



TOWN BOARD WORK SESSION

December 2, 2013 – 6:00 P.M.

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

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.

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 who have a question related to an agenda item are requested to allow the Town Board to discuss the topic and then be recognized by the Mayor prior to asking their question.

AGENDA

1. 6:00 p.m. Follow-up Discussion on Development Fees – J. Plummer
2. 6:15 p.m. Vehicle Rental Businesses in General Commercial Districts – J. Plummer
3. 6:30 p.m. Discussion and direction regarding draft Accessory Dwelling Unit (ADU) regulations – S. Ballstadt
4. 6:45 p.m. Report regarding 11/14/13 meeting with owners of unincorporated enclave properties – S. Ballstadt
5. 6:55 p.m. Future Town Board meetings



MEMORANDUM

Date: December 2, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Re: Follow-up Discussion on Development Fees
Item #: Work Session 1

I. Discussion

At the August 19, 2013 town board work session, staff made a presentation on building permit fees and development fees. This information compared Windsor's building permit fees with similar building permit fees of surrounding jurisdictions which included:

- ✓ Two scenarios outlining the building permit fees for residential construction;
- ✓ Three scenarios outlining the building permit fees for commercial construction;
- ✓ Two scenarios outlining the building permit fees for industrial construction; and
- ✓ The chronology as to the time periods when Windsor adopted these fees.

Additionally, the presentation also compared Windsor's development fees with similar development fees of surrounding jurisdictions and included:

- ✓ Fees charged to developers for land use development applications;
- ✓ Fees charged to residents for applications pertaining to individual lots; and
- ✓ The chronology as to the time periods when Windsor adopted these fees.

Staff also presented two scenarios relative to the approximate staff costs that are associated with development reviews, and these included:

- ✓ Approximate staff costs associated with processing development applications from developers; and
- ✓ Approximate staff costs that are associated with processing development applications pertaining to individual lots.

II. Recommendation on Building Permit Fees

Even though there are some differences between our building permit fees and those being charged by neighboring jurisdictions, staff is recommending that our building permit fees **not be increased** at this time because:

- ✓ The differences between our building permit fees and those of surrounding jurisdictions are not significant enough to justify raising our building permit fees;
- ✓ Almost all of our building permit fees have been updated within the last ten years; and
- ✓ Keeping the current commercial and industrial building permit fees intact will help serve to keep Windsor competitive with our neighbors when recruiting businesses.

III. Recommendation on Development Fees for Applications filed by Residents

On occasion residents who are not affiliated with large developments are presented with challenges associated with their individual properties and are required to go through a public process to reconcile these challenges. These challenges include such land use applications as lot line adjustments, variances, and easement vacations, and, to a lesser degree, conditional use grant (CUG) applications.

Windsor's application fee for a lot line adjustment is equivalent to those of other jurisdictions, and our application fees for variances, and easement vacations are approximately half of the amounts of these fees that are being charged by our neighbors for these actions. Our CUG application fee for residents, however, is 80 percent (80%) less than CUG application fees that are being charged by our neighbors.

I am recommending that our development fees for these types of applications for residents **not be increased** at this time because:

- ✓ The differences between our development fees charged to residents and those of surrounding jurisdictions for two out of three of these applications (lot line adjustments, variances and easement vacations) are not significant enough to justify raising these development fees charged to residents;
- ✓ The number of applications we receive for lot line adjustments, variances and easement vacations is very small and therefore the impact on staff time and costs to process these is nominal; and
- ✓ The number of CUG applications filed by residents, albeit these fees are 80% less than CUG application fees that are being charged by our neighbors, is almost nonexistent since the zoning ordinance was amended several years ago to add stricter criteria for CUGs.

IV. Recommendation on Development Fees for Applications filed by Developers

Twelve (12) of the most common development fees being charged by Windsor and the surrounding jurisdictions are shown on Exhibit 1, with the data on Exhibit 1 being illustrated with:

- ✓ Blue bars representing Windsor's development fees;
- ✓ Red bars representing the average development fees of other jurisdictions; and
- ✓ Green bars representing proposed increases to each of these fees.

Exhibit 2 illustrates that of these twelve development fees:

- ✓ One of these development fees has not been adjusted since 1992;
- ✓ Ten of these development fees have not been adjusted since 1996; and
- ✓ The remaining development fee for Wireless Telecommunications applications has not been adjusted since 2010 when this fee was adopted.

Staff is recommending that all twelve development fees **be increased** to the nearest \$500 increment above those that are being charged by the surrounding jurisdictions as shown on Exhibit 1 because:

- ✓ The development fees Windsor is charging for eleven of the twelve categories of fees are significantly below those being charged by neighboring jurisdictions for the equivalent applications, with the only exception being for preliminary major subdivisions which is virtually the same as those being charged by other jurisdictions;
- ✓ These increases will bring our fees in line with the development fees being charged by neighboring jurisdictions which have been reviewing and adjusting their development fees periodically;
- ✓ The difference between the development fees that are being charged by neighboring communities and an increase in our fees to the next \$500 increment above those our neighbors are charging is relatively small and therefore should not cause Windsor to become noncompetitive for economic development based solely on these new amounts of development fees;
- ✓ Rounding all fees up to the nearest \$500 increment will provide a consistency with all of our development fees; and
- ✓ Implementing this proposal at the present time with the \$500 increments that are only slightly more than the development fees that are currently being charged by our neighboring jurisdictions should alleviate having to raise these fees for several years.

NOTE: Staff is also recommending that a \$6,000 deposit be collected from applicants anytime the engineering department determines that the Town will need to contract with a consultant for an independent flood study review. Upon completion of the flood study review, any balance remaining of the \$6,000 deposit that was not used for the study will be refunded to the applicant.

V. Implementation

If there is a consensus on this proposal, staff is recommending the following implementation steps:

