		L
<i>Juniperus scopulorum</i> [±]	Rocky Mountain	'Welchii', 'Gray Gleam', Cologreen', 'Sky Rocket', 'Wichita Blue', 'Moonglow', 'Medora'	L
<i>Juniperus virginiana</i>	Eastern Red Cedar	'Manhattan Blue', 'Hillspire', 'Idyllwild', 'Blue Arrow', 'Taylor'	L-M
<i>Larix decidua</i>	European Larch		M-H
<i>Picea abies</i>	Norway Spruce 'Cupressina'		M-H
<i>Picea glauca</i>	Black Hills Spruce 'Densata'		M-H
<i>Picea omorika</i>	Serbian Spruce		M-H
<i>Picea pungens</i>	Colorado Spruce		M-H
<i>Picea pungens glauca</i>	Colorado Blue Spruce	'Baby Blue Eyes', 'Bakeri', 'Fastigiata', 'Fat Albert', Hoopsii, 'Colorado Weeping', 'Sester's Dwarf	M-H
<i>Pinus aristata</i>	Bristlecone(foxtail) Pine		L-M
<i>Pinus contorta</i>	Lodgepole Pine		L-M
<i>Pinus edulis</i>	Pinyon		L-M
<i>Pinus flexilis</i>	Limber Pine		L-M
<i>Pinus heldreichii</i>	Bosnian Pine	Leucodermis	M
<i>Pinus mugo</i> [±]	Mugo Pine	Big Tuna, Tannenbaum	L-M
<i>Pinus nigra</i>	Austrian Pine		M
<i>Pinus ponderosa</i>	Ponderosa Pine		L-M
<i>Pinus strobus</i>	Eastern White Pine		M
<i>Pinus strobiformis</i>	Southwestern White Pine		L-M
<i>Pinus sylvestris</i>	Scotch		M
<i>Thuja standishii</i> x <i>Thuja plicata</i>	Green Giant Arborvitae		M-H

Note: Director may approve alternative Evergreen trees suitable for the site which are rated "A" or "B" on the Front Range Tree Recommendation List©

[±]Denotes smaller tree that should be used in combination with larger trees when screening is desired.

Approved Deciduous Shrubs					
Botanic Name	Common Name	Water Need			
<i>Acanthopanax sieboldianus</i>	Fiveleaf Aralia		L		
<i>Acer ginnala</i>	Amur Maple		L	M	
<i>Acer glabrum</i>	Rocky Mountain Maple			M	H
<i>Acer grandidentatum</i>	Wasatch Maple			M	
<i>Alnus tenuifolia</i>	Rocky Mountain Alder				H
<i>Amelanchier alnifolia</i>	Saskatoon Serviceberry		L	M	
<i>Amelanchier canadensis</i>	Shadblow Serviceberry		L		

<i>Amelanchier utahensis</i>	Utah Serviceberry	VL		L	M
<i>Amorpha canescens</i>	Leadplant		L	M	
<i>Amorpha fruticosa</i>	False Indigo			M	
<i>Amorpha nana</i>	Dwarf Leadplant		L	M	
<i>Aronia arbutifolia</i>	Red Chokeberry			M	
<i>Aronia melanocarpa</i>	Black Chokeberry			M	
<i>Aronia x prunifolia</i>	Purple Chokeberry			M	
<i>Artemisia tridentata</i>	Tall Western Sage		L		
<i>Artemisia cana</i>	Silver Sage	VL	L	M	
<i>Artemisia filifolia</i>	Sand Sagebrush	VL			
<i>Artemisia frigida</i>	Fringed Sage	VL	L		
<i>Artemisia nova</i>	Black Sage		L		
<i>Artemisia versicolor</i>	Sea Spray Sage		L		
<i>Atriplex canescens</i>	Four-wing Saltbush	VL	L		
<i>Atriplex confertifolia</i>	Spiny Saltbush	VL	L		
<i>Berberis thunbergii</i>	Barberry			M	H
<i>Berberis x 'Emerald Carousel'</i>	Emerald Carousel Barberry		L		
<i>Betula fontinalis</i>	Native River Birch				H
<i>Betula glandulosa</i>	Bog Birch				H
<i>Buddleja alternifolia</i>	Alternate Butterfly Bush			M	
<i>Buddleja alternifolia 'Argentea'</i>	Silver Fountain Butterfly Bush			M	
<i>Buddleja davidii</i>	Butterfly Bush			M	
<i>Caragana arborescens</i>	Siberian Peashrub		L	M	
<i>Caragana frutex</i>	Globe Peashrub		L	M	
<i>Caragana microphylla</i>	Littleleaf Peashrub		L	M	
<i>Caragana pygmaea</i>	Pygmy Peashrub		L	M	
<i>Caragana rosea</i>	Rose Peashrub		L		
<i>Caryopteris incana</i>	Blue Mist Spirea		L	M	
<i>Caryopteris x clandonensis</i>	Dark Knight Spirea		L	M	
<i>Ceratoideus lanata</i>	Winterfat		L		
<i>Cercocarpus breviflorus</i>	Hairy Mountain Mahogany	VL			
<i>Cercocarpus ledifolius</i>	Curl Leaf Mountain Mahogany	VL	L		
<i>Cercocarpus ledifolius intricatus</i>	Little Leaf Mountain Mahogany	VL	L		
<i>Cercocarpus montanus</i>	True Mountain Mahogany		L	M	
<i>Chaenomeles speciosa</i>	Quince		L		
<i>Chamaebatiaria millefolium</i>	Fernbush	VL	L		
<i>Chrysothamnus nauseosus</i>	Rabbitbrush	VL	L		
<i>Cornus alba</i>	Variegated Dogwood				H
<i>Cornus mas</i>	Cornelian Cherry			M	H
<i>Cornus seicea 'baileyi'</i>	Bailey Redtwig Dogwood			M	
<i>Cornus seicea 'Cardinal'</i>	Cardinal Dogwood			M	
<i>Cornus seicea 'Flaviramea'</i>	Yellowtwig Dogwood			M	
<i>Cornus seicea 'Isanti'</i>	Isanti Dogwood			M	
<i>Cornus stolonifera</i>	Redtwig Dogwood			M	H
<i>Corylus americana</i>	American Filbert			M	
<i>Corylus avellana</i>	European Hazel			M	H
<i>Cotinus coggygria</i>	Smokebush			M	
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster			M	

<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster			M	
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster		£	M	
<i>Cotoneaster horizontalis</i>	Rock Cotoneaster			M	
<i>Cotoneaster ignavus</i>	Szechuan Fire Cotoneaster			M	
<i>Cotoneaster lucidus</i>	Peking Cotoneaster		£		
<i>Cowania mexicana</i>	Cliff Rose		£		
<i>Cytisus purgans</i>	Spanish Gold Broom		£	M	
<i>Cytisus scoparius</i>	Scotch Broom		£	M	
<i>Cytisus x praecox</i>	Warminster Broom		£	M	
<i>Daphne x burkwoodii</i> 'Carol Mackie'	Carol Mackie Daphne			M	
<i>Diervilla lonicera</i>	Dwarf Bush Honeysuckle				H
<i>Elaeagnus commutata</i>	Silverberry		£		
<i>Ephedra equisetina</i>	Bluestem Joint Fir	VL	£		
<i>Ephedra viridis</i>	Mormon Tea	VL	£		
<i>Euonymus alatus</i>	Burning Bush			M	
<i>Euonymus alatus</i> 'Compactus'	Dwarf Burning Bush			M	
<i>Fallugia paradoxa</i>	Apache Plume	VL	£		
<i>Fendlera rupicola</i>	Cliff Fendler Bush		£	M	
<i>Forestiera neomexicana</i>	New Mexico Privet		£	M	
<i>Forsythia viridissima koreana</i>	Kumson Forsythia			M	
<i>Forsythia x</i> 'Arnold Dwarf'	Arnold Dwarf Forsythia			M	
<i>Forsythia x</i> 'Northern Gold'	Northern Gold Forsythia			M	
<i>Genista lydia</i>	Lydia Broom		£	M	
<i>Genista tinctoria</i>	Woadwaxen		£	M	
<i>Hesperaloe parviflora</i>	Red False Yucca	VL	£		
<i>Hibiscus syriacus</i>	Althea			M	
<i>Hippophaë rhamnoides</i>	Sea Buckthorn		£	M	
<i>Holodiscus discolor</i>	Creambush		£	M	
<i>Holodiscus dumosus</i>	Rock Spirea		£	M	
<i>Hydrangea arborescens</i> 'Annabelle	Annabelle Hydrangea			M	H
<i>Hydrangea macrophylla</i>	Mophead Hydrangea			M	
<i>Hydrangea paniculata</i>	PeeGee Hydrangea			M	H
<i>Jamesia americana</i>	Waxflower		£	M	
<i>Kolkwitzia amabilis</i>	Beauty Bush		£	M	
<i>Ligustrum vulgare</i>	Common Privet		£	M	
<i>Ligustrum x vicaryi</i>	Golden Vicary Privet		£	M	
<i>Lonicera involucrata</i>	Twinberry Honeysuckle			M	H
<i>Lonicera korolkowii</i>	Blue Velvet Honeysuckle			M	
<i>Lonicera syringantha wolfii</i>	Tiny Trumpets Honeysuckle			M	H
<i>Lonicera tatarica</i> 'Arnold Red'	Arnold Red Honeysuckle		£	M	
<i>Lonicera x</i> 'Honeyrose'	Honeyrose Honeysuckle			M	
<i>Lonicera xylosteum</i>	Dwarf Honeysuckle		£	M	
<i>Peraphyllum ramosissimum</i>	Squaw Apple		£	M	
<i>Philadelphus lewisii</i>	Lewis Mockorange		£	M	
<i>Philadelphus microphyllus</i>	Littleleaf Mockorange		£	M	
<i>Philadelphus x virginialis</i>	Snowflake Mockorange			M	
<i>Physocarpus monogynus</i>	Mountain Ninebark		£	M	
<i>Physocarpus opulifolius</i>	Dwarf Ninebark		£	M	

Potentilla fruticosa	Shrub Potentilla		£	M	
Prunus americana	American Plum		£	M	
Prunus besseyi	Western Sand Cherry		£	M	
Prunus besseyi 'Pawnee Buttes'	Pawnee Buttes Sand Cherry		£	M	
Prunus fruticosa	European Dwarf Cherry		£	M	
Prunus glandulosa 'Rosea Plena'	Pink Flowering Almond			M	
Prunus tenella	Dwarf Russian Almond		£	M	
Prunus tomentosa	Nanking Cherry		£	M	
Prunus trioba	Double Flowering Plum		£	M	
Prunus virginiana	Chokecherry		£	M	
Prunus x cistena	Purple Leaf Plum			M	
Purshia tridentata	Bitterbrush	VL	£		
Rhamnus frangula	Glossy Buckthorn		£	M	
Rhamnus smithii	Smith's Buckthorn		£	M	
Rhododendron spp.	Rhododendron				H
Rhus aromatica 'Gro-Low'	Gro-Low Sumac				
Rhus glabra	Smooth Sumac		£	M	
Rhus glabra cismontana	Rocky Mountain Sumac		£	M	
Rhus glabra 'Laciniata'	Cutleaf Smooth Sumac		£	M	
Rhus trilobata	Three-leaf Sumac	VL	£		
Rhus typhina	Staghorn Sumac		£	M	
Ribes alpinum	Alpine Currant		£	M	
Ribes aureum	Golden Currant			M	
Ribes cereum	Squaw Currant		£	M	
Ribes odoratum	Crandall Clove Currant		£	M	
Rosa glauca	Redleaf Rose			M	
Rosa rugosa	Rugosa Rose			M	
Rosa woodsii	Wood's Rose			M	
Rosa x var.	Shrub and Climbing Roses		£	M	
Rubus deliciosus	Boulder Raspberry	VL	£		
Rubus idaeus	Wild Raspberry			M	H
Salix arenaria	Blue Creek Willow			M	
Salix bebbiana	Bebb's Willow			M	
Salix discolor	Pussy Willow				H
Salix drummondiana	Drummond Willow			M	
Salix exigua	Coyote Willow			M	H
Salix irrorata	Blue Stem Willow			M	H
Salix monticola	Yellow Mountain Willow			M	H
Salix purpurea nana	Dwarf Arctic Willow			M	
Salix purpurea pendula	Blue Fountain Willow			M	
Sambucus canadensis	Elderberry			M	H
Sambucus pubens	Red Fruited Elderberry			M	
Sambucus racemosa	Red Elderberry			M	H
Shepherdia argentea	Silver Buffaloberry	VL	£	M	
Sibiraea laevigata	Siberian Spirea		£	M	
Sorbaria sorbifolia	Ash Leaf Spirea			M	
Sorbus scopulina	Native Mountain Ash			M	
Spiraea cineria	Grefsheim			M	

<i>Spiraea japonica</i>	Japanese Spirea			M	
<i>Spiraea nipponica</i>	Snowmound Spirea			M	
<i>Spiraea thunbergii</i>	Mellow Yellow Spirea		L		
<i>Spiraea trilobata</i>	Three Lobe Spirea			M	
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea			M	
<i>Symphoricarpos albus</i>	Snowberry		L		
<i>Symphoricarpos orbiculatus</i>	Red Coralberry		L	M	
<i>Symphoricarpos oreophilus</i>	Mountain Snowberry		L		
<i>Symphoricarpos x chenaultii</i>	Hancock Coralberry		L	M	
<i>Syringa joskiae</i>	Purple Single Lilac		L	M	
<i>Syringa meyeri</i>	Dwarf Korean Lilac		L	M	
<i>Syringa microphylla</i>	Littleleaf Lilac			M	
<i>Syringa oblata</i>	Cheyenne Lilac		L	M	
<i>Syringa patula</i> 'Miss Kim'	Miss Kim Lilac		L	M	
<i>Syringa vulgaris</i>	Common Lilac		L	M	
<i>Syringa x chinensis</i>	Chinese Lilac		L	M	
<i>Syringa x hyacinthiflora</i>	Single Blooming Lilac		L		
<i>Syringa x prestoniae</i>	Canadian Single Blooming Lilac		L	M	
<i>Viburnum burejaeticum</i>	Manchurian Viburnum			M	H
<i>Viburnum carlesii</i>	Korean Spice Viburnum			M	H
<i>Viburnum dentatum</i>	Arrowwood Viburnum			M	H
<i>Viburnum lantana</i>	Wayfaring Viburnum		L	M	
<i>Viburnum lentago</i>	Nannyberry		L	M	
<i>Viburnum opulus</i>	Compact Cranberry Bush			M	H
<i>Viburnum plicatum tomentosum</i>	Doublefile Viburnum			M	H
<i>Viburnum prunifolium</i>	Blackhaw Viburnum			M	H
<i>Viburnum trilobum</i>	American Cranberry Viburnum			M	H
<i>Viburnum x bodnantense</i>	Pink Dawn Viburnum			M	H
<i>Viburnum x burkwoodii</i>	Burkwood Viburnum			M	
<i>Viburnum x juddii</i>	Judd Viburnum			M	
<i>Viburnum x rhytidophylloides</i>	Alleghany Viburnum		L	M	

Approved Coniferous Shrubs					
Botanic Name	Common Name	Water Needs			
<i>Juniperus chinensis</i>	Chinese Juniper		L	M	
<i>Juniperus communis</i>	Common Juniper		L	M	
<i>Juniperus horizontalis</i>	Creeping Juniper		L	M	
<i>Juniperus monosperma</i>	Oneseed Juniper	VL	L		
<i>Juniperus osteosperma</i>	Utah Juniper	VL	L		
<i>Juniperus procumbens</i>	Green Mound Juniper		L		
<i>Juniperus sabina</i>	Savin Juniper		L		
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper	VL	L		
<i>Juniperus squamata</i>	Blue Star Juniper		L		
<i>Juniperus virginiana</i>	Hillspire Juniper		L		
<i>Picea abies</i>	Dwarf Spruce			M	
<i>Picea pungens</i>	Globe Spruce			M	
<i>Pinus densiflora umbraculifera</i>	Tanyosho Pine		L		
<i>Pinus mugo</i>	Mugo Pine		L		

<i>Pinus sylvestris</i> 'Glauca Nana'	Dwarf Globe Scotch Pine		L		
<i>Taxus x media</i>	Dark Green Spreading Yew				H
<i>Thuja occidentalis</i>	Western Arborvitae				H

Approved Broad-leaved Evergreen Shrubs					
Botanic Name	Common Name	Water Needs			
<i>Agave neomexicana</i>	New Mexico Agave	VL	L		
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick		L		
<i>Arctostaphylos x Coloradoensis</i>	Manzanitas		L	M	
<i>Buxus microphylla</i>	Korean Boxwood			M	H
<i>Buxus sempervirens</i>	Common Boxwood			M	H
<i>Euonymus fortunei</i>	Euonymus			M	H
<i>Euonymus kiautschovicus</i>	Manhattan Euonymus			M	H
<i>Euonymus nana turkestanicus</i>	Turkestan Burning Bush			M	H
<i>Ilex glabra</i>	Compact Inkberry Holly			M	
<i>Ilex x meserveae</i> Mahonia <i>aquifolium</i>	Blue Girl and Blue Boy Holly			M	H
<i>Mahonia aquifolium</i>	Oregon Grape Holly		L	M	
<i>Mahonia fremontii</i>	Fremont's Desert Holly	VL	L		
<i>Mahonia haematocarpa</i>	Desert Holly VL L	VL	L		
<i>Mahonia repens</i>	Creeping Grape Holly		L	M	H
<i>Nandina domestica</i>	Heavenly Bamboo			M	H
<i>Pyracantha angustifolia</i>	Firethorn		L		
<i>Pyracantha coccinea</i>	Pyracantha		L	M	
<i>Quercus turbinella</i>	Shrub Liveoak Oak	VL	L		
<i>Yucca baccata</i>	Banana Yucca	VL	L		
<i>Yucca elata</i>	Elata Yucca	VL	L		
<i>Yucca filamentosa</i>	Adam's Needle Yucca	VL	L		
<i>Yucca glauca</i>	Soapweed Yucca	VL	L		

Approved Ornamental Grasses					
Botanic Name	Common Name	Water Needs			
<i>Andropogon gerardii</i>	Big Bluestem		L	M	
<i>Bouteloua curtipendula</i>	Sideoats Grama		L		
<i>Bouteloua gracilis</i>	Blue Grama		L		
<i>Briza media</i>	Rattlesnake or Quaking Grass			M	
<i>Calamagrostis acutiflora</i>	Feather Reed Grass			M	
<i>Chasmanthium latifolium</i>	Northern Sea Oats			M	
<i>Deschampsia caespitosa</i>	Tufted Hair Grass			M	
<i>Elymus arenarius</i>	Blue Lyme Grass		L		
<i>Eragrostis trichodes</i>	Sand Love Grass		L		
<i>Helictotrichon sempervirens</i>	Blue Oatgrass		L		
<i>Holcus lanatus</i>	Velvet Grass			M	
<i>Koeleria cristata</i> , <i>K. gracilis</i> or <i>K. macrantha</i>	Prairie Junegrass		L	M	
<i>Leymus</i> spp. or <i>Luzula</i> spp	Woodrush			M	
<i>Miscanthus floridulus</i> or <i>M. giganteus</i>	Giant Chinese Silvergrass			M	

<i>Miscanthus oligostachys</i>	Japanese Silvergrass			M	
<i>Miscanthus sacchariflorus</i>	Silver Banner Grass			M	
<i>Molina caerulea</i>	Moor Grass			M	
<i>Muhlenbergia spp.</i>	Muhly Grass		L		
<i>Oryzopsis hymenoides</i>	Indian Ricegrass		L		
<i>Panicum virgatum</i>	Switchgrass		L		
<i>Pennisetum alopecuroides</i>	Feathergrass			M	
<i>Pennisetum setaceum</i>	Tender Fountain Grass			M	
<i>Pennisetum villosum</i>	Feather Top			M	
<i>Rychelytrum neriglume</i>	Ruby Grass				
<i>Schizachyrium scoparium</i> or <i>Andropogon scoparius</i>	Little Bluestem		L		
<i>Sorghastrum avenaceum</i> or <i>S. avenaceum</i>	Indian Grass		L		
<i>Spartina spp.</i>	Cordgrass			M	
<i>Spartina pectinata</i>	Prairie Cordgrass			M	
<i>Sporobolus heterolepis</i>	Prairie Dropseed			M	
<i>Sporobolus wrightii</i>	Giant Sacaton	VL	L	M	

Approved Turf Grasses					
Botanic Name	Common Name	Water Requirements			
<i>Bouteloua gracilis</i>	Blue Grama		L		
<i>Buchloë dactyloides</i>	Buffalograss		L		
<i>Festuca elatior</i> cvs.	Turf type Tall Fescue			M	
<i>Festuca spp.</i>	Fine Fescues, chewings and hard			M	
<i>Lolium perenne</i>	Perennial Ryegrass				H
<i>Poa pratensis</i>	Kentucky Bluegrass				H

Appendix B A Technical Specifications

A. Definitions.

1. *Arborist* — a tree care professional who possesses the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants in the residential, commercial, and public landscape.
2. ***Artificial Turf*** - An installation of synthetic materials developed to resemble natural grass.
3. *Branch* — a secondary shoot or stem arising from a main trunk or leader of a tree or woody plant.
4. *Branch Collar* — trunk tissue that forms around the branch base between the main stem and the branch or a branch and a lateral.
5. *Branch Bark Ridge* — raised area of bark in the branch union that marks where the branch wood and trunk wood meet.
6. *Buffer Yard* — a landscaped area between incompatible uses.

7. *Crown* — the leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.
8. *Crown Cleaning* — the removal of dead, dying, diseased, crowded, weakly attached, low-vigor branches, and water sprouts from a tree's crown.
9. *Crown Raising* — the removal of the lower branches of a tree in order to provide clearance.
10. *Crown Reduction* — the reduction of the top, sides, or individual limbs by the removal of the leader or longest portion of a limb to a lateral no less than one-third ($\frac{1}{3}$) of the total diameter of the original limb and removing no more than one-quarter ($\frac{1}{4}$) of the leaf surface.
11. *Crown Thinning* — the selective removal of branches to increase light penetration and air movement, and to reduce weight.
12. *Cut* — the exposed wood area resulting from the removal of a branch or portion thereof.
13. *Decay* — degradation of woody tissue caused by biological organisms.
14. *Deciduous Tree* — a tree that loses its leaves each autumn.
15. *Easement* — a dedication of land for a specified use such as providing access for maintenance of utilities (Windsor Municipal Code Sec. 17-11(4)).
16. *Evergreen Tree* — a large tree that retains its leaves (or 'needles') for more than one (1) growing season.
17. ***Functional Artificial Turf*** – Artificial turf that is:
 - a) Located in a recreational use area or other space that is regularly used for civic, community, and/or recreational purposes, which may include a playground, sports field, picnic ground, amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough; and/or
 - b) A component of a product designed and approved by a professional engineer for civil infrastructure projects, including but not limited to:
 - i. Covers for solid waste facilities and brownfield sites; and
 - ii. Revetments for slopes, channels, levees, and dams.
18. ***Functional Turf*** - Turf that is located in a recreational use area or other space that is regularly used for civic, community, and/or recreational purposes, which may include a playground, sports field, picnic ground, amphitheater, a portion of park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough. Functional turf also includes turf that is designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements that is not irrigated and does not have herbicides applied.

19. *Ground Cover* — vegetation with the purpose of soil stabilization such as vines, **grass**, ~~turf~~, low growing shrubs, and perennials.
- ~~17. *Parking Lot Interior* — area within the perimeter of a parking lot.~~
20. ***Invasive Species* - Plants that are not native to the state and that: (I) Are introduced into the state accidentally or intentionally; (II) Have no natural competitors or predators in the state because the state is outside of their competitors' or predators' range; and (III) Have harmful effects on the state's environment or economy or both.**
21. *ISA* — International Society of Arboriculture. Instrumental in setting standards for the tree care industry.
22. *Landscape* — to cover, adorn, or improve property with living plants (such as trees, shrubs, vines, grass or flowers) and/or loose natural materials with limited use (such as rock, wood chips, or shavings). "Landscape" does not include improving property with artificial trees, shrubs, turf or other artificial plants.
23. *Lateral* — a branch or twig growing from a parent branch or stem.
24. *Leader* — a dominant upright stem, usually the main trunk. There can be several leaders in one (1) tree.
25. *Limb* — same as branch, but larger and more prominent.
26. *Lot* — a parcel of land intended for transfer of ownership or building development having its full frontage on a public street (Windsor Municipal Code Section 17-11(5)).
27. ***Nonfunctional Turf* - Turf that is not functional turf.**
28. *Open Spaces* — natural areas with public access that provide for passive recreation. Open space is usually maintained with native vegetation.
29. *Ornamental Tree* — a small tree, usually less than thirty (30) feet at maturity. Often planted for ornamental characteristics such as spring flowers or attractive bark.
30. *Opacity* — the quality or state of a body that makes it impervious to the rays of light.
31. *Parking Lot* — a paved area dedicated for the purpose of parking vehicles and space required to maneuver vehicles in and out of parking stalls.
32. ***Parking Lot Interior* — area within the perimeter of a parking lot.**
33. *Parking Lot Perimeter* — land/area directly adjacent to the parking lot.
34. *Planting Bed* — area that is prepared for the installation of plant materials. Edging shall be used to separate all plant beds from **grass turf** and other non-paved areas. Mulch and weed barrier fabric shall be used to protect beds from weeds, and conserve moisture. All shrubs and groundcovers shall be located within plant beds. The installation of individual shrub species in **grass lawn turf** areas is prohibited.
35. *Pruning* — selective removal of tree and shrub branches and limbs.
36. *Public Right-of-Way* — the width between property lines of a street (Windsor Municipal Code Section 17-11(8)).

37. *Shade Tree* — a large deciduous tree with a mature height of at least thirty (30) feet.
 38. *Shrub* — a woody plant usually less than fifteen (15) feet in height, often formed by a number of vertical or semi-upright branches arising close to the ground.
 39. *Street* — a thoroughfare for vehicular traffic (Windsor Municipal Code Section 17-2-10).
 40. *Street Tree* — trees that exist or are planted in the street row or along street frontage.
 41. *Stub* — an undesirable short length of a branch remaining after a break or incorrect pruning cut is made.
 42. *Topping* — cutting a currently growing, larger branch, limb, or leader back to a stub or lateral branch not sufficiently large enough to assume the terminal role.
 43. *Town Forester* — person responsible for the interpretation and implementation of these standards as approved by the Town Board. Also responsible for planting, maintenance, and removal of trees and shrubs in parks and public rights-of-way.
 44. *Trunk Flair* — the area where the trunk widens and the roots spread at the base of the tree.
 45. ***Turf* - Continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.**
 46. *Xeriscape* — a landscape designed for reduced water use. Such a landscape can include plants that have adapted so that they transpire less than others or species that can survive periods of drought.
- B. *Planting Standards*. See Section G F, Planting Diagrams, for planting standards and visual guidelines for planting trees and shrubs. All planting shall be done in accordance with the following standards:
1. Plant material shall be handled in a manner so as to cause the least amount of damage during the planting process.
 2. Balled and burlapped and container plants shall always be handled by the soil ball. Under no circumstances should they be dragged, lifted or pulled by the trunk or foliage in a manner that will loosen the roots in the ball.
 3. During transport to the job site, plants should be handled, secured or covered so as to prevent any damage from wind or vibration. Plants should never be thrown or bounced off a truck or loader to the ground.
 4. Plant material shall be planted the day it is delivered to the planting site or it shall be watered and covered with mulch or soil or placed in a shady area to prevent dehydration.
 5. In cases where trees are likely to have their trunks scarred during the planting operation, the trunks should be protected with non-abrasive wrap or padding.
 6. Trees and shrubs should not be dug, balled and burlapped, or moved with a tree spade during the active growing period unless the ball is large enough to ensure a reasonable chance of survival.