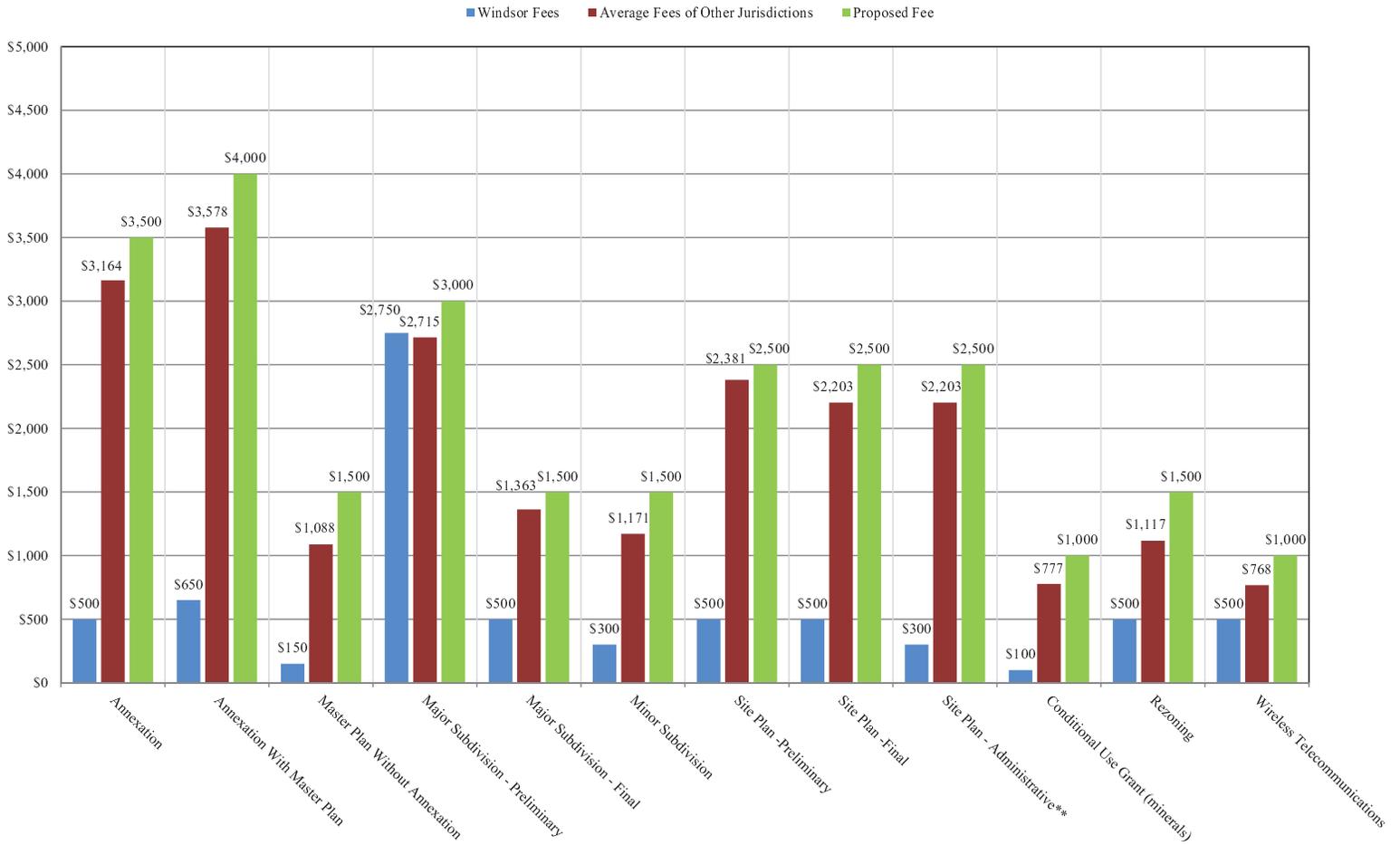
- ✓ Staff would coordinate an outreach meeting with our community development partners to advise them of the proposal and would report the outcome of the meeting to the Town Board; and
- ✓ If after hearing the feedback from the meeting with the community development partners the Town Board wishes to move forward on this proposal, staff would respectfully request further direction from the Town Board concerning:
 - An implementation schedule for the new fees; and
 - If the Town Board would like staff to perform a periodic review of building permit fees and development fees.

Enclosures: Exhibit 1: Bar Graph on Development Fees
 Exhibit 2: Spreadsheet on Development Fees



EXHIBIT 1

WINDSOR'S DEVELOPMENT FEES VS. OTHER JURISDICTIONS & PROPOSED FEE INCREASES



** Other jurisdictions did not list administrative site plans as a separate category so the fee for a final site plan has been applied in this example.



EXHIBIT 2

WINDSOR'S DEVELOPMENT FEES VS. OTHER JURISDICTIONS W/ PROPOSED FEE INCREASES (INCLUDES RESOLUTION NUMBERS INDICATING WHEN WINDSOR'S DEVELOPMENT FEES WERE ADOPTED)

Type of Fee	Windsor Fees	Average Fees of Other Jurisdictions	Difference		Resolution Number	Proposed Fee
			Amounts	Percentages		
Annexation	\$500	\$3,164	\$2,664	532.8	1996-06	\$3,500
Annexation With Master Plan	\$650	\$3,578	\$2,928	450.5	1996-06	\$4,000
Master Plan Without Annexation	\$150	\$1,088	\$938	625.3	1996-06	\$1,500
Major Subdivision - Preliminary	\$500, plus \$10 for each lot over 25 lots or \$2,750 for the example below	\$2,715	\$35	1.3	1996-06	\$3,000
Major Subdivision - Final	\$500	\$1,363	\$863	172.6	1996-06	\$1,500
Minor Subdivision	\$300	\$1,171	\$871	290.3	1996-06	\$1,500
Site Plan -Preliminary	\$500	\$2,381	\$1,881	376.2	1996-06	\$2,500
Site Plan -Final	\$500	\$2,203	\$1,703	340.6	1996-06	\$2,500
Site Plan - Administrative**	\$300	\$2,203	\$1,903	634.3	1996-06	\$2,500
Conditional Use Grant (minerals)	\$100	\$777	\$677	677	1992-18	\$1,000
Rezoning	\$500	\$1,117	\$617	123.4	1996-06	\$1,500
Wireless Telecommunications	\$500	\$768	\$268	53.6	2010-05	\$1,000
Totals	\$7,250	\$22,528	\$15,278	210.7		\$26,000

* Example: For a 250-lot subdivision, this fee would be \$2,750 (\$500 base fee for the first 25 lots, plus \$2,250 for the remaining 225 lots @ \$10 each)

** Other jurisdictions did not list administrative site plans as a separate category so the fee for a final site plan has been applied in this example.

Figures in red in the "Difference" columns represent that the fees that Windsor is charging for development reviews are less than the approximate costs other jurisdictions are charging for development reviews.

As it may be seen from the Preliminary Major Subdivision category outlined in rows 10 - 13 above, this is the only category in which Windsor's review fee is higher than other jurisdictions, although it is only 1.3 percent higher.



MEMORANDUM

Date: December 2, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Re: Vehicle Rental Businesses in General Commercial Zoning Districts
Item #: Work Session 2

Discussion Items:

The Town has received a request to consider allowing vehicle rental businesses in the General Commercial (GC) zoning district, and as it may be seen from the enclosed Exhibit "A" vehicle rental businesses are not allowed as a permitted use in this zoning district. As it may also be seen from the enclosed zoning map labeled as Exhibit "B", there are numerous locations throughout the Town where GC and GC-PUD General Commercial Districts are located.

Moreover, it appears as if the catalyst for the current request pertains to one of the specific locations of the GC district, which is on the northwest corner of Highway U.S. 34 (U.S. 34) and Weld County Road 17 (WCR 17) at the Iron Mountain Autoplex. Please further note that in addition to this property being zoned as GC, this particular location also falls within the cooperative planning area of the intergovernmental agreement (IGA) between Windsor and Greeley, with this cooperative planning area only allowing the land uses that are outlined in the enclosed Exhibit "C".

Additionally, as it may further be seen from the enclosed land use plan map labeled as Exhibit "D", the land use depiction for the aforesaid northwest corner of U.S. 34 and WCR 17 is depicted as an Employment Corridor. However, at the present time there isn't an Employer Corridor zoning classification in the Town's zoning code.