7. All twine or rope and plant labels secured around the trunk shall be removed after planting is completed.
8. Trees or shrubs that have their soil balls secured in a wire basket and burlap must have the lower one-third ($\frac{1}{3}$) of the burlap and basket removed prior to placement in hole. The upper two-thirds ($\frac{2}{3}$) of the ball will be used to manipulate the tree into the hole. Once level, soil will be placed at the base to stabilize the tree. The remainder of basket and burlap will be removed including all twine and labels on the trunk and canopy. Complete the backfilling and water settle, filling all sink holes with soil.
9. Evergreen trees with an excessively bushy growth form shall have the boughs tied up with rope or twine during transport and planting to avoid damage to the foliage and branches. After planting, the boughs should be released, and all twine removed.
10. Any bark abrasions or broken limbs caused in the planting operation should be treated or corrected immediately.
11. Cleanup of any soil, branches, or other debris resulting from any tree or shrub planting shall be promptly completed following planting. The work area shall be kept safe at all times until the cleanup operation is completed. Under no circumstances shall the accumulation of soil, branches, or other debris be allowed in such a manner as to result in a public hazard.
12. Excavated pits that will be left open when work is not in progress or pose an immediate and considerable hazard to pedestrian or vehicular traffic shall be adequately barricaded with warning devices.

C. *Landscape Materials, Maintenance, and Replacement.*

1. *Topsoil.* To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring revegetation and landscaping.
2. *Soil amendments.* Prior to installation of plant materials, areas that have been compacted or disturbed by construction activity shall be thoroughly loosened. Organic amendments such as compost, peat, or aged manure shall be thoroughly incorporated at a rate of at least three (3) cubic yards of amendment per one thousand (1,000) square feet of landscape area.
3. *Plant materials.* The selection of plant materials shall be based upon the Town of Windsor's climate and site conditions. A list of allowable and preferred plant species as well as a list of drought tolerant plants shall be available from the Town Forester.
4. *Plant quality.* All plants shall be A-Grade or No. 1 Grade, free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by the American Standard for Nursery Stock.
5. *Installation.* All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in each phase shall either be installed or the installation shall be secured with a letter of credit, escrow, or performance bond for one hundred ten percent (110%) of the value of the landscaping material prior to the issuance of a certificate of occupancy for any building in such phase.

6. *Maintenance.* Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be regularly maintained. Provisions for landscape maintenance shall include but not be limited to winter watering, pruning, weeding, tree and debris removal, disease and vector control, raking, re-mulching, mowing, edging and trimming, and the preserving of screens in good condition. Dead, diseased or missing plants must be replaced with the same type as provided in the approved landscape plan. Replacement must occur within the next planting season, not to exceed twelve (12) months.
7. *Replacement.* Any landscape element that dies, or is otherwise removed, shall be promptly replaced as per the site plan based upon the requirements in these standards. Healthy, mature trees that are removed by the applicant or by anyone acting on behalf of or with the approval of the applicant shall be replaced as required as outlined in these standards.
8. *Tree Pruning and Removal.* All tree pruning, removal, and other maintenance practices shall be done in accordance with the most current standards and guidelines developed by the ISA.

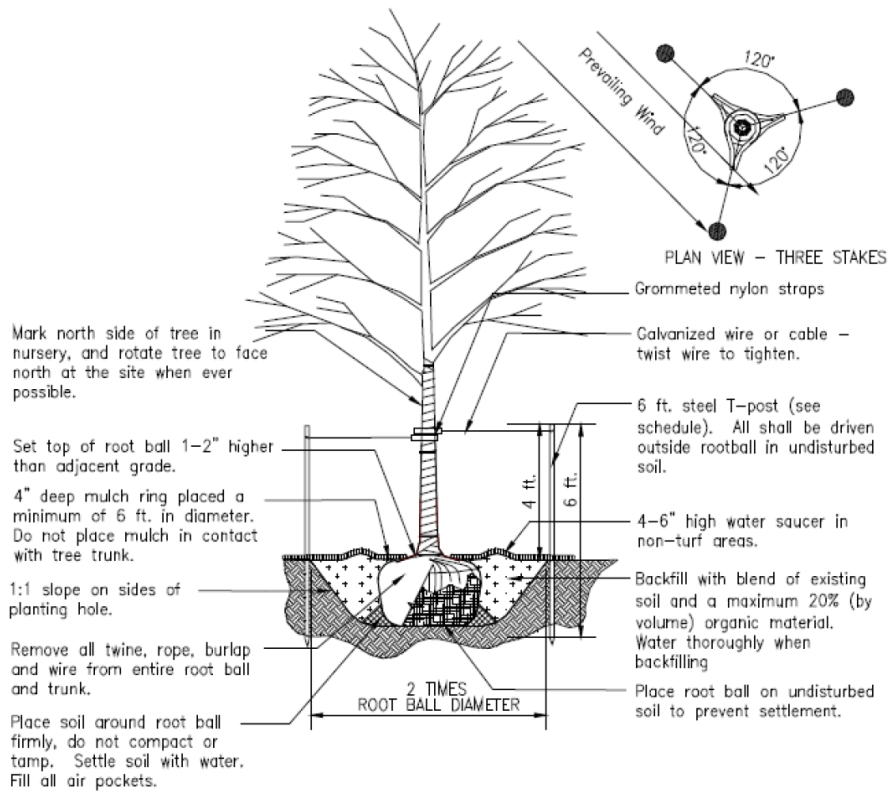
D. *Landscape Plans.* All landscaping plans shall include the following information:

1. Boundaries of the parcel(s) proposed for development and any abutting rights-of-way.
2. Location of existing improvements (utilities, curb, gutter, sidewalk, structures, parking areas, etc.) and existing vegetation including all trees with a diameter of two (2) inches or greater.
3. Location of proposed utilities, structures, parking areas, circulation ways, pedestrian ways, signs, and areas to be landscaped.
4. Location of all easements.
5. Proposed landscaping showing the location, size, species and spacing of trees and shrubs and the identification of the type of groundcover or ground treatment in all areas not covered by structures or pavement.
- ~~6. The locations and size of all flower, shrub, tree and/or groundcover areas shall be shown.~~
- ~~7. The locations and size of ground treatment areas, other than plantings, shall be shown and the type of material(s) to be installed shall be noted.~~
6. Landscape plans shall be drawn at a scale of 1:40 unless a modified scale is approved by the Director.
7. An overall landscape plan of the entire development shall be provided on first page of the landscape plan, scaled as necessary to fit. **Enlarged area plans shall include a key map.**
8. Land Use table showing calculations for compliance with all landscape requirements.

9. Landscape legend:
 - a. Identifier — either alpha (more than three (3) species) or symbols (three (3) or less species);
 - b. Quantities;
 - c. Scientific Names;
 - d. Common Names;
 - e. Size;
 - f. Type — Ball and Burlap (B&B), bare root, containerized.
 10. Town of Windsor planting details for:
 - a. Deciduous Trees;
 - b. Conifers Trees;
 - c. Shrubs;
 11. Town of Windsor Planting notes;
 12. Irrigation meter location — separate from building meter;
 13. Irrigation plans.
- E. *Planting Notes.*
1. All plant materials shall be in accordance with American Association of Nurserymen specification for number one (1) grade.
 2. All **functional** turf areas to be irrigated with automatic pop-up irrigation system. All shrub beds and trees to be irrigated with an automatic drip (trickle) irrigation system, or acceptable alternative. The irrigation system is to be adjusted to meet the water requirements of the individual plant material.
 3. All trees to be balled and burlapped, root control bag, or containerized.
 4. All shrub beds to be mulched with wood mulch (three-inch average depth) on ~~typar~~ **permeable geotextile** filter fabric.
 5. Edging between grass and shrub beds shall be one-eighth-inch by four-inch steel set level with top of sod.
 6. Changes in plant species or plant locations from what is listed on the landscape plan will require the approval of the Town Forester prior to installation or replacement. Overall quantity and quality to be consistent with approved plans. In the event of conflict with the quantities included in the ~~plant list~~ **Town Approved Plant List**, species and quantities shall be provided.
 7. Landscaping ~~townhome~~ **for multi-family residential** units may be phased on a building by building basis.
 8. The Owner's Association or Metropolitan District will be responsible for landscape maintenance including the plantings in public street rights-of-way.

9. Street and ornamental trees shall be planted no closer than forty (40) feet and fifteen (15) feet respectively from ~~street lights~~ **streetlights**. No trees shall be planted within ten (10) feet from water and sewer lines, four (4) feet from gas, telephone and electric utilities, and ten (10) feet from any driveway.
10. Minimum clearance of three (3) feet on each side of fire department connection (FDC). No vegetation other than ~~turf~~ **manicured grass** or ground covers planted in front of FDC.
11. The irrigation system shall be reviewed and approved by the Town's Water Department prior to issuance of a building permit. The irrigation system must be installed or secured with a financial instrument deposited with the Town prior to issuance of a certificate of occupancy for the building.
12. Developer shall ensure that the landscape plan is coordinated with the plans done by other consultants so the proposed grading, storm drainage, or other construction does not conflict nor preclude installation and maintenance of landscape elements on this plan.
13. Prior to installation of plant materials, areas that have been compacted shall be thoroughly loosened. Organic amendments such as compost, peat, or aged manure shall be thoroughly incorporated at a rate of at least three (3) cubic yards per one thousand (1,000) square feet.
14. ~~Turf grass~~ **Grass** will be seeded or sodded **in accordance with the town-approved Landscape Plan with drought-tolerant blend**. Trees to be planted in turf areas will be installed with an organic mulch ring that has a radius of at least eighteen (18) inches.
15. To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring revegetation and landscaping.
16. Foundation ~~shrub shrubs~~ beds to be designed and installed after completion of each building.
17. Contact Town of Windsor ~~Forestry Parks and Recreation Department~~ prior to planting in order for Town to verify proper planting **pursuant to the approved Landscape Plans**.
18. No substantial impediment to visibility between the heights of three (3) feet and eight (8) feet shall be created or maintained at street intersections within a site triangle described as follows: beginning at the point of intersection of the edges of the driving surface, then to forty (40) feet along both intersecting edges and then along a transverse line connecting these points.
19. Second domestic water meter to be shown on landscape plan for irrigation connection or non-potable water source connection.
20. If plants are in need of replacement due to declining health, disease, or death, the plants must be replaced with the original species unless approved by the Town Forester.

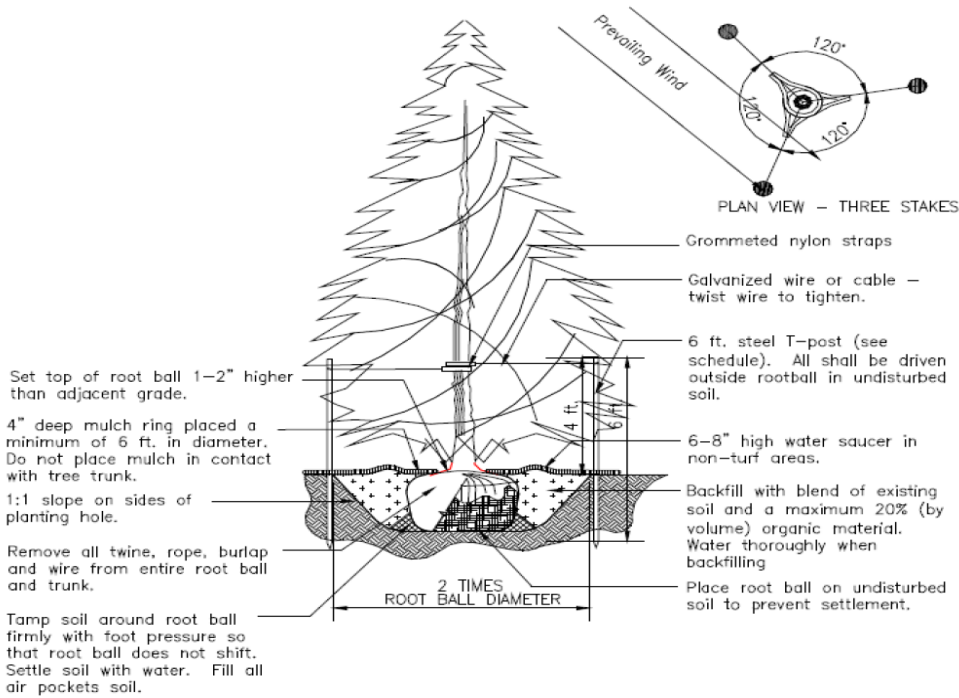
F. *Planting Diagrams.*



DECIDUOUS TREE - PLANTING DETAIL

SCALE: NOT TO SCALE





Pruning Notes:

Do not heavily prune the tree at planting. Prune only crossover limbs, co-dominant leaders and broken branches. Some interior twigs and lateral branches may be pruned. However, do not remove the terminal buds of buds of branches that extend to the edge of the crown.

Staking Notes:

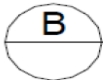
Stake trees per following schedule, then remove at end of first growing season. follows:

1- $\frac{1}{2}$ " Caliper size - Min. 1 stake on side of prevailing wind (generally N.W. side).

1- $\frac{1}{2}$ " - 3" Caliper size - Min. 2 stakes - one on N.W. side, one on S.W. side.

3" caliper size and larger - 3 stakes per diagram

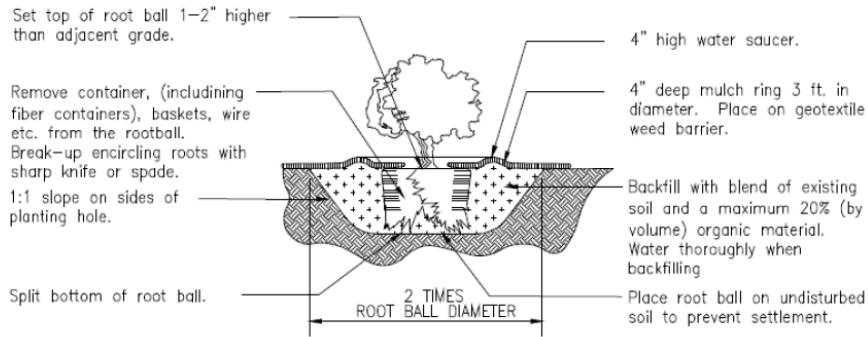
Wire or cable shall be min. 12 gauge. Tighten wire or cable only enough to keep from slipping. Allow for some trunk movement. Nylon straps shall be long enough to accommodate 1- $\frac{1}{2}$ " of growth and buffer all branches from wire.



EVERGREEN TREE - PLANTING DETAIL

SCALE: NOT TO SCALE





Placement Notes:

Set Shrub plumb. Space plants, and place for best effect.

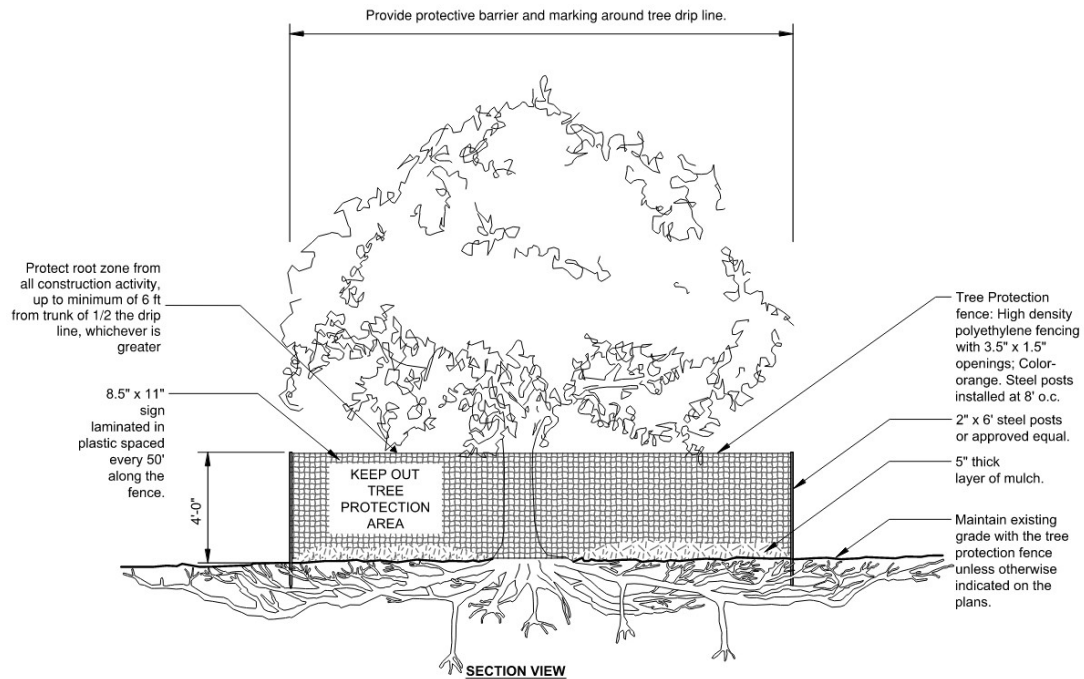
Pruning Notes:

Do not heavily prune the shrub at planting. Prune only dead or broken branches. If form is compromised by pruning, replace shrub.



SHRUBS - PLANTING DETAIL

SCALE: NOT TO SCALE



TREE PROTECTION

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

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

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

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

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

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



MEMORANDUM

Date: October 13, 2025
To: Mayor and Town Board
From: Eric Lucas, Deputy Town Manager
Re: Right of Way Regulation - E. Lucas, Deputy Town Manager
Item #: 4.

Background / Discussion:

Public rights-of-way (ROW) are essential corridors that support transportation, utilities, and pedestrian access. They include streets, sidewalks, public and private utilities, and other public access areas. Without clear regulations, these spaces can become congested, unsafe, or misused—leading to service disruptions, safety hazards, and costly repairs.

While previously discussing ordinances with the Town Board around Dig Once policies, staff recognized that the Town lacked a comprehensive ROW ordinance that defines permitted uses, responsibilities and enforcement mechanisms. Additionally, staff recognized the need to amend and add language in the code related to maintenance by owners of property adjacent or abutting public ROW, streets and alleys. It's not to say that we have no policies, rather that they need enhanced, clarified to eliminate ambiguity, and new items need added given the demand now being placed on our right of way.

Staff will review proposed new changes, clarifications and process flow, designed to allow the Town to proactively manage these public spaces, protect our critical infrastructure and enhance quality of life in Windsor. Attached please find two draft ordinances that staff cover as we explain the proposed changes.

Financial Impact:

Relationship to Strategic Plan:

Vital Infrastructure

Recommendation:

Staff is seeking Board feedback prior to proceeding with an ordinance at a future regular meeting.

CC:

Attachments:

1. 10-9-25 DRAFT ordinance re mowing in ROW

2. 10-9-25 DRAFT ROW Permit Ordinance

TOWN OF WINDSOR

ORDINANCE NO. 2025-[##]

AN ORDINANCE AMENDING WINDSOR MUNICIPAL CODE SECTIONS 7-3-30 AND 7-4-30 CONCERNING THE REMOVAL AND MAINTENANCE OF GRASS, WEEDS AND BRUSH BY THE OWNERS OR OCCUPANTS OF PROPERTY ABUTTING OR ADJACENT TO PUBLIC RIGHTS OF WAY, STREETS, ALLEYS AND SIDEWALKS

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

WHEREAS, issues arise each year with the questions of who is responsible for maintenance of areas bordering private property adjacent to or abutting public rights of way, streets, alleys and sidewalks; and

WHEREAS, the Windsor Municipal Code (“Code”) requires adjacent or abutting property owners or occupants to be responsible for snow removal, and trees, shrubs and brushes, but fails to address grass, weeds and brush; and

WHEREAS, these amendments will bring consistency to the Code, to require all owners or occupants of property abutting or adjacent to public rights of way, streets, alleys and sidewalks to be responsible for the maintenance of these areas; and

WHEREAS, the adjacent or abutting property owners especially benefits from the proper and consistent maintenance of these areas; and

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

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

Section 1. Section 7-3-30 is hereby amended and shall read as follows:

Sec. 7-3-30. - Duty of property owner to cut and maintain.

1. It shall be the duty of each and every person, **corporate entity, metro district** or association owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground and remove all weeds and brush. **For purposes of this section, the term “weeds” includes undesirable grass, trees, vegetation or any plants, growing in an undesired location.**
2. The owners or occupants of property abutting upon or adjacent **to a public right-of-way or easement of any street, alley, sidewalk or other public place shall at all times maintain and cut grass, and shall maintain, cut or remove all**

weeds and brush within the areas between the property and the adjacent street, alley, sidewalk, curb, or other public place, including adjacent areas behind fences.

Section 2. Section 7-4-30 is hereby amended and shall read as follows:

Sec. 7-4-30. - Authority of the town to require trimming and maintenance of grass, weeds, brush, trees, vegetation, shrubs and hedges in public places.

(a) Town General Authority. The Town shall have the authority pursuant to this Section to require the **mowing, cutting**, trimming, pruning, removal or destruction of any **grass, weeds, brush**, trees, shrubs, **vegetation** or hedges in, over or upon the public right-of-way of any street, alley, sidewalk, **streetlight, fire hydrant, any Town utility** or other public place within the Town **by the owners or occupants of property abutting upon or adjacent thereto**. Nothing herein shall be deemed to impose a duty on the Town to undertake action or expend funds pursuant to the authority granted under this Section. **The standard vertical clearance of all trees shall be no less than 14 feet over streets and no less than eight (8') feet over sidewalks. Trees, shrubs, bushes or any vegetation shall not impede or encroach upon the sidewalk, curb and gutter or impede the view of any street signs or any streetlights, traffic control safety devices, pedestrian or school flashing lights**

(b) Nuisance Declaration. Except in cases of emergency, **and pursuant to the nuisance provisions set forth in Chapter 7, Article III, and Chapter 7, Article I**, the Town shall make reasonable efforts with property owners and/or occupants to informally and cooperatively assure the **mowing**, trimming, pruning, removal or destruction of any **grass, weeds, brush**, trees, shrubs or hedges **in, over or upon the public right-of-way of any street, alley, sidewalk, streetlight, fire hydrant, any Town utility or other public place within the Town**. In the event such informal efforts do not result in satisfactory property owner compliance, the Town shall have the authority to declare a nuisance and abate the nuisance as provided below.

(c) In cases of emergency, the Town shall have the authority to immediately declare a nuisance under this Section.

(d) Abatement and Enforcement. The powers and duties of the Town with respect to enforcement of the **mowing**, trimming, pruning, removal and destruction of **grass, weeds, brush**, trees, shrubs, or hedges under this Section, and the abatement of nuisances declared hereunder, shall be exercised in accordance with the nuisance abatement provisions **set forth herein**.

- (1) **Authorization.** The Police Department may apply under oath to the Municipal Court for an *ex-parte* order authorizing immediate abatement of the nuisance. The Municipal Judge is empowered to administratively issue *ex-parte* orders for the immediate abatement of any nuisance which presents an imminent threat to the public health, safety or welfare.

- (2) **Determination administrative.** In conjunction with the application for an *ex parte* order under Paragraph (1) above, the Police Department may issue a citation to the property owner, the property occupant or both. Notwithstanding the issuance of a citation under this Subsection, the determination and issuance of an *ex parte* order shall remain an administrative matter except as provided below.
- (3) **Contents.** Every *ex parte* order issued pursuant to this Subsection shall authorize the immediate abatement of any such nuisance and shall contain a finding by a preponderance of the evidence that a nuisance exists upon the subject property which presents an imminent threat to the public health, safety or welfare, shall recite the facts supporting such a finding and shall be supported by sworn testimony or affidavit upon personal knowledge.
- (4) **Mailing and posting.** The Municipal Court shall mail a copy of every *ex parte* order issued pursuant to this Subsection within twenty-four (24) hours of its issuance to the property owner address as maintained by the County Assessor's Office by first-class mail. The Municipal Court shall further direct the Police Department to post a copy of such *ex-parte* order in a conspicuous location upon the premises.
- (5) **The Chief of Police designee shall certify in writing the costs associated with the nuisance abatement or removal measures undertaken pursuant to this Section, and such certification shall be mailed by certified mail, return receipt requested, to both the owner of the property and to the property address if different from the owner's address. Such service shall constitute proof of notice to the property owner for all intents and purposes hereunder.**
- (6) **The owner of any property subject to a nuisance abatement or removal lien under this Article shall have the right to request a hearing before the Municipal Court. Such request shall be in writing, shall contain the requestor's mailing address and shall be delivered in person to the Police Department within ten (10) days of the mailing specified in Subsection (a) above. Upon receipt of a request for a hearing, the Chief of Police designee or Town Prosecutor shall schedule a hearing before the Municipal Court and provide written notice of the same to the requesting party by first-class mail, postage prepaid, to the address appearing on the request for hearing. Failure to request a hearing as provided in this Subsection shall be deemed a waiver of any objections to the lien for nuisance abatement or removal measures established in this Section.**
- (7) **If a hearing is timely requested by the property owner, the sole question at the hearing shall be the cost incurred by the Town for**

abatement and removal measures associated with the subject property. The Chief of Police designee, and/or Town Prosecutor shall present any evidence in support of the costs associated with the nuisance abatement or removal measures in question. The property owner shall have a right to present evidence and argument in opposition. The Municipal Judge shall determine all evidentiary questions and shall render a written order within thirty (30) days of the hearing containing findings and conclusions as to the amount of the lien. The written order shall be mailed to the property owner and a copy provided to the Chief of Police and to the Town Prosecutor.

- (8) Any lien established under this Section shall constitute a perpetual lien on the property upon which the nuisance abatement or removal measures were undertaken in accordance with this Section.
- (9) The attachment of such lien is not dependent on the recording of written notice, and the lien is prior and superior to all other liens, claims, titles and encumbrances, whether or not prior in time, except liens for general taxes. The lien remains attached to the property from the date the nuisance abatement or removal costs are incurred until all such costs, together with simple interest at the rate of eight percent (8%) per annum from the date the costs were incurred, are paid.
- (10) The Town is not required to seek payment of nuisance abatement or removal costs from any person other than the owner of the property. No change of ownership, occupancy or possession affects the application of this Section, and the failure of any owner to discover that property was purchased against which a lien for nuisance abatement or removal costs exists in no way affects such owner's liability for payment in full.
- (11) The Town may enforce its lien by a suit for foreclosure and sale of the property subject to the lien. The proceeds of the sale shall be applied to the unpaid nuisance abatement or removal costs and allowable court costs in the manner provided for foreclosure of statutory liens.
- (12) The lien may also be enforced by certification of assessment upon the property to the treasurer of the county wherein the property is located for collection by the county in the same manner as delinquent general taxes and special assessments upon such property are collected or by any other means provided by law.
- (13) Unpaid abatement or removal costs, together with simple interest at eight percent (8%) per annum and costs of collection, may also be collected by civil suit against the owner of the property, commenced at any time after the charges become due.
- (14) The remedies provided under this Section are cumulative and supplemental to each other.

Sec. 7-4-40. - Wildlife habitat and natural areas and open space exceptions.

An owner of a tract of land that has been deemed by the Town to be a natural area, open space and/or an area preserving wildlife habitat, **excluding stormwater facilities within these areas, shall be permitted to have grasses growing in excess of twelve (12) inches high.**

Section 3. Code Section 11-7-10 is hereby amended to address pushing snow or stockpiling snow in the streets and shall read as follows:

Sec. 11-7-10. - Removal of snow and ice from sidewalks.

- (a) The owners or occupants of property abutting upon or adjacent to sidewalks within the corporate limits of the Town shall at all times keep such **curb, gutter and sidewalks** free and clear of snow and ice. In the event such owners or occupants fail to remove snow and ice from such sidewalks within twenty-four (24) hours after the accumulation of snow and ice thereon, the Town may have the **curb, gutter and sidewalks** cleaned and cleared of snow and ice, and the cost thereof, including inspection and other incidental costs and an additional cost for administration not to exceed ten percent (10%), shall be assessed against the property in accordance with the assessment provisions set forth below.
- (b) **It shall be unlawful to push, pile, stockpile or leave snow removed from sidewalks and driveways in or upon any **rights** of way, street, public drive or public driveway or alleyway.**

.....