At the October 9, 2013 planning commission work session, the Planning Commission discussed the concept of allowing vehicle rental businesses in General Commercial (GC) zoning districts. Their discussion centered around the following scenarios:

- Should vehicle rental businesses be allowed in all General Commercial districts that are already established throughout Windsor?
- If so, should there be restrictions on the sizes, types, etc. of the inventory of trucks and other types of vehicles that are offered for rent?
- If not, should these types of businesses only be allowed in certain areas of Windsor, most notably at the intersection of U.S. 34 and Weld County Road 17 at the Iron Mountain Autoplex?
- Should a new General Commercial zoning district be established that would allow for all of the uses that are currently allowed in General Commercial zoning districts with the inclusion of these businesses?
- If these businesses were to be allowed, should they also be allowed to rent automobiles and similar vehicles out of the same business? and
- How would any change in either the zoning classification and/or permitted uses at the Iron Mountain Autoplex relate to the IGA between Greeley and Windsor?

The consensus of the Planning Commission at the October 9th work session was as follows:

- Recommend the creation of a new zoning district along the U.S. 34 corridor entitled something to the effect of “General Commercial (GC) - U.S. 34 Retail/Employment Corridor” zoning classification and district (consistent with land use plan map).
- This new district would allow all commercial uses that are currently allowed by the IGA between Greeley and Windsor, with the addition of vehicle rental businesses.
- These businesses would be allowed to operate as truck rental and automobile rental businesses, with specific criteria set forth in the zoning ordinance as to the types, sizes, etc. of the vehicles that would be allowed to be rented; and
- In accordance with the terms of the IGA, any zoning change and new land use that would be proposed along the U.S. 34 corridor would need to be referred to Greeley for their review and comments.

Please note that if it is the consensus of the Town Board to move forward with a proposal to allow vehicle rental businesses in any or all General Commercial districts, the next steps for adoption of the proposal would be:

- A neighborhood meeting
- Notice and referral to Greeley – which is a requirement of the IGA along the US 34 corridor
- Planning Commission public hearing and recommendation to Town Board
- Town Board public hearing and first and second readings of the ordinance
- Reciprocal Resolution by and between Windsor and Greeley approving an amendment to the IGA to allow this new land use within the US 34 corridor.
- Recording the Resolution.

Recommendation: The Town Board to provide direction to staff on this item.

Attachments: Exhibit “A” - List of permitted uses in the GC zoning district
Exhibit “B” - Zoning Map
Exhibit “C” - List of permitted uses in the Windsor-Greeley Cooperative
Planning Area GC zoning district
Exhibit “D” - Land Use Plan Map

pc: Gale Schick, Chairman, Windsor Planning Commission
Business and property owners, Southgate One, LLC

Exhibit "A"

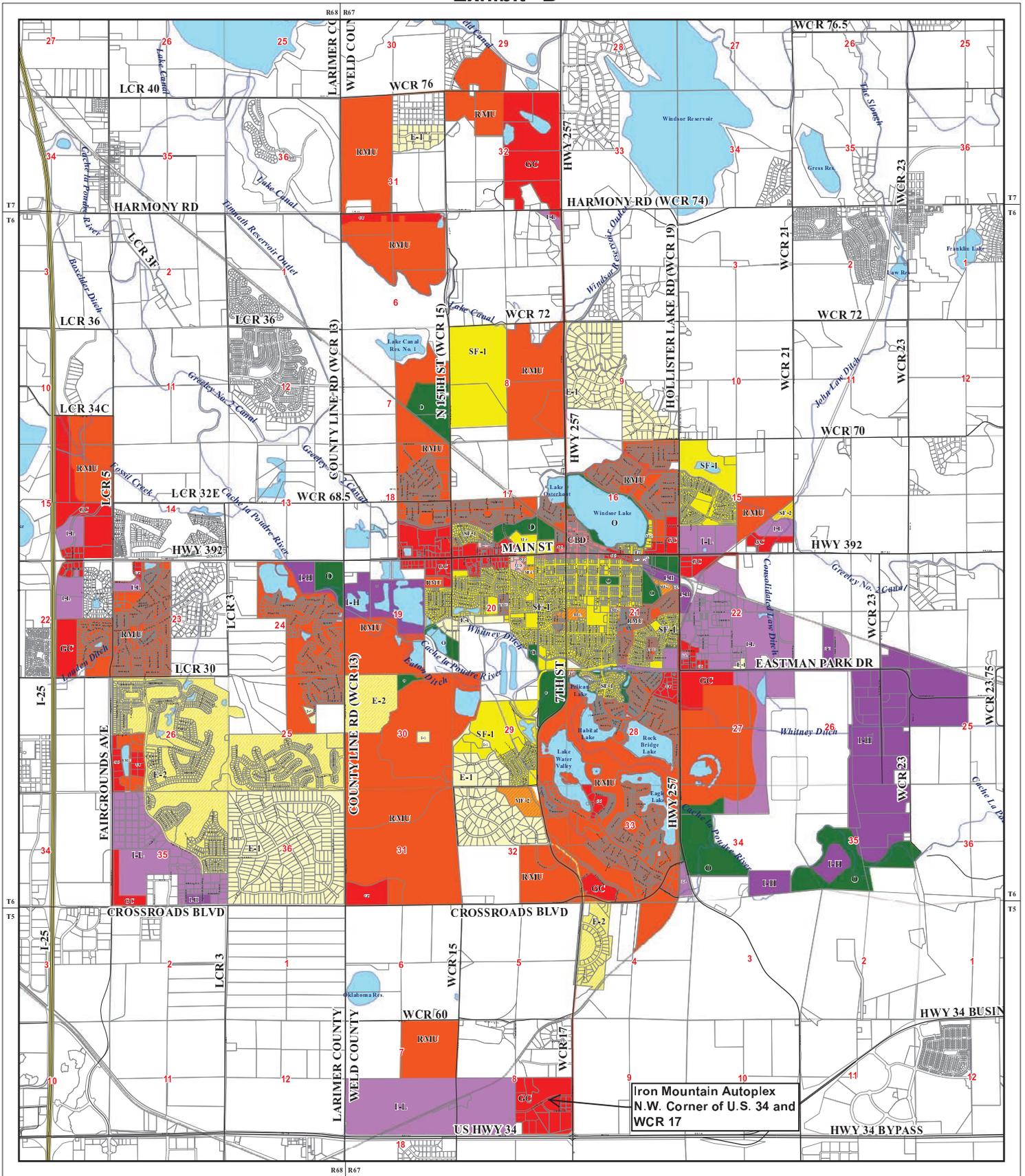
ARTICLE XIX

General Commercial GC District

Sec. 16-19-10. Use regulations.