Section 4. 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 5. 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 and passed on first reading and ordered published this [date], 2025

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Passed on second reading, and ordered published this [date], 2025.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

TOWN OF WINDSOR
ORDINANCE NO. 2025-

AN ORDINANCE AMENDING CERTAIN PORTIONS OF WINDSOR MUNICIPAL CODE
CHAPTER 11, CONCERNING THE USE OF THE PUBLIC RIGHTS OF WAY, PERMITTING,
AND REQUIREMENTS THERETO WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, obstructions and excavations in the Town of Windsor (“Town”) rights of way disrupt and interfere with public use of the Rights of Way (“ROW”); and

WHEREAS, obstructions and excavations in Town Rights of Way result in loss of parking and loss of business to merchants and others whose places of business are in the vicinity of such obstructions and excavations; and

WHEREAS, it is desirable to adopt policies and regulations which will enable the Town to gain greater control over the disruption and interference with the public use of public streets and ROW, to provide for the health, safety and well-being of the Town’s residents and users of Town ROW; and

WHEREAS, significant public funds have been invested to acquire, build, maintain and repair the streets within the Town, and excavations in the ROW reduce the useful life of the pavement infrastructure; and

WHEREAS, significant public funds have been invested to place and maintain landscaping within Town ROW, and excavations in the ROW cause damage, and increase the costs of maintaining that landscaping; and

WHEREAS, at the present time, the Town’s Department of Public Works does not have a complete detailed map or database indicating the location, nature, or extent of the system for underground utility, communications and similar facilities; and

WHEREAS, the various public and commercial utilities, broadband and communications providers and similar entities which install, maintain, and operate facilities under the Town’s ROW are constrained, from time to time, to make excavation cuts which degrade the surfaces of these ROW, thereby reducing their useful life; and

WHEREAS, demand for access to broadband services is growing, and to fill such demand, more broadband network infrastructure is being installed in ROW; and

WHEREAS, in other jurisdictions, the demand for access and the number of entities seeking to install Facilities has sometimes resulted in multiple, serial excavations within the ROW, which can and has resulted in traffic disruption, a weakening of pavement integrity, and a shortening of the useful life of paved surfaces; and

WHEREAS, while Colorado state statutes, particularly, C.R.S. 38-5.5-109, contains some procedures for addressing joint trenching in connection with broadband provider operations in the

ROW, at the present there is no comprehensive mechanism nor any legal requirement that all public and commercial entities coordinate excavation in the ROW, and construct facilities in newly developed areas to minimize future excavations; and

WHEREAS, the Town of Windsor intends to responsibly manage its ROW by anticipating such demand and planning accordingly.

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

Section 1. Windsor Municipal Code (“Code”) Chapter 11, Article VIII is hereby repealed and replaced and shall read as follows:

ARTICLE VIII – Use of Public Rights-of-Way, Town-Owned Easements and Town Property

Sec. 11-8-10 Definitions.

For this chapter’s purposes, the following words shall have the following meanings:

Access vault means any structure containing one or more ducts, conduits, manholes, handhole, or other such facilities in permittee's facilities.

Appurtenances means transformers, switching boxes, gas regulator stations, terminal boxes, meter cabinets, pedestals, system amplifiers, power supplies, optical nodes, pump stations, valves and valve housings, and other devices necessary to the function of underground electric, communications, cable television wiring, coaxial, fiber optic, water, sewer, natural gas, other utility lines, and street lighting circuits.

Code means the Windsor Municipal Code.

Contractor means a person, partnership, corporation, or other legal entity that undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, excavate, or add to any improvements covered by this chapter that require work, workers, and/or equipment to be in the right-of-way in the process of performing the above-named operations.

Dark fiber means inactive, bare fiber optic capacity not involving any of the electronics necessary to transmit or receive signals over that capacity.

Degradation means a decrease in the useful life of the right-of-way or damage to any landscaping within the rights-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct the surface and/or subsurface structure of such right-of-way earlier than would be required if the excavation or disturbance did not occur.

Developer means the person, partnership, corporation, or other legal entity who is improving a parcel of land within the Town and who is legally responsible to the Town for the construction of improvements within a subdivision or as a condition of a building permit.

Director means the Town's Director of Engineering or designee.

Duct or conduit means a single enclosed raceway for cables, fiber optics, dark fiber, wires, or other use.

Easement means real property right authorizing the easement owner to do something or maintain something on the land of another, that is recorded and runs with the land.

Emergency means any event which may threaten public health or safety, or that results in an interruption in the provision of services, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged underground electrical and communications facilities, trench failure, or downed overhead pole structures.

Encroachment permit means a permit issued for permanently installed structures within the ROW.

Excavate means to dig into or in any way remove or penetrate any part of a right-of-way.

Facilities means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, dark fiber, antennae, poles, ducts, and other like equipment, fixtures, and appurtenances used in connection with transmitting, receiving, distributing, offering, and providing utility and other services.

Fence means any artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected to enclose, partition, beautify, mark, or screen areas of land.

Infrastructure means any public facility, system, or improvement including, without limitation, water and sewer mains and appurtenances, storm drains and structures, streets and sidewalks, cross pans, traffic control devices, and public safety equipment, markings, and crosswalks, etc.

Initial acceptance into warranty/construction acceptance means acceptance by the director following inspection after permittee has completed all work and a determination has been made that the work has met all Town and permit standards and inspection conditions, stipulations, and provisions.

Landscaping means materials including, without limitation, grass, ground cover, shrubs, vines, hedges, or trees and nonliving natural materials commonly used in landscape development, as well as attendant irrigation systems.

Occupation Permit means a permit issued for temporary obstructions within the ROW.

Permit means any authorization for use of the public rights-of-way granted in accordance with the terms of this chapter, and the laws and policies of the Town.

Permittee means the holder of a valid permit issued pursuant to this chapter who is the owner or joint owner of the facilities.

Person means any person, firm, partnership, special, metropolitan, or general district, association, corporation, company, organization or entity of any kind.

Public right-of-way or right-of-way ("ROW") means any Town-owned street, way, place, alley, sidewalk, park, square, plaza, easement, right-of-way or other grounds dedicated to public use.

Routine maintenance means: (a) for all streets, any maintenance activity operating in the right-of-way that is outside of the actual roadway area and does not disrupt the flow of vehicular or pedestrian traffic; (b) for streets classified as local or minor collector, any maintenance activity that does not require a street cut and will not disrupt traffic for more than 60 minutes.

Specifications means engineering regulations, construction specifications, and design standards adopted by the Town.

Structure means anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, foundations, fences, retaining walls, awnings, balconies, and canopies.

Surplus ducts or conduits are enclosed empty raceways for cables, fiber optics, dark fiber, wires, or other facilities which are held by permittee as emergency use spares or are otherwise not unused by permittee within three years of placement or purchase.

Telecommunications provider means a person that provides telecommunications service, as defined in Section 40-15-102(29), C.R.S.

Temporary Occupation Permit means a permit issued for a temporary use of the ROW, such as dumpsters, landscape materials, etc.

Town means the Town of Windsor, Colorado.

Work means any labor performed on, or any use or storage of equipment or materials, including but not limited to construction of streets and all related appurtenances, fixtures, improvements, sidewalks, driveway openings, bus shelters, bus loading pads, streetlights, traffic signal devices, and street cleaning. It shall also mean installation, construction, maintenance, and repair of all underground structures such as pipes, conduit, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar structure located below surface, and installation of overhead poles used for any purpose.

Sec. 11-8-20 - Police powers.

The permittee's rights hereunder are subject to the police powers of the Town, which include the power to adopt and enforce ordinances, including amendments to this chapter, necessary to the safety, health, and welfare of the public. The permittee shall comply with all applicable laws and

ordinances enacted, or hereafter enacted, by the Town or any other legally constituted governmental unit having lawful jurisdiction over the subject matter hereof. The Town reserves the right to exercise its police powers, notwithstanding anything in this chapter and the permit to the contrary. Any conflict between the provisions of this chapter or the permit and any other present or future lawful exercise of the Town's police powers shall be resolved in favor of the latter.

Sec. 11-8-30 – Right-of-way Permit required.

(A) Permit. No person except an employee or official of the Town or a person exempted by contract with the Town shall undertake or permit to be undertaken any construction, excavation, or work in the public rights-of-way without first obtaining a right-of-way permit from the Town as set forth in this chapter, except as provided in Code Sec. 11-8-210. A copy of each permit obtained, along with associated documents, shall be maintained on the job site and available for inspection upon request by any officer or employee of the Town. The permit will be in the name of the person who will own the facilities to be constructed. In the event of joint ownership or joint occupation, the permit will be in the name of all person(s) having an ownership interest in the facilities. The names of all subcontractors performing work in the work area must be on the permit as well. Permittees and/or their contractors/subcontractors may be required to provide references about qualifications and experience on similar projects, at any time during the permit, to verify qualified contractors/subcontractors are performing work within the public right-of-way.

(B) Construction, excavation, or work area. No permittee shall perform construction, excavation, or work in an area larger or at a location different, or for a longer period than that specified in the permit or permit application. If, after construction, excavation, or work is commenced under an approved permit, it becomes necessary to perform construction, excavation, or work in a larger or different area than originally requested under the application or for a longer period of time, the permittee shall notify the director immediately and within twenty-four hours shall file a supplementary application as designated by the director for the additional construction, excavation, or work.

(C) Permit transferability or assignability. The applicant may subcontract the work to be performed under a permit and include such subcontractor as a named permittee, provided that the permittee shall be and remain responsible for the performance of the work under the permit and all insurance and financial security as required. Permits are not transferable nor assignable without the express consent of the Town, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, the transfer of the rights and obligations of the permittee to a parent, subsidiary, or financially viable affiliate during the period of the permit shall not be deemed an assignment or transfer for the purposes of this section.

(D) New developments. In the Town, the physical construction of public infrastructure in new developments is the responsibility of the developer of the land. Ownership of that infrastructure remains with the developer of the land until acceptance by the Town. Unless waived by the Community Development Director or designee, any person performing work tying into existing infrastructure within a Public ROW, or any existing streets, shall obtain a permit from the Town and permission from the owner of the infrastructure. The permittee shall be financially responsible

to the owner of the infrastructure to carry out all remedial work necessary to receive acceptance by the Town of that infrastructure. This financial obligation shall apply only to the work in the ROW done by the permittee. The Town will not accept for dedication public rights-of-way, or other property where work performed is not in accordance with applicable Town specifications.

(E) Failure to procure permit. Except as provided in Code Sec. 11-8-210, in the case of an emergency, any person or utility found to be conducting any excavation activity within the public right-of-way without having first obtained the required permits shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. An administrative surcharge of \$750.00 shall be required in addition to all applicable permit fees. If work commences without compliance with this section, the Town may utilize all available legal remedies, including but not limited to municipal court citation, injunctive relief, and each day of non-compliance is a new violation. Until in compliance, no new permits may be issued.

Sec. 11-8-40 - Permit application; contents.

(A) Unless otherwise provided in an agreement between the permittee and the Town, an applicant for a permit to allow construction, excavation, or work in the public right-of-way under this section shall:

- (1) File an online application on a program furnished by the Town which include the following:
 - a. The date of application and the name and address of the applicant(s) who is (are) the owner or joint owners of the facilities involved.
 - b. The name, address, and telephone number of the developer, contractor, or subcontractor who will perform work in the public right-of-way, including the name and telephone number of an individual who will always be available during construction.
 - c. A description of the type of construction, excavation, or work to be done, and purpose for which it is being done.
 - d. A plan for storage of equipment and materials.
 - e. The type of existing public infrastructure (street pavement, curb and gutter, sidewalks, or utilities) impacted by the construction, excavation, or work.
 - f. The purpose of the proposed construction, excavation, or work, including specification of varieties and quantities of facilities to be placed in the right-of-way.
 - g. The dates for beginning and ending the proposed construction, excavation, or work, including landscape restoration.
- (2) Unless otherwise specified in an agreement between the permittee and the Town, attach copies or otherwise show proof of all permits or licenses required under the laws of the United States, the State of Colorado, or the ordinances or regulations of the Town to do the proposed work, and to work in the public rights-of-way (including required insurance, deposits, letters of credit, and warranties).

- (3) Unless otherwise specified in an agreement between the permittee and the Town, provide a plan of work satisfactory to the director or designee showing protection of the subject property and adjacent properties.
 - (4) Unless otherwise specified in an agreement between the permittee and the Town, upon request, provide a landscaping restoration plan satisfactory to the director for the protection of existing landscaping.
 - (5) Include written verification that all orders issued by the Town to the applicant, requiring the applicant to correct deficiencies under previous permits issued under this chapter, have been satisfied.
 - (6) Include with the application stamped engineering construction drawings or site plans for the proposed construction, excavation, or work, including exact locations of all ground-mounted appurtenances and manholes in and out associated with any underground facilities.
 - (7) Include with the application a satisfactory traffic control and erosion protection plan for the proposed construction, excavation, or work, if applicable.
 - (8) Include a statement indicating any proposed joint use or ownership of the facility; any existing facility or permit of the applicant at this location; any known existing facility or others with which the proposed installations might conflict; and the name, address, and telephone number of a representative of the applicant available to review proposed locations at the site.
 - (9) Pay all applicable fees prescribed by this chapter.
 - (10) Upon written request of the director, provide a notification plan for the notification of the public as to the nature and duration of the proposed work.
- (B) Applicants shall update any new information on permit applications within ten days after any change occurs.
- (C) Joint applications. Applicants may apply jointly for permits to work in public rights-of-way at the same time and place. Applicants who apply jointly for permits may share in the payment of the permit fee. Applicants must agree among themselves as to the portion each shall pay.
- (D) Permit fee. Before a permit is issued pursuant to this chapter, the applicant shall pay the Town a permit fee, which shall be determined in accordance with a fee schedule adopted by the Town Board by resolution as amended and updated from time to time. Fees will be reasonably related to the costs inherent in managing the public rights-of-way. As used in this chapter, these costs include, but are not necessarily limited to, verifying rights-of-way occupation, mapping rights-of-way occupations, inspecting job sites and rights-of-way

restorations, administering this chapter, and costs relating to the degradation of the rights-of-way, i.e., the cost to achieve a level of restoration as determined by the Town at the time the permit is issued.

- (1) The portion of the permit fee relating to degradation/restoration costs shall be reduced by the Town in cases where the applicant demonstrates to the satisfaction of the director that the excavation proposed will be used by two or more entities, legally and financially unrelated, for the installation, maintenance, or repair of facilities. The degradation/restoration cost portion of the permit fee shall be further reduced in cases where the applicant demonstrates to the satisfaction of the director that the excavation to be made will be commenced and completed during the 24-month period immediately prior to the scheduled repaving or resurfacing of a street, as indicated in the most recent edition of the Town's repaving plan.
- (2) Any permit for temporary use or occupation of the public rights-of-way, where there is no construction nor excavation involved, shall not require payment of a degradation fee as part of the permit fee.
- (3) That portion of any permit fee relating to degradation costs shall be segregated by the Town into an account to cover the Street Maintenance Program.

(E) All applications for any type of permit pursuant to this Article shall be made to the Community Development Department or Public Works Department. Such Department shall make an investigation of the information contained in the application and, prior to the issuance of a permit, shall determine that the proposed encroachment, obstruction or other structure does not constitute a nuisance, destroy or impair the use of the right-of-way by the public or constitute a traffic hazard. No permit shall be issued where the above conditions are found to exist. At the time of issuance of a permit hereunder, in addition to the permit fees set by resolution by the Town Board, as may be amended from time to time, the applicant shall pay a fee equal to the cost of recording the permit with the County Clerk and Recorder. The respective department shall so record a copy of the permit. Any such permit so issued may be revoked by the Town at any time the conditions above referred to are found to exist, or when it is determined that the property upon which the encroachment, obstruction or structure exists is required for use by the public.

Sec. 11-8-50 - Insurance and indemnification.

(A) Unless otherwise specified in an agreement between the permittee and the Town, prior to the granting of any permit, the permittee shall file with the Town certificates of insurance for comprehensive general liability, special hazards, and workers compensation insurance policies in a form and amounts satisfactory to the Town, listing the Town and its officers and employees as additional named insureds. Town departments shall be relieved of the obligation of submitting certificates of insurance.

(B) Indemnification. The permittee, for itself and its related entities, agents, employees, subcontractors, and the agents and employees of said subcontractors, shall hold the Town harmless, defend, and indemnify the Town, its successors, assigns, officers, employees, agents,

and appointed and elected officials from and against all liability or damage and all claims or demands whatsoever in nature unless caused by the negligent or intentional acts of Town, and reimburse the Town for all its reasonable expenses, as incurred, arising out of the installation, maintenance, operation or any other work or activity in the public right-of-way or by the permittee related to its use thereof, including, but not limited to, the actions of the permittee, its related entities, agents, employees, subcontractors, and the agents and employees of said subcontractors, or the securing of and the exercise by the permittee of the permit rights granted in the permit, including any third party claims, administrative hearings, and litigation; whether or not any act or omission complained of is authorized, allowed, or prohibited by this chapter or other applicable law.

Sec. 11-8-60 - Security.

(A) Before any permit required by this chapter shall be issued, the applicant shall file with the director, a performance/warranty guarantee (security) in an amount equal to or exceeding the cost of the project, pursuant to approved cost estimates or bids provided to the Town, in a form acceptable to the Community Development Director or designee. Security may be by cash, surety bond or letter of credit. The amount of security will be determined by the Town's Community Development Department or designee and shall be equal to the costs necessary for total restoration of the site. The security will be held for a period of two years prior to release.

(B) Security, in cases where repairs or replacements are not expected to exceed \$700.00, may be waived by the Director for residential utility repairs and replacements, and residential sidewalk and driveway repairs and replacements, depending upon the type and extent of the repairs and replacements proposed.

(C) The letter of credit, letter of responsibility, or cash deposit shall remain in force and effect for a minimum of two years after completion of the construction, excavation, or work.

Sec. 11-8-70 - Performance warranty; guarantee.

(A) Unless otherwise provided in an agreement between the permittee and the Town, any warranty made hereunder shall serve as security for the performance of work necessary to repair the public right-of-way if the permittee fails to make the necessary repairs or restore the public right-of-way in a manner acceptable to the Town.

(B) The permittee, by acceptance of the permit, expressly warrants and guarantees complete performance of the work in a manner acceptable to the Town and warrants and guarantees all work done for the duration of the warranty period.

(C) The warranty period shall run from the date of the Town's Initial Acceptance into Warranty of the work. The warranty period shall be one year for landscaping and irrigation systems, and two years for all other improvements.

(D) At any time prior to completion of the warranty period, the Town may notify the permittee in writing of any needed repairs. Such repairs shall be completed within twenty-four hours if the

defects are determined by the Town to be an imminent danger to the public health, safety, and welfare. Should the applicant fail to complete nonemergency warranty work in a timely manner, upon giving the applicant ten calendar days' written notice the Town may perform the work at the applicant's expense. If the costs of the warranty work performed by the Town exceeds the amount of the financial security, the applicant will be liable for the additional costs. If there is a dispute as to the amount owed, the applicant may provide financial security to the Town to fully secure such payment until resolution of any appeal under this chapter. The Town shall have final authority to determine which permittee is responsible for repairs in the case of more than one permittee, and in what amount.

(E) The warranty described in this section shall cover only those areas of work undertaken by a permittee. If the work of another permittee subsequently impacts a portion of work of another permittee under warranty, the subsequent permittee shall assume responsibility for repairs.

Sec. 11-8-80 - Inspections.

(A) A minimum of three inspections shall take place, unless waived by the director. If the work is unsatisfactory, the director may issue a stop work order or draw against the posted security. First, the permittee shall request that the Town conduct a pre-construction inspection, to determine any necessary conditions for the permit. Second, the permittee shall notify the Town immediately after completion of work operations. The Town shall inspect the completed work within twenty-one days of the permittee's notification. Initial Acceptance into Warranty will be made if all work meets Town and permit standards. Third, approximately thirty days prior to the expiration of the two-year warranty period, the Town shall conduct a final inspection of the completed work. If the work is still satisfactory, the letter of credit or cash deposit shall be returned or allowed to expire, with a letter of final acceptance, less any amount needed to complete restoration work not done by the permittee. Upon review of the application for a permit, the director shall estimate how many additional inspections, if any, may be required. All inspections shall be made in a timely manner.

(B) The permittee shall pay to the Town the reasonable costs and expenses of any engineering review and inspection, in addition to the permit fee. No permit shall be issued, and no work shall be performed under any permit for which required fees and charges have not been paid. Any fee(s) related to inspections shall be adopted by resolution of the Town Board.

Sec. 11-8-90 - Public safety and protective requirements.

- a. The permittee shall maintain a safe work area, free of safety hazards. Whenever any person, under authority of this Article or otherwise, shall place any obstruction in any street, alley, sidewalk or other place, or make any excavation therein or alteration thereto, such person shall keep such obstruction, excavation or alteration properly safeguarded by substantial barricades, and between dusk and daylight adequate warning lights or flares shall be placed around the obstruction, excavation or alteration. In all instances, fire hydrants shall be kept clear of all building material, dirt and rubbish, with clear and adequate access to such hydrant from the roadway. Existing gutters and other drainage courses shall be kept open so as to allow adequate drainage. All excavations shall be made in such a way as to protect any existing surveying monuments and existing utilities.

- b. The Director of Engineering shall have authority to specify protective measures and minimum clearances regarding existing utilities, and any such specifications shall be followed. Sufficient shoring of excavations shall be provided whenever needed or whenever deemed necessary by the Director of Engineering.
- c. The Town may make any repair necessary to eliminate any safety hazards not performed as directed. Any such work performed by the Town shall be completed and billed to the permittee at overtime rates. The permittee shall pay all such charges within 30 days of the statement date. If the permittee fails to pay such charges within the prescribed time period, the Town may, in addition to taking other collection remedies, seek reimbursement through the warranty surety.
- d. The Town shall not issue any further permits of any kind to said permittee until all outstanding charges have been paid in full; provided, however, that permits shall not be withheld for outstanding charges which are honestly and reasonably disputed by the permittee, if the permittee and the Town are negotiating in good faith to resolve the dispute.

Sec. 11-8-100 - Time of completion.

All work covered by the permit shall be completed by the date stated on the application. Permits shall be void if work does not commence six months after issuance, unless an extension has been granted by the director. Letters of credit or letters of responsibility deposited as a performance/warranty guarantee for individual permits will be returned after voiding of the permit, with administrative and any other Town costs deducted.

Sec. 11-8-110 - Traffic control.

- A. When it is necessary to obstruct traffic, a traffic control plan shall be submitted to the Town prior to starting construction. No permit will be issued until the plan is approved by the Town. No permittee shall block access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital equipment unless the permittee provides the Town with written verification of written notice delivered to the owner or occupant of the facility, equipment, or property at least 48 hours in advance. If a street closing is desired, the applicant will request and obtain the approval of the director. It shall be the responsibility of the permittee to notify and coordinate all work in the right-of-way with:
 - Windsor Public Works
 - Railroad
 - Adjacent Property Owners
 - Windsor/Severance School District
 - Counties (Weld/Larimer)
 - Homeowner Associations
 - Adjacent Business Owners
 - Adjacent Utilities (Electric, Gas, Non-potable, Fiber, Communications, Petroleum)
 - Water/Sanitary/Storm Districts
 - CDOT/State Patrol
 - Parks/Open Space/Town Facilities
 - Ditch/Irrigation Companies

- Windsor Police,
Windsor/Severance
Fire/Ambulance
- B. Traffic control devices, as defined in Part VI of the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration, must be used whenever it is necessary to close a traffic lane or sidewalk. Traffic control devices are to be supplied by the permittee. Part VI of the Manual on Uniform Traffic Control Devices or any successor publication thereto shall be used as a guide for all maintenance and construction signing. The permittee shall illustrate on the permit the warning and control devices proposed for use. At the direction of the director, such warning and control devices shall be modified. If a flag person is to be utilized all persons flagging traffic shall be CDOT certified. Any lane closure shall comply with the Town's Design Criteria and Construction Specifications.
- C. Nighttime work area flood lighting shall not be allowed to spill out of the construction area in such a way as to disturb or endanger the comfort, health or peace of others.
- D. The permittee shall be responsible for maintaining all work area signing and barricading during construction operations as well as any signs and barricades that are needed to protect roadway users and pedestrians during non-work hours. During non-work hours, all construction work area signs that are not appropriate shall be removed, covered, or turned around so that they do not face traffic. Any deficiencies noted by the Town shall be corrected immediately by the permittee. If the permittee is not available or cannot be found, the Town may make such corrections, and the permittee shall pay the actual costs, including administrative costs, plus a civil penalty to be set by resolution of the Town Board.

Sec. 11-8-120 - General rights-of-way use and construction standards.

(A) Right-of-way meetings. The permittee will make reasonable efforts to alert other similar providers of its intention to trench, bore or cut in the public rights-of-way and will attend and participate in meetings of the Town, of which the permittee is made aware, regarding right-of-way issues that may impact its facilities, including planning meetings to anticipate joint trenching and boring. Whenever it is possible and reasonably practicable to joint trench or share bores or cuts, the permittee shall work with other providers, licensees, permittees, and franchisees to reduce so far as possible the number of right-of-way cuts within the Town. Nothing herein shall require the permittee to enter into an agreement with such other entities if such an agreement would compromise the integrity of the permittee's facilities, unless the entity proposing to use the facilities agrees, at its expense, to make such modifications to the facilities as would prevent such compromise of integrity.

(B) Minimal interference. Work in the right-of-way, on other public property, near public property, or on or near private property shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. The permittee's facilities shall be constructed and maintained in such manner as not to interfere with sewers, water pipes, traffic control devices, drainage channels, or any other property of the Town, or with any

other pipes, wires, conduits, pedestals, structures, or other facilities that may have been laid in the rights-of-way by, or under, the Town's authority. The permittee's facilities shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements the Town may deem proper to make or to unnecessarily hinder or obstruct the free use of the rights-of-way or other public property, and shall not unreasonably interfere with the travel and use of public places by the public during the construction, repair, operation, or removal thereof, and shall not obstruct or impede traffic. The permittee's facilities shall be of sufficient capacity to avoid re-entering the rights-of-way for a period of five years for purposes of expansion.

(C) Underground construction and use of poles.

(1) When required by general ordinances, resolutions, regulations, or rules of the Town or applicable state or federal law, the permittee's facilities shall be placed underground at the permittee's expense. Placing facilities underground does not preclude the use of above-ground appurtenances.

(2) Where all facilities are installed underground at the time of the permittee's construction, or when all such facilities are subsequently placed underground, all permittee facilities shall also be placed underground at no expense to the Town unless funding is generally available for such relocation to all users of the rights-of-way. Related equipment, such as pedestals, must be placed in accordance with the Town's applicable code requirements and rules.

(D) In areas where existing facilities are aerial, the permittee may install aerial facilities.

(E) For aboveground facilities, the permittee shall utilize existing poles and conduit wherever possible. However, in the event undergrounding of the existing facility is required, the co-located facilities shall also be undergrounded, unless it can be demonstrated to the satisfaction of the Town that such undergrounding requests are not feasible. In such circumstances, the co-located facilities shall work with the Town to determine the next best location.

(F) Should the Town desire to place its own facilities for Town purposes in trenches or bores opened by the permittee, the permittee shall cooperate with the Town in any construction by the permittee that involves trenching or boring, provided that the Town has first notified the permittee in some manner that it is interested in sharing the trenches or bores in the area where the permittee's construction is occurring. The permittee shall allow the Town to place its facilities in the permittee's trenches and bores, provided the Town pays any incremental increase in the cost of the trenching and boring. The Town shall be responsible for maintaining its respective facilities buried in the permittee's trenches and bores under this subsection. The Town is solely responsible for obtaining any additional permits that may be needed in advance. If the Town fails to obtain other applicable necessary permits, the permittee has no obligations under this subsection. The Town shall be responsible for all damages related to its use of the right-of-way.

(G) Use of conduits by the Town. The Town may install or affix and maintain its own facilities for Town purposes in or upon any and all of the permittee's ducts, conduits, or equipment in the rights-of-way and other public places, at a charge to be negotiated between the parties. For the purposes of this subsection, Town purposes include, but are not limited to, the use of the structures and installations for Town fire, police, traffic control devices, streetlights, SCADA, water, communications, fiber, telephone, and/or signal systems not in competition with the permittee.

(H) Common users.