- (a) Principal uses permitted by right. All uses by right as hereinafter set forth may be subject to approval of appropriate plans pursuant to the site plan regulations of the Town as are otherwise set forth in this Code.
- (1) Drive-in restaurants.
 - (2) Grocery stores and supermarkets.
 - (3) Gasoline service stations.
 - (4) Car washes.
 - (5) Commercial lodging.
 - (6) Restaurants and bars.
 - (7) Outdoor sales areas, such as garden shops.16-94
 - (8) Automobile sales and service establishments, including used car lots.
 - (9) Lumber and building supply yards.
 - (10) Public, private, commercial and private group outdoor recreational facilities.
 - (11) Bowling alleys.
 - (12) Business and professional offices.
 - (13) Places of assembly (small).
 - (14) Places of assembly (large).
 - (15) Other similar uses as defined in Section 16-2-20 of this Chapter.

Exhibit "B"



LEGEND							
	SF-2 Single Family Attached Res.		CBD Central Business District		I-L Limited Industrial		
	E-1 Low Density Estate		MF-1 Multi-Family Residential		NC Neighborhood Commercial		I-H Heavy Industrial
	E-2 High Density Estate		MF-2 High Density Multi-Family Res.		GC and GC-PUD General Commercial		O Recreation and Open Space
	SF-1 Single Family Residential		RMU Residential Mixed Use		PUD Planned Unit Development		



TOWN OF WINDSOR, CO ZONING MAP

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This map was prepared for the Town of Windsor, Colorado. Any use not shown on this map is not approved. This map is for informational purposes only. It is not intended to be used as a legal document. For more information, contact the Planning Department.

Map Date: 01/20/23
 Prepared by: [Name]
 Date: 01/20/23
 Scale: 1" = 1000'

Exhibit "C"
US HWY 34 LAND USE, SITE AND
BUILDING STANDARDS

The following land use and development standards are blended elements of the City of Greeley and Town of Windsor Development Codes and provide Overlay Development Standards for a portion of that area known as the "Strategic Employment Development Corridor (SEDC)" as described in the City of Greeley 2020 Comprehensive Plan west of State Hwy 257 (SH 257) as illustrated on the attached Exhibit A and hereinafter referred to as "Greeley/Windsor Employment Corridor (G/WEC)."

I. LAND USE

A. PRINCIPAL EMPLOYMENT CORRIDOR

1. Physical Area Defined:
The boundary of the principal G/WEC is ½ mile north and south of the US Hwy 34 west of SH 257 and east of WCR 13 (County Line Road);

2. Allowed Land Uses:
As described in the Comprehensive Planning documents for Greeley and Windsor the US Hwy 34 travel corridor is the preferred location for a mix of regional employment and community separator types of land uses. The principal land uses allowed in this corridor shall relate to principal employment functions, such as professional business park uses (e.g. "FIRE: Finance, Insurance, Real Estate"), light industrial and select medium industrial uses and special regional destination uses. Outside storage is not permitted in this area unless fully screened from all rights-of-way and adjacent non-industrially zoned lands, and where incidental clearly subordinate to the principal land use. The following land uses are considered principal uses in this corridor; further subject to the zoning district standards and review processes in the governing jurisdiction.
 - * adult schools, e.g. college or university facility, trade or business school
 - * amusement park
 - * arena or auditorium
 - * assembly
 - * beverage processing
 - * driving range
 - * fabrication
 - * farming
 - * financial institution



- * food processing (fully-enclosed facilities with no adverse environmental impacts)
- * golf course
- * greenhouse or nursery
- * hospital
- * kennels and animal care facilities
- * mail center
- * manufacturing (fully enclosed, light manufacturing activities)
- * medical supply
- * office
- * open space
- * publishing firms
- * quasi-public facilities (museum, fire & police, zoo, aquarium)
- * radio station
- * research/development lab
- * sports arena
- * stable
- * studios
- * television station
- * testing lab
- * theme park
- * transportation facilities (light rail stations and public transportation depots are permitted. Truck terminals and truck stops are prohibited)
- * veterinary clinics
- * warehouse
- * wholesale goods

Other accessory and supportive land uses, such as restaurants, are allowed only if incidental to the principal land use and located within an established employment, business or industrial park setting.

Retail operations representing "destination commercial" uses may be allowed on a case by case basis following the development referral process as described in this Exhibit and when mutually agreed upon by Greeley and Windsor in writing.

B. SECONDARY CORRIDOR AREA

1. Physical Area Defined:
The boundary of the secondary G/WEC area begins ½ mile back of the Principal Employment Corridor boundaries north and south of the US Hwy 34.

2. Allowed Land Uses:

Allowed land uses are those permitted within the annexing jurisdiction and may include residential, retail, restaurant, neighborhood commercial and other institutional uses as may be defined by the annexing jurisdiction.

II. SITE DESIGN

A. BUILDING ORIENTATION:

All portions of buildings facing a right-of-way shall be designed and oriented to offer a "front door" level of design to the traveling public (criteria for architectural treatments defined in Section III, below).

B. BUILDING AND STRUCTURE SETBACK:

All buildings and other structures, such as parking lots, shall be setback at least 100' from US Hwy 34. Setbacks from other rights-of-way shall be in accord with the jurisdiction within which the site is located.

C. LANDSCAPING:

Landscaping and buffering shall be designed and approved in accordance with the landscaping requirements of the jurisdiction within which the site is located and shall be designed in such a way as to present a coordinated entryway treatment along US Hwy 34 and WCR 17.

D. FENCING

Fencing used as part of a landscape treatment shall be designed and approved in accordance with the fencing requirements associated with landscaping of the jurisdiction within which the site is located and shall be designed in such a way as to present a coordinated entryway treatment along US Hwy 34 and WCR 17. No chain link fencing shall be permitted within the principal corridor area. Any proposals for chain link fencing within the secondary corridor area (1) shall meet all any chain link fencing requirements of the jurisdiction within which the site is located, and (2) must be approved by the municipalities.