- (1) The rights-of-way have a finite capacity for containing facilities. Whenever the Town determines it is impracticable to permit construction of an underground conduit system by any other entity which may at the time have authority to construct or maintain conduits or ducts in the rights-of-way, and unless otherwise prohibited by federal or state law or regulations, the Town may require a prior permittee to afford to such entity the right to use a prior permittee's surplus ducts or conduits in common with a new permittee, pursuant to the terms and conditions of an agreement for use of surplus ducts or conduits entered into by a prior permittee and the other entity. Nothing herein shall require a prior permittee to enter into an agreement with such entity if, in the prior permittee's reasonable determination, such an agreement could compromise the integrity of the prior permittee's facilities.
- (2) When two or more common users occupy a section of conduit facility, the last user to occupy the conduit facility shall be the first to vacate or construct new conduit. When conduit rent is revised because of retrofitting, space-saving technology, or construction of new conduit, all common users shall bear the increased cost.

(I) All facilities shall meet any applicable local, state, and federal clearance and other safety requirements, be adequately grounded and anchored, and meet the provisions of contracts executed between the permittee and the other common user. The permittee may, at its option, correct any attachment deficiencies and charge the common user for its costs. Each common user shall pay the permittee for any fines, fees, damages, or other costs the common user's attachments cause the permittee to incur.

Sec. 11-8-130 - Backfilling of excavations.

All permit holders shall adequately backfill any excavations made under the authority of this Article. Backfilling shall be done in accordance with the Standard Specifications and Construction Manual for the Town. At the request of the Director of Engineering, the density of the compacted backfill shall be tested by a soils engineer and a copy of the test results shall be given to the Director of Engineering. The number and location of soil tests shall meet the approval of the Director of Engineering. All costs for testing shall be paid by the permit holder. The permit holder must notify the Director of Engineering before backfilling.

Sec. 11-8-140 – Inspection of backfilling.

Within forty-eight (48) hours after completion of backfilling, the permit holder shall notify the Department of Engineering and request an inspection. The surface of the excavation shall not be replaced until the backfill has been approved on inspection. Any defects in the backfill shall be corrected by the permit holder within the time required by the Department of Engineering. Upon correction of defects noted, the permit holder shall again request an inspection from the Department of Engineering.

Sec. 11-8-150 - Restoration of surface.

- (a) Upon receiving approval of the backfill from the Department of Engineering, the permit holder shall restore the surface of the excavation in the manner required by this Section, or, at the option of the permit holder, such work may be done by the Town and charged to the permit holder, in which case the permit holder shall reimburse the Town for such work within thirty (30) days after it is billed.
- (b) All patches shall have straight and vertical edges and shall cover the total width of the excavation. Patches in concrete pavements shall be six (6) inches thick, shall be made from concrete conforming to specifications of the Town and shall be finished to the same surface texture as the adjacent existing concrete. The existing concrete shall be saw-cut to a depth of one and one-half (1½) inches to assure a straight edge and uniform patch. Patches in asphalt pavements shall consist of four (4) inches of base course material and asphalt surfacing equal to the total thickness of adjacent existing pavement. The concrete and asphalt shall conform to the specifications of the Town. Asphalt surfacing shall be compacted to conform to the specifications of the Town. Permanent asphalt patches shall not be put in during freezing weather. Upon completion of work, all surplus earth, rubbish and other materials shall be immediately removed, and the Department of Engineering shall be notified that the job is completed.

Sec. 11-8-160 - Conformance to permit required; supplemental applications.

In no case shall any permit holder open or remove a greater area of surface or make such removal at a location other than that specified in the permit. In the event it shall be necessary to open or remove a greater area than originally applied for, the applicant shall first notify and obtain the consent of the Director of Engineering and, if required by said Director, file a supplemental application and make an additional deposit. No person shall exceed the time limit specified on the permit without the express consent of the Director of Engineering.

Sec. 11-8-170 - Permittee liable in case of nonconformance.

In the event any permit holder fails to do anything required of him or her hereunder, the Department of Engineering may cause the same to be done, the cost of the same shall be charged to the holder of the permit, and he or she shall be liable therefore.

Sec. 11-8-180 - Permittee liable for injuries to person or property.

Every permit holder acting under a permit issued pursuant to this Article shall be responsible to anyone for injury to person or property by reason of the work done under the permit and shall indemnify and hold the Town harmless from any expenses, costs, claims or other charges or fees arising out of such work. The permit holder shall be responsible for adequately protecting the work, the surrounding property and the public and shall adequately safeguard the work regardless of whether any specific requirements in connection with the work are made by the Director of Engineering.

Sec. 11-8-190. Excavations under sidewalks.

It shall be unlawful for any person, persons or corporation to make any excavation or opening at a depth greater than one (1) foot and/or two (2) inches in diameter under any sidewalk or upon any street, alley or public ground of the Town, for the purpose of installing permanent areaways thereunder, without first obtaining a right so to do from the Director of Engineering; and no such right or privilege shall be granted by the Director of Engineering, except upon written application therefor and upon conditions to be prescribed by the Director of Engineering respecting the continued occupancy and use of such areaways after the same have been constructed.

Sec. 11-8 -200 - Joint planning and construction; coordination of excavation.

(A) Annual meetings. Any permittee owning, operating, or installing facilities in Town rights-of-way, providing water, sewer, gas, electric, communication, video, or other utility services, shall meet annually with the director at the director's request to discuss the permittee's excavation master plan.

- (1) At such meeting, to the extent not already in possession of the Town, the permittee shall submit documentation, in a form required by the director, including as-built drawings, digital and software compatible GIS, showing the exact location, including elevations of manholes in and out, of the permittee's existing facilities in the Town rights-of-way.
- (2) The permittee shall discuss with the director its excavation master plan and identify planned major excavation work in the Town known at that time.
- (3) The director may make his or her own record on a map, drawing, or other documentation, of each permittee's planned major excavation work in the Town; provided, however, that no such document prepared by the director shall identify a particular entity, or the planned major excavation work of that particular entity.

(B) The permittee shall meet with the director to discuss an initial excavation master plan no later than sixty (60) days after submitting its first permit application. Thereafter, each permittee shall submit annually, on the first regular business day of January, a revised and updated excavation master plan.

(C) As used in this subsection, the term planned major excavation work refers to any future excavations planned by the permittee when the excavation master plan or update is submitted that will affect any Town right-of-way for more than five (5) days at any given location, provided that the permittee shall not be required to identify future major excavations planned to occur more than three (3) years after the date that the permittee's master plan or update is discussed.

(D) Between the annual meetings to discuss planned major excavation work, the permittee shall use its best efforts to inform the director of any substantial changes in the planned major excavation work discussed at the annual meeting.

Sec. 11-8 -210 - Repaving and reconstruction schedule.

(A) The Town shall prepare a pavement management schedule showing the street resurfacing planned by the Town. The pavement management schedule shall be revised and updated on an annual basis after meeting to discuss the permittee's and Town departments' master plans and updates. The director shall make the Town's pavement management schedule available for public inspection. In addition, after determining the street resurfacing work that is proposed for each year, the director shall send a notice of the proposed work to all permittees that have had an annual meeting with the director.

(B) Prior to applying for a permit, any person planning to excavate in the Town's rights-of-way shall review the Town's repaving and reconstruction schedule on file with the director and shall coordinate, to the extent practicable, with the utility and street work shown on such plans to minimize damage to and avoid undue disruption and interference with the public use of such rights-of-way.

(C) In performing location of facilities in the public rights-of-way in preparation for construction under a permit, the permittee shall compile all information obtained regarding its or any other facilities in the public rights-of-way related to a particular permit, and shall make that information available to the Town in a written and verified format acceptable to the director in accordance with adopted standards and specifications, which includes software compatible GIS and digital form.

(D) Prior to the Town undertaking any work in the rights-of-way or related landscaping, the Town may notify all permittees of the Town work to be performed. Upon such notification, all permittees shall, within three (3) days, locate their facilities in the rights-of-way in which the work will be performed, and provide documentation in a format acceptable to the director in accordance with adopted standards and specifications, of the permittee's facilities in that right-of-way.

Sec. 11-8-220 - Minimizing impacts of work in the rights-of-way.

(A) Relocation and protection of utilities. Before beginning excavation in any public right-of-way, a permittee shall contact Colorado 811, and, to the extent required by C.R.S. Sec. 9-1.5-102 et seq., make inquiries of all ditch companies, utility companies, districts, local government departments, and all other agencies that might have facilities in the area of work to determine possible conflicts. The permittee shall, at its expense, promptly provide all design and field locates of the infrastructure in a manner acceptable to the director in accordance with adopted standards and specifications.

(B) Field locations shall be marked prior to commencing work. The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected by the work from damage during construction or settlement of trenches after construction. If the permittee damages the property of other users of the right-of-way, the permittee shall pay the other users for such damages within thirty days.

(C) Safe work area. The permittee shall maintain a safe work area, free of safety hazards. The Town may make any repair necessary to eliminate any safety hazards not performed as directed

after the permittee has been given an adequate opportunity to repair the hazard. Any such work performed by the Town shall be completed and billed to the permittee at overtime rates. The permittee shall pay all such charges within thirty days of the statement date. If the permittee fails to pay such charges within the prescribed time period, the Town may, in addition to taking other collection remedies, seek reimbursement through the warranty guarantee. Furthermore, the permittee shall be barred from performing any work in the public right-of-way, and under no circumstances will the Town issue any further permits of any kind to said permittee, until all outstanding charges have been paid in full.

(D) Each permittee shall maintain an adequate and safe unobstructed walkway around a construction site or blocked sidewalk in conformance with the Town code.

(E) Each permittee shall clear all snow and ice hazards from public sidewalks at the work site by noon following a snowfall in conformance with the Town code.

(F) Noise, dust, debris, hours of work. Each permittee shall conduct work in such manner as to avoid unnecessary inconvenience and annoyance to the public and occupants of neighboring property. In the performance of the work, the permittee shall take all appropriate measures to reduce noise, dust, and unsightly debris.

(G) Work shall only be performed between the hours of 7:00 am and 6:00 pm on normal Town of Windsor business days unless prior approval has been obtained from the Town Engineer. Work being performed by the Town shall be exempt from these hour requirements, as will any emergency work approved by the Town Engineer be exempt.

(H) Trash and construction materials. Each permittee shall maintain the work site so that:

- (1) As the work progresses, all public rights-of-way and private property in the work area shall be thoroughly cleaned of all rubbish, excess dirt, rock, and other debris resulting from the permittee's work. All clean-up operations shall be done at the expense of the permittee, and in compliance with standards set forth in Code Sec. 13-5-50 - Illicit discharge prohibited. In the event the Town requests clean up to take place, the permittee shall complete such work within twenty-four hours from the time of the request.
- (2) Trash is removed from a construction site often enough so that it does not become a health, fire, or safety hazard.
- (3) Trash dumpsters and storage or construction trailers are not placed in the street without specific approval of the director.
- (4) Each permittee shall prevent the tracking of mud or debris upon any street or sidewalk. Equipment and trucks used during construction, excavation, or work activity shall be cleaned of mud and debris prior to leaving any work site in compliance with Code Sec. 13-5-50.

(I) Protection of trees and landscaping. Each permittee shall protect trees, landscape, and landscape features as required by the Town. All protective measures shall be provided at the

expense of the permittee. If the permittee causes damage to trees and landscape, the permittee shall be responsible for repairs and restoration.

(J) Protection of paved surfaces from equipment damage. Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. The permittee will be responsible for any damage caused to the infrastructure by the operation of such equipment and shall repair such surfaces. Failure to do so will result in the use of the applicant's performance/warranty guarantee by the Town to repair any damage, refusal by the Town to issue any further permits, discontinuance of scheduled work until repairs are complete, and, possibly, the requirement of additional warranties.

(K) Protection of property. Each permittee shall protect from injury any adjoining property by providing adequate support and taking other necessary measures. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out work in the public right-of-way.

(L) Preservation of monuments. A permittee shall not disturb any surface monuments or survey hubs and points found on the line of work unless approval is obtained from the director in writing. Any monuments, hubs, and points disturbed will be replaced by a Colorado Registered Land Surveyor at the permittee's expense.

(M) Each permittee shall make provisions for employee and construction vehicle parking so that neighborhood parking adjacent to a work site is not prejudiced.

Sec. 11-8-230 - Standards for repairs and restoration.

(A) Permittee responsibility. The permittee shall be fully responsible for the cost and actual performance of all work in the public right-of-way. The permittee shall perform or cause to have all work performed in conformance with any and all applicable engineering regulations, construction specifications, and design standards adopted by the Town, as amended. These standards shall apply to all work in the public right-of-way unless otherwise indicated in the permit.

(B) Restoration work. All restoration shall result in a work site condition equal to or better than that which existed prior to construction.

(1) All pavement cuts and potholing shall be repaired in accordance with the Town's standards and specifications.

(2) All pavement markings shall be replaced after new asphalt is placed.

Sec. 11-8-240 - Construction and restoration standards for newly constructed or overlaid streets.

(A) No person shall cause an open trench or excavation in any public right-of-way for a period of five (5) years from the completion of work allowed by the permit, or other construction or resurfacing except in compliance with the provisions of this section, and in accordance with the

Town's standards and specifications. Potholing of utilities in the pavement will be allowed at the discretion of the director.

(B) Application. Any application for a permit to excavate in public right-of-way subject to the requirements of this section shall contain the following information:

- (1) A detailed and dimensional engineering plan that identifies and accurately represents the Town rights-of-way or property that will be impacted by the proposed excavation, as well as adjacent streets, and the method of construction.
- (2) The street width or alley width including curb and gutter over the total length of each Town block that will be impacted by the proposed excavation.
- (3) The location, width, length, depth of the proposed excavation, and description of materials to be placed within the right-of-way.
- (4) The total area of existing street or alley pavement in each individual Town block that will be impacted by the proposed excavation.
- (5) A written statement addressing the criteria for approval.

(C) Criteria for approval. No permit for excavation in the right-of-way of new streets shall be approved unless the director finds that all the following criteria have been met:

- (1) Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.
- (2) Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.
- (3) The proposed excavation cannot reasonably be delayed until after the five-year deferment period has lapsed.
- (4) An additional pavement cut fee shall be required for any cuts on roadways that have a pavement condition index ("PCI") greater than or equal to 80.
- (5) Exemptions for emergency operations. Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property, or the restoration of customer service. Persons with prior authorization from the Town to perform emergency maintenance operations within the public rights-of-way shall be exempt from this section. Any person commencing operations under the laws of this section shall submit detailed engineering plans, construction methods, and remediation plans no later than three (3) working days after initiating the emergency maintenance operation.