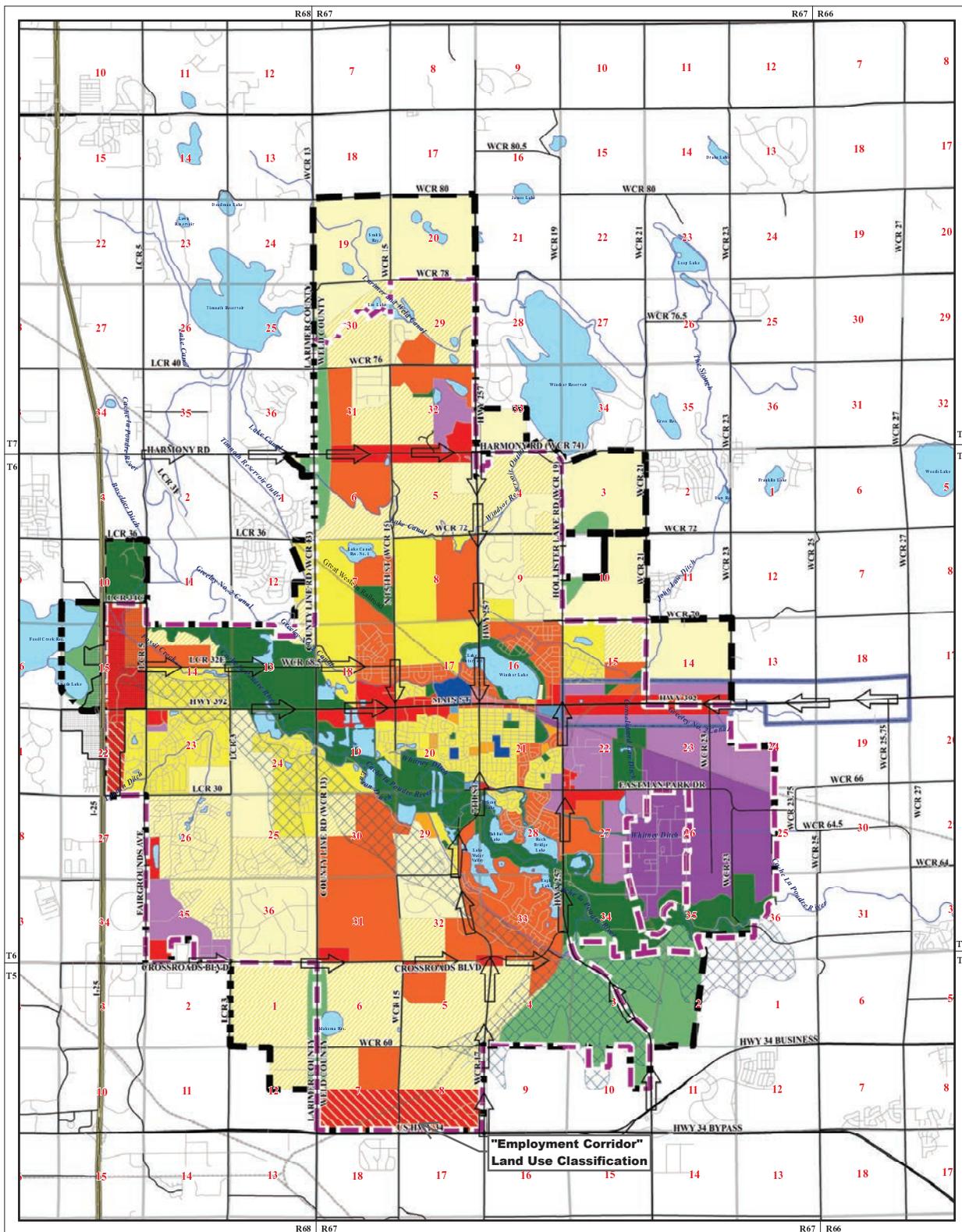
E. VEHICULAR ACCESS:

Site access will be provided in limited locations from adjacent arterial roadways and provide inter-connectivity between internal and adjacent land uses.

F. PARKING, LOADING, STORAGE:

The location and design of parking, loading and storage operations shall be designed and approved in accordance with the parking, loading and storage requirements of the jurisdiction within which the site is located.

Exhibit "D"



LEGEND	
Low Density Estate Single Family Residential (E-1)	Neighborhood & General Commercial
High Density Estate Single Family Residential (E-2)	Central Business District
Single Family Residential	Employment Corridor
Multi-Family Residential	Light Industrial
Residential Mixed Use	Heavy Industrial
Parks, Open Space, Mineral Extraction & Floodplains	Schools
Other Public/Semi Private	Bluff Region
Community Separator	Corridor Activity Center (CAC)
Lakes, Rivers, Ditches	Community Influence Area
Growth Management Area	Windsor, Greeley, Severance IGA Area
Arterial Entryways	



TOWN OF WINDSOR, CO
LAND USE MAP



This map was created for illustrative purposes only. Any representations from the public or other organizations of this map or its contents, whether intentional or not, are the sole responsibility of the user.
Updated: 11/5/2013
Updated by: stewart.ch
Created: 01/09/2012
Created by: daunt
File: LandUse2012.mxd



MEMORANDUM

Date: December 2, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Scott Ballstadt, AICP, Chief Planner
Subject: Discussion regarding research into Accessory Dwelling Unit (ADU) regulations
Item #s: Work Session Item #3

Discussion:

At the direction of the Planning Commission, staff prepared the attached information regarding Accessory Dwelling Units (ADUs) for preliminary discussion. The Planning Commission discussed the topic at their June 6, 2013 work session and again at the July 22, 2013 joint work session with Town Board, and staff was directed to bring back a draft ordinance for further discussion. The enclosed draft ordinance is modeled after the City of Arvada's ordinance pertaining to ADUs and is intended to ensure that the ADU is compatible with the surrounding neighborhood.

September 18, 2013 Planning Commission Work Session

The Planning Commission reviewed the draft ordinance at their September 18, 2013 work session and the consensus was that they would recommend that the Town Board direct staff to move the ADU ordinance forward, subject to further refinement regarding:

- Existing ADUs. The ordinance should address the treatment of any ADUs that may currently be in existence. Subject to discussion with the Town Attorney, the draft ordinance could possibly be revised to declare existing ADUs as legal nonconforming uses in existence prior to the adoption of the code.
- Home Occupations in the ADU. Although the Arvada example and the current draft ordinance prohibit home occupations from taking place in the ADU, there may be some low-impact home occupations that are appropriate to include as allowed uses.
- Utilities serving the ADU. The Planning Commission directed staff to research and confirm that the ADU can utilize the same water and sewer service lines as the principal dwelling. Per the draft ordinance, each and every ADU will require approval of a site plan which will verify compliance with all codes, including building and fire codes.
- Minimum size of the ADU. The minimum square footage of the ADU as defined in the draft ordinance has been increased from a minimum of 200 square feet to 500 square feet per the direction of the Planning Commission.

September 23, 2013 Town Board Work Session

Concerns raised at the September 23, 2013 Town Board work session included:

- Potential for the conversion of existing single-family residential neighborhoods to a multi-family use. Given this concern, the Board may choose to limit ADUs to future development proposals through the use of the Planned Unit Development (PUD) process. This option alleviates concerns pertaining to potential negative impacts to

existing neighborhoods as ADUs would not be allowed in existing residential neighborhoods.

The PUD approval process allows the developer to propose criteria that vary from the Town's normal zoning regulations, and the developer may choose to propose regulations similar to the draft ADU ordinance in any PUD approval. While this does not allow ADUs throughout Windsor, it ensures that future home buyers can make the choice whether or not to live in neighborhoods where ADUs are specifically allowed.

- A concern was also raised regarding parking and, since the draft ordinance requires an additional off-street parking space for each ADU, the potential for gravel parking areas added to existing driveways to meet this requirement. This may be addressed with the addition of a requirement regarding the parking surface material associated with ADUs.

Therefore, based on the aforementioned concerns, staff offers the following options for Town Board consideration:

- A. Allow ADUs throughout Town with adoption of draft ADU ordinance. Staff and the Town Attorney would make appropriate revisions to the draft ordinance to address all of the aforementioned Planning Commission concerns and also add a requirement that all off-street parking associated with ADUs be paved with the same material as the driveway serving the principal dwelling.
- B. Limit ADUs to new developments with Town approval of a PUD. Developers have the ability to propose a Planned Unit Development (PUD) overlay concurrently with master plans and subdivision plats to allow for ADUs, giving them the ability to address any parking or other issues during the PUD process.

Current Windsor Municipal Code

Chapter 16 (Zoning) of the Windsor Municipal Code defines *dwelling unit* as “a housekeeping unit designed and used for occupancy by a single individual or a family containing cooking, living, sleeping and sanitary facilities and having a separate entrance” and Section 16-8-40(b) of the code only allows for one principal residential structure on a lot.

Chapter 16 currently only allows for dwelling units as accessory uses in the commercial and industrial zoning districts. Those dwelling units are limited to residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business in the commercial zoning districts and for residential quarters for guards and caretakers in the industrial zones. Accessory dwelling units are not allowed in residential zones.

Existing Windsor Goals and Policies

While accessory dwelling units would require adoption of regulations in order to address parking, lot size, neighborhood compatibility, building/fire code and other potential impacts, the concept is supported by several of the Town's goals.

Conformance with Comprehensive Plan: Accessory dwelling units are consistent with the following Housing Goals and Policies of the Comprehensive Plan:

Goals:

1. Promote an adequate supply and variety of safe and economically achievable housing products to meet the current and future needs of the community.

2. Maintain housing that represents a diversity of style, density and price to meet the needs of Windsor residents.

Policies:

10. Encourage infill development of suitable vacant lots within the Town while considering density, zoning, and compatibility of surrounding land uses.
11. Encourage and facilitate the development of housing which offers alternative choices in lifestyle such as townhouses, apartments and condominiums.

Conformance with Vision 2025: Accessory dwelling units are consistent with Vision 2025 Housing Quality and Diversity Goal 1: “Provide choices for housing in town, not just single family homes.”

Relationship to Strategic Plan: Accessory dwelling units are consistent with Strategic Plan Vision #5: “Windsor residents enjoy a friendly community with housing opportunities, choices for leisure, cultural activities, recreation and mobility for all”

Recommendation:

Staff recommends that the Town Board provide staff with direction regarding accessory dwelling units so that staff may proceed accordingly.

Attachments: Draft ordinance
Example City of Arvada ADU application packet

pc: Mr. Gale Schick, Chairman, Windsor Planning Commission

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2013 - _____

AN ORDINANCE AMENDING CHAPTER 16 OF THE WINDSOR MUNICIPAL CODE FOR THE PURPOSE OF ADOPTING REGULATIONS FOR ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONING DISTRICTS WITHIN THE TOWN OF WINDSOR, COLORADO

[RECITALS HERE]

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

Section 1. Chapter 16 of the Windsor Municipal Code shall be amended by the addition of a new Article [Roman numerals here], which shall read as follows:

**ARTICLE [Roman numerals here]
ACCESSORY DWELLING UNITS**

Sec. 16-##-10. Statement of Intent.

The intent of this Article is to provide for additional accessory dwelling uses within areas zoned for residential use, while protecting the public health, safety and welfare through reasonable limitations on size, occupancy, density, and parking associated with such uses.

Sec. 16-##-20. General provisions.

Accessory Dwelling Units shall be permitted as an accessory use in conjunction with all single-family detached dwellings in single-family residential zone districts, subject to the following conditions:

1. **Compliance with Development Standards and Building Codes.** Every Accessory Dwelling Unit shall meet the same development standards applicable to the principal dwelling unit. In addition, every Accessory Dwelling Unit shall meet all applicable residential codes, fire codes, and property maintenance codes.
2. **Parking.** One (1) off-street parking space shall be required for an Accessory Dwelling Unit, which parking space shall be in addition to any parking otherwise required for the principle dwelling unit. The parking space required under this Section may be established in tandem with other required parking spaces.

3. **Accessory Dwelling Unit Size and Configuration.** Except as modified in **sub-section 4** below, the living space of the Accessory Dwelling Unit shall be no larger than the living space of the principal dwelling unit on the lot or parcel in question, and shall not in any event exceed 800 square feet. No Accessory Dwelling Unit shall be less than 500 square feet, and all Accessory Dwelling Units shall be designed and configured as either studio, or one bedroom, or two bedroom units. Square footage calculations, as contained herein, exclude any related garage, porch or similar area.
4. **Unit Size Exception.** The limitations of **sub-section 3 above** shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the living space of the Accessory Dwelling Unit is not larger than 50% of the entire principal dwelling unit, including the basement. For example, if a home has a 1,000 square foot of living space within the basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet of living space.
5. **Unit Occupancy.** No more than two (2) persons shall occupy an Accessory Dwelling Unit.
6. **Number of Accessory Dwelling Units per Lot or Parcel.** Only one Accessory Dwelling Unit shall be allowed for each lot or parcel.
7. **Owner Occupancy.** The property owner, as reflected in the books and records of the County Clerk and Recorder, must occupy either the principal dwelling unit or Accessory Dwelling Unit. In the case of a corporation, limited liability company, trust or other owner entity, owner occupancy by a natural person shall be established by resolution or other formal declaration by the entity.
8. **Existing Development on Lot.** A single-family dwelling shall exist as the principal use on the lot or parcel, or shall be constructed in conjunction with the Accessory Dwelling Unit. A certificate of occupancy for an Accessory Dwelling Unit will only be granted after a certificate of occupancy has been granted to the principal dwelling unit on the lot or parcel.
9. **Utility Service Requirements.** With the exception of telephone, television, electrical and internet service, Accessory Dwelling Units must be served through the utility services of the principal dwelling unit and shall not have separate services.
10. **Limitations on Garage-space Accessory Dwelling Units.** Garage space dedicated for use in conjunction with an ADU shall not exceed 250 square feet.

11. **Prohibited Accessory Dwelling Units.** Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an Accessory Dwelling Unit.
12. **Minimum Lot Size.** No Accessory Dwelling Unit shall be permitted on a lot or parcel consisting of less than six-thousand (6,000) square feet.

Sec. 16-##-30. Types of Accessory Dwelling Units.

The following designations shall identify three (3) distinct types of Accessory Dwelling Units:

1. **Type I:** An Accessory Dwelling Unit which is detached from the principal dwelling unit and considered a separate dwelling unit under the Residential Code.
2. **Type II:** An Accessory Dwelling Unit located inside a single family dwelling whose occupants and the occupants of the principal dwelling unit do not live together as a single household unit, and which is available for rent. Type II Accessory Dwelling Units typically have a separate access from the principal dwelling unit. In this case, both the Accessory Dwelling Unit and the principal dwelling unit to which it is accessory are considered separate dwelling units under the Residential Code.
3. **Type III:** An Accessory Dwelling Unit located inside a single family dwelling whose occupants and the occupants of the principal dwelling unit live together as a single household unit and which is neither rented nor locked off from the principal dwelling unit. In this case, the Accessory Dwelling Unit and principal dwelling unit shall be considered part of one dwelling unit under the Residential Code.

Sec. 16-##-40. Design-related limitations, provisions.

Each Accessory Dwelling Unit proposed for any location shall be approved in the form of a site plan, which shall, in addition to any other required contents, contain the following:

1. **Design.** To preserve the appearance of the single-family dwelling, Accessory Dwelling Units shall be designed in the following manner:
 - a. The design of the Accessory Dwelling Unit shall be compatible with the design of the principal dwelling unit by use of similar style, exterior wall materials, window types, door and window trims, roofing materials and roof pitch and colors.