(D) Construction and restoration for newly constructed or overlaid streets and alleys. The streets shall be restored and repaired in accordance with the Town's Design Criteria and Construction Specifications.

Sec. 11-8-250 - Relocation of facilities.

(A) The Town may request the permittee to relocate, move, or change its facilities within or adjacent to rights-of-way, either temporarily or permanently, for the following purposes:

- (1) Change in the grade.
- (2) Improving, repairing, constructing, or maintaining any rights-of-way.
- (3) Traffic conditions or other public safety concerns.
- (4) For the installation of any type of structure or public improvement of the Town or other public agency or special district.
- (5) As a result of any general program for the undergrounding of such facilities; or
- (6) Public health or safety concerns.

(B) The Town shall notify the permittee, at least ninety days in advance, except in the case of emergencies, of the Town's intention to change the permittee's facilities within or adjacent to rights-of-way in any manner, either temporarily or permanently, or have such work performed.

(C) The permittee shall thereupon, at its sole cost and expense, accomplish the necessary relocation, removal, or change within a reasonable time from the date of the notification, but in no event later than three (3) working days prior to the date the Town has notified the permittee that it intends to commence its work, or, in the case of emergencies, immediately.

(D) Upon the permittee's failure to accomplish such work, the Town or other public agencies or special district may perform such work at the permittee's expense, and the permittee shall reimburse the Town or other agency within thirty days after receipt of a written invoice.

(E) Following relocation, all affected property shall be restored to, at a minimum, the condition which existed prior to relocation at the permittee's expense.

(F) Notwithstanding the requirements of this section, a permittee may request additional time to complete a relocation project. The director shall grant a reasonable extension if in his or her sole discretion, the extension will not adversely affect the Town's project.

Sec. 11-8-260 - Abandonment and removal of facilities.

(A) Notification of abandoned facilities. Unless otherwise provided in an agreement between the permittee and the Town, any permittee that intends to discontinue use of any facilities within the public rights-of-way shall notify the director in writing of the intent to discontinue use. Such notice shall describe the facilities for which the use is to be discontinued, the method of removal and restoration, and provide a date of discontinuance of use, of which date shall not be less than thirty days from the date such notice is submitted to the director. The permittee may not remove, destroy, or permanently disable any such facilities during said thirty-day period without written approval of the director. After thirty days from the date of such notice, the permittee shall remove and dispose of such facilities as set forth in the notice, as the same may be modified by the director, and shall complete such removal and disposal within six (6) months, unless additional time is requested from and approved by the director, including repairs after removal.

(B) Conveyance of facilities. Unless otherwise provided in an agreement between the permittee and the Town, at the discretion of the Town, and upon written notice from the director within thirty (30) days of the notice of abandonment, the permittee may abandon the facilities in place and shall further convey full title and ownership of such abandoned facilities to the Town. The consideration

for the conveyance is the Town's permission to abandon the facilities in place. The permittee is responsible for all obligations as owner of the facilities, or other liabilities associated therewith, until the conveyance to the Town is completed.

Sec. 11-8-270 - Emergency procedures.

Any person maintaining facilities in the public right-of-way may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that the work be done immediately. If the emergency repairs involve disturbing any public right-of-way improvement, the person doing the work shall apply to the Town for a permit on or before the third working day after such work has commenced. All emergency work repairs involving disturbance of any public right-of-way improvement or traffic will require prior telephone notification to the police and public works departments of the Town.

Sec. 11-8-280 - Revocation of permit.

(A) Any permit may be revoked or suspended by the director, after written notice to the permittee for:

- (1) Violation of any material condition of the permit or of any provision of this chapter.
- (2) Violation of any provision of any other ordinance of the Town or state law relating to the work.
- (3) Existence of any condition or performance of any act which the Town determines constitutes or causes a condition endangering life or damage to property.
- (4) A suspension or revocation by the director, and a stop work order, shall take effect immediately upon written notice to the person performing the work in the public right-of-way, or to the permittee's last known address.

(B) A stop work order may be issued by the director to any person or persons doing or causing any work to be done in the public right-of-way without a permit, or in violation of any provision of this chapter, or any other ordinance of the Town.

(C) Any suspension or revocation or stop work order may be appealed by the permittee to the Town Manager by filing a written notice of appeal within thirty days of the action.

Sec. 11-8-290 - Permission to temporarily occupy public right-of-way (Temporary Occupation Permit); application contents.

(A) Temporary Occupation Permit. Any person desiring to place facilities within the public rights-of-way and does not already have permission to do so through an agreement with the Town or otherwise, must obtain permission from Community Development Director or designee, to temporarily occupy or encroach within the Town right-of-way. The term of such permit shall be ninety (90) days, however upon written application, such permits may be renewed for an additional ninety (90) day period. Any permit issued under this Article may be revoked if the holder thereof violates any of the provisions of this Article or the rules and regulations of the Community

Development Department or if the work allowed by the permit unduly interferes with pedestrian or vehicular traffic.

The application for permission to temporarily occupy the right-of-way shall include the following:

- (1) The name, address, and telephone number of the applicant owning the facilities to occupy Town right-of-way.
- (2) The name, address, and telephone number of a contact person.
- (3) The name and telephone number of an emergency contact who shall be available twenty-four hours per day.
- (4) A statement as to the purpose of the facilities and a detailed description of all types and quantities of facilities to be placed in the right-of-way.
- (5) A statement as to whether installation will require a public right-of-way permit pursuant to this chapter and whether an application for such a permit has been filed with the Town.
- (6) An application fee of \$25.00, that is directly related to the costs incurred by the Town in processing and reviewing the initial license application. Such fee shall be nonrefundable, whether permission is granted or the application is denied.

(B) In addition to any fees charged as direct costs related to providing services relating to granting or administration of permits, the Town reserves the right to charge reasonable rates of compensation for any person's occupation of the public rights-of-way as may be permitted by law.

Sec. 11-8-300 - Right-of-way encroachment permit.

Except as otherwise provided in this Code, it is unlawful for any person to obstruct or encroach upon any right of way, street or sidewalk with any debris, lumber, sand, gravel, dirt, abandoned or wrecked automobiles, or other material or substance without first obtaining a permit in accordance with this Article. Such permits may be granted only where the obstruction is necessary for the construction, alteration, or repair of the adjoining property and such permitted obstructions shall be limited to as short a time as is reasonably possible. Each day that an unlawful obstruction exists constitutes a separate and distinct offense.

Sec. 11-8-310 – Protection of pedestrian and vehicular traffic.

The holder of any permit issued under this Chapter shall provide whatever fencing the Community Development Director or designee requires to protect pedestrian and vehicular traffic on the abutting public property. If required, the permit holder shall build and maintain a good and substantial protected walkway around the obstruction. The permit holder shall adequately light and mark the obstruction so as to protect pedestrian and vehicular traffic.

Sec. 11-8-320-Adequate drainage and access to fire hydrants required.

Any person holding a permit issued under this Chapter shall take such measures as may be required to ensure that adequate drainage is maintained around the obstruction. All fire hydrants shall be kept clear of all building materials, rubbish and other obstructions, and easy access to such

hydrants shall be provided and kept clear at all times. Upon completion of the work, the permit holder shall remove all obstructions, materials, debris and rubbish within ten (10) days.

Sec. 11-8-330 - Oversize Hauling Permit.

(a) It shall be unlawful for any person, persons or corporation to use or occupy any street, alley or other public ground in the Town for the purpose of moving a building or other oversized structure greater than fourteen (14) feet in width across or thereon without first having obtained a permit from the Director of Engineering.

(b) Application for a permit hereunder shall be made upon forms to be furnished by the Town and shall set forth such information as may be required thereon. At the time of making application, the applicant shall pay a permit fee as established by resolution by the Town Board and shall file the bond required herein.

(c) Application for a permit hereunder shall be accompanied by a corporate surety bond in an amount established by the Town Board, conditioned upon compliance with all requirements of the ordinances of the Town relating to activities under the permit.

(d) Any person using the streets, alleys or other public ground for the purpose of moving buildings and other structures across or thereon shall be responsible for any damage done to such street, alley or public ground or any improvements situated thereon, including, without limitation, trees and other plantings, signs, utility poles, utility lines, traffic signals and the like. Any such persons shall also be responsible for any damage caused to any private property by virtue of use of the streets, alleys and other public grounds of the Town for the purpose of moving such buildings or other structures.

(e) The Director of Public Works shall determine whether the applicant possesses the technical qualifications and the necessary equipment for the moving of buildings and structures and shall issue or deny the permit based upon such determination.

(f) Any permit granted hereunder may be revoked by the Director of Public Works upon written notice to the holder of the permit, if the permit holder fails to comply with the requirements of the ordinances of the Town relating to the permit or for other good cause relating thereto. In the event of such revocation, no fee paid hereunder shall be refunded. If any permit holder objects to the revocation of a permit by the Director of Public Works, he or she may request a hearing on the question of revocation before the Town Board, which shall make the final determination on the question.

(g) Any permit granted hereunder shall be valid for ten (10) days unless sooner revoked.

Sec. 11-8-340 – Notice to remove.

(a) Whenever any encroachment, obstruction, facilities, or structure is made or located contrary to the terms of the permit therefor or without a permit or at such time as the permit is revoked as above provided for, the Town Manager or his or her authorized agent shall give notice

to the person who made or located such encroachment, obstruction or structure or caused or permitted the same to be done, or who owns or controls the premises with which such encroachment, obstruction or structure is connected, to remove such encroachment, obstruction or other structure. The same shall be removed within ten (10) days after notice.

(b) It shall be unlawful for any person to continue any encroachment, obstruction or other structure for a period of ten (10) days after receipt of the notice provided for above.

Sec. 11-8-350. Noncompliance with notice.

(a) In case any notice given under Section 11-8-310 shall not be complied with, the Town Manager or his or her authorized agent is hereby authorized and empowered to cause the removal of the encroachment, obstruction or structure.

(b) Upon completion of such removal, the Town Manager or his or her authorized agent shall certify to the Town Clerk the cost of said removal, and the Town Clerk shall thereupon, by certified mail addressed to the owner of the premises with which the obstruction is connected, give notice of such removal and the cost incurred for such work, together with a statement that the cost of the work will be assessed against the owner's lot, tract or parcel of land if such cost is not paid to the Town within thirty (30) days after mailing of such notice.

(c) If such person fails to make payment within the aforesaid thirty (30) days, the Town shall make assessment by ordinance against the lot, tract or parcel of land in connection with which the encroachment, obstruction or structure was made, and such assessment shall be certified to the County Treasurer for the purpose of having the same placed upon the tax rolls and collected in the same manner as general taxes are collected.

Sec. 11-8-360 - Appeals procedure.

Any decision rendered by the director pursuant to this chapter may be appealed by the permittee to the Town Manager by filing a written notice of appeal within thirty days of the action. The Town Manager, or a designee thereof, shall conduct a quasi-judicial administrative hearing.

Sec. 11-8-370 - Penalty.

If any person, firm, or corporation shall violate or cause the violation of any of the provisions of this chapter, they shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continues, or is permitted, and upon conviction of any such violation such person, firm, or corporation shall be punished as provided in chapter 1, Article IV of the Code for each such violation.

Section 2. The following sections of Windsor Municipal Code (“Code”) Chapter 11, are hereby repealed:

Article II – Excavations in its entirety, including:

- 11-2-10. – Permit required; exception in the case of emergency.
- 11-2-20. – Types of permits.

- 11-2-30. – Application for permit; contents and conditions.
- 11-2-40. – Fees for permits.
- 11-2-50. – Bond and insurance requirements.
- 11-2-60. – Requirements for performance of work.
- 11-2-70. – Safety and protective requirements.
- 11-2-80. – Backfilling of excavations.
- 11-2-90. – Inspection of backfilling.
- 11-2-100.- Restoration of surface.
- 11-2-110.- Conformance to permit required; supplemental applications.
- 11-2-120. – Permittee liable in case of nonconformance.
- 11-2-130.- Permittee liable for injuries to person or property.
- 11-2-140.- Excavations under sidewalks.

Article III - Encroachments and Obstructions, in its entirety, including:

- 11-3-10. – Encroachments and obstructions prohibited.
- 11-3-20. – Application for occupation of street.
- 11-3-30. - Term of permit; renewal and revocation.
- 11-3-40. - Surety bond required.
- 11-3-50. - Protection of pedestrian and vehicular traffic.
- 11-3-60. – Adequate drainage and access to fire hydrants required.
- 11-3-70. - Permittee liable in case of nonconformance.
- 11-3-80. - Permit application for encroachment.
- 11-3-90. – Investigation; fee; revocation of permit.
- 11-3-100. – Notice to remove encroachment.
- 11-3-110.- Noncompliance with notice.

Article IV - Moving of Buildings, in its entirety, including

- 11-4-10. - Permit required; fee; liability; revocation; term.

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

Section 4. 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]



FUTURE TOWN BOARD MEETINGS

October 20, 2025 5:30 p.m.	Town Board Work Session Budget: Utility Rates for 2026
October 27, 2025 5:30 p.m.	Town Board Work Session Meet the Board – New Hires Front Range Energy – Carbon Storage Solutions Subsurface - Easement Acquisition – Uwyo Connection
October 27, 2025 7:00 p.m.	Town Board Regular Meeting
November 3, 2025	Canceled – 1 st Monday
November 10, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Budget: Wrap-Up/Revisions
November 10, 2025 6:45 p.m.	Kern Board Meeting
November 10, 2025 7:00 p.m.	Town Board Regular Meeting
November 17, 2025 5:30 p.m.	Town Board Work Session Budget: WDA Budget Presentation
November 24, 2025 5:30 p.m.	Town Board Work Session New Hire – Meet the Board Hauler Licensing Discussion Chimney Park Lighting Discussion
November 24, 2025 7:00 p.m.	Town Board Regular Meeting
December 1, 2025	Canceled – 1 st Monday
December 8, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Outside Agency Funding
December 8, 2025 7:00 p.m.	Town Board Regular Meeting
December 15, 2025 5:30 p.m.	Town Board Work Session

December 22, 2025 5:30 p.m.	Town Board Work Session Meet the Board – New Hires
December 22, 2025 7:00 p.m.	Town Board Regular Meeting
December 29, 2025	Canceled – 5 th Monday

Future Work Session Topics

- Wildland Resiliency Code presentation – 2026
- Camping Ban