- b. If the entrance to the Accessory Dwelling Unit is visible from an adjacent street, it shall be designed in a manner as to be clearly subordinate to the entrance of the principal dwelling.
 - c. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors.
2. **Outdoor Areas.** The site plan shall provide accessible outdoor space and landscaping for both the Accessory Dwelling Unit and the principal dwelling unit.

Sec. 16-##-50. Home Occupations Prohibited.

Home occupations shall not take place in an Accessory Dwelling Unit. However, subject to the regulations found in Chapter 16 of this Code with respect to home occupations, home occupations may be undertaken in the principle dwelling unit to which an Accessory Dwelling Unit is attached.

Section 16-##-60. Recorded Deed Restriction Required.

As a condition of Accessory Dwelling Unit approval and prior to issuance of a building permit for an Accessory Dwelling Unit, the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Zoning Official, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner stating that:

1. Ownership of the Accessory Dwelling Unit shall not be transferred separately from the principal dwelling unit, nor shall the lot or parcel upon which the Accessory Dwelling Unit is situated be subdivided.
2. The Accessory Dwelling Unit shall be restricted to the approved size, and shall not be expanded. Any modification of the approved Accessory Dwelling Unit site plan shall first be approved by the Town of Windsor.
3. The Certificate of Occupancy for the Accessory Dwelling Unit shall be in effect only so long as either the main residence, or the Accessory Dwelling Unit, is occupied by the owner of record as their principal dwelling unit as required by **Section 16-##-20 (7)** above.
4. If the Accessory Dwelling Unit is approved as Type III, the Accessory Dwelling Unit shall neither be rented nor locked off from the principal dwelling unit unless, prior to such action, the property owner has applied for and received approval for a change of designation to a Type II Accessory Dwelling Unit.

5. The above restrictions are binding upon any successor in ownership of the property.
6. Lack of compliance with deed restrictions may subject both the owner of the property and any Accessory Dwelling Unit occupant(s) to criminal prosecution and civil remedies, including but not limited to injunctive relief.
7. The deed restrictions shall lapse upon removal of the Accessory Dwelling Unit. To effect this intent, and upon verification of such removal, the Town shall execute documentation confirming release of the deed restriction. The property owner shall record the Town-executed documentation releasing the deed restriction. The property owner shall pay all required recording fees, and shall provide satisfactory written evidence that such recording was successfully completed.

Sec. 16-##-70. Procedure for Accessory Dwelling Unit Approval.

The approval of each Accessory Dwelling Unit shall be governed by the following procedures:

1. The property owner shall file an application for approval with the Planning Department upon such forms as may be approved by the Zoning Official. Upon completion of Planning Department review, the Zoning Official shall either approve the application as presented, deny the application as presented or approve the application with conditions. The Zoning Official shall base the determination and any conditions upon the express requirements and limitations of this Article.
2. Any applicant aggrieved by the Zoning Official's determination pursuant to this Section shall have a right to appeal to the Board of Adjustment as provided in Sections 16-6-40 and 16-6-50 of this Code.
3. The determination of the Board of Adjustment pursuant to this Section shall be deemed final agency action for purposes of judicial review.

[signature blanks for first reading & second reading]



**ACCESSORY DWELLING UNIT
TYPE A – DETACHED
TYPE B- ATTACHED
(Rentable and Lockable Unit)**

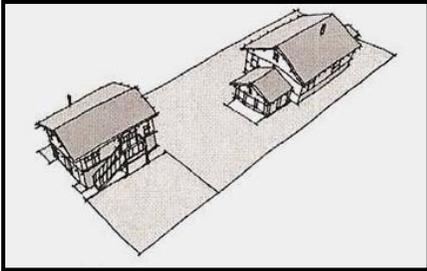
**Community Development Department
8101 Ralston Road
Arvada, Colorado 80002**

July 26, 2010

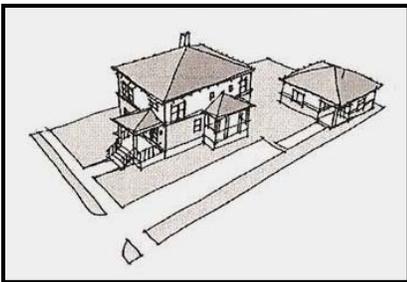
Accessory Dwelling Unit Types

Type A

Accessory Dwelling Unit which is detached from the principal dwelling



Type A - detached ADU with alley access



Type A - detached ADU with front loaded access off the street

Type B

An Accessory Dwelling Unit with the following characteristics:

- Located inside a single family dwelling, or
- Attached to a single family dwelling
- Whose occupants and the occupants of the principal dwelling do not live together as a single household unit and which is rented.
- Typically have a separate access from the principal dwelling.
- Which is locked off from the principal dwelling.

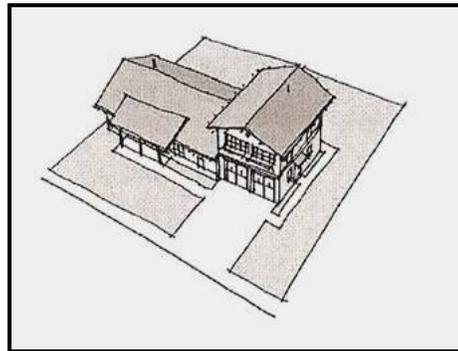
Both Type A and B Accessory Dwelling Units are considered a separate dwelling unit under the building code. Fire separation and a separate HVAC system are required.

Type C

An Accessory Dwelling Unit with the following characteristics:

- Located inside a single family dwelling, or
- Attached to a single family dwelling
- Whose occupants and the occupants of the principal dwelling live together as a single household unit and which is neither rented nor locked off from the principal dwelling.

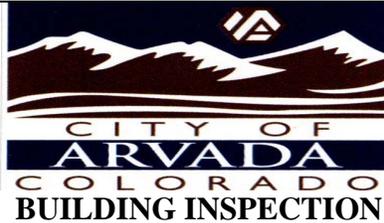
A Type C Accessory Dwelling Unit and principal dwelling shall be considered part of one dwelling unit under the building code. The HVAC system may be shared and fire separation requirements are treated differently.



Type B or C ADU - addition over garage



Type B or C- ADU located inside an existing dwelling



ADU
PERMIT NUMBER

Main Number: 720-898-7620/Inspection Request: www.arvadabuild.org
OR 720-898-7630/Fax: 720-898-7630
City Website: www.arvada.org

Type "A" or "B" Accessory Dwelling Unit Packet

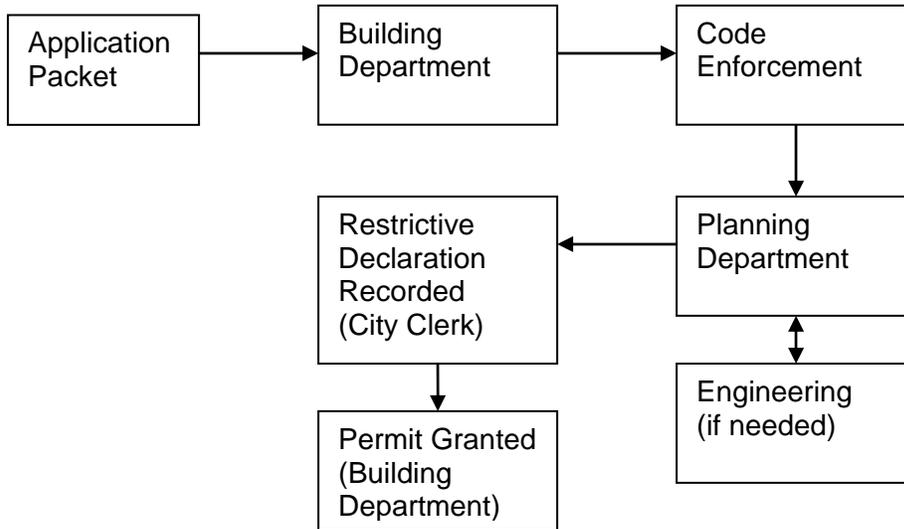
Attached is an application form for an Accessory Dwelling Unit (ADU) permit. It is used to apply for an ADU in a residential district on a single family home lot, and requires full compliance with the conditions of the city's ADU ordinance, as well as all applicable building codes. **Please allow a period of 2-4 weeks for processing.**

IMPORTANT: Neighborhood covenants may apply and restrict your ability to construct an Accessory Dwelling Unit. The issuance of a city permit for an Accessory Dwelling Unit does not eliminate the responsibility of a property owner to comply with applicable covenant restrictions. It is the responsibility of the property owner to determine if there are any covenants that may apply to and/or restrict an Accessory Dwelling Unit. The city is not liable for any action that a property owner takes in contradiction to applicable neighborhood covenants.

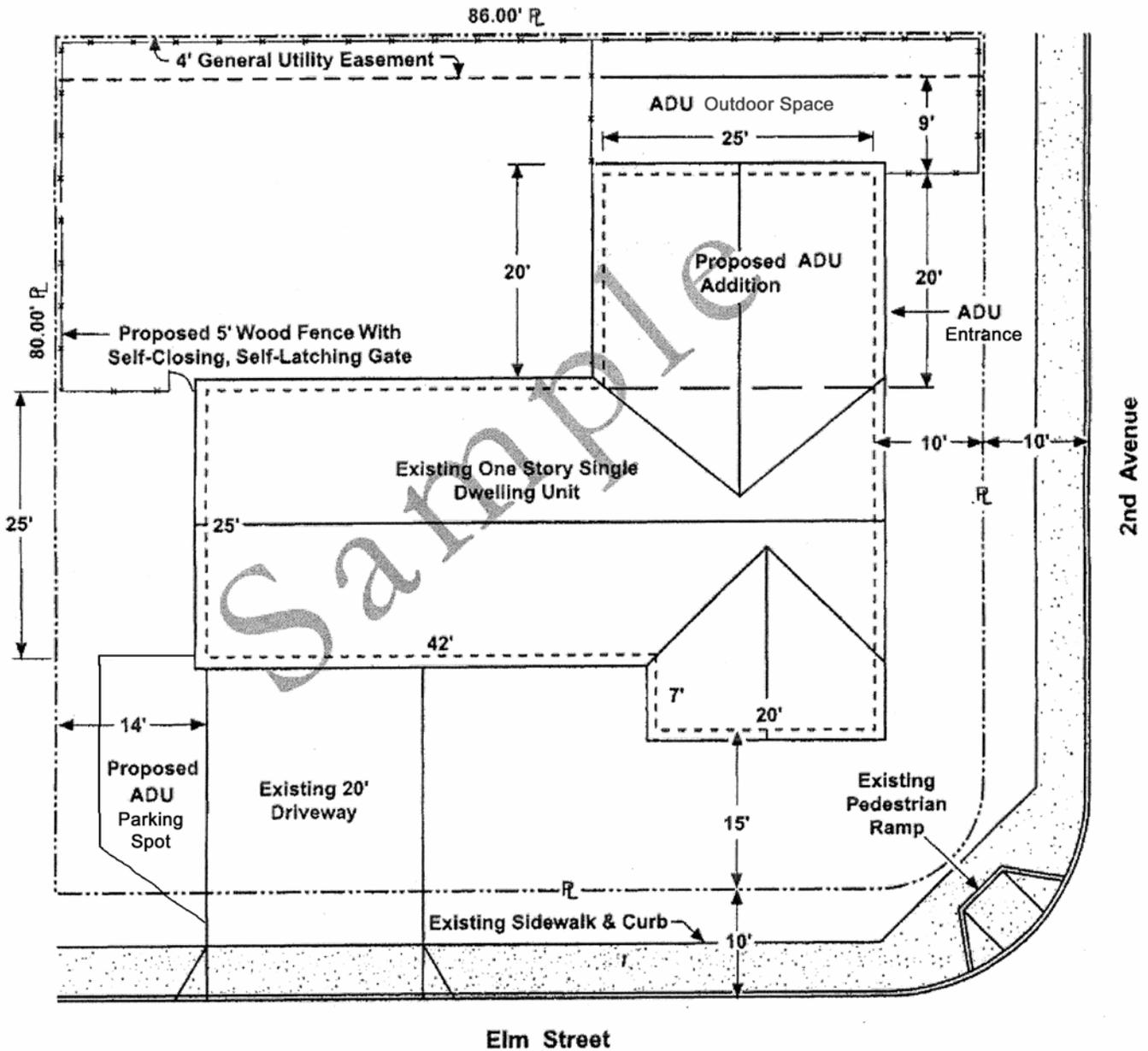
Please follow these steps in making your application:

1. Complete the ADU permit application packet, including: ADU application; building permit application; restrictive declaration form.
2. Attach a site plan (see example in packet) showing:
 - Existing zoning and all uses adjacent to property
 - Location of proposed ADU, the entrance and outdoor space
 - Location and measurements of existing house and garage
 - Lot size and lot coverage
 - Front, rear and side setbacks
 - Designated off street parking space for ADU
 - Square footage of the home, garage and the ADU (separately)
 - Maximum number of people to reside in the ADU
3. If the proposed ADU will be inside an existing dwelling or attached to an existing dwelling, include photos of the existing dwelling and building elevations of the proposed ADU.
4. Submit the completed ADU packet to the Building Department.
5. Once the above items are completed and submitted, Community Development, Engineering, Code Enforcement and Building Inspection will review plans and contact you with any questions or comments. See diagram below.
6. When staff review is complete and all conditions are met, the Building Department will notify you when your ADU permit is available.

Diagram of ADU Processing Steps:



Sample Site Plan for ADU



Primary Residence Address: 5500 Elm Street
 Proposed New Address: 5500 A Elm Street
 Proposed ADU Address: 5500 B Elm Street

Proposed ADU Maximum Residents: 2

Zoning: R-L
 Lot SF: 6,800
 House SF: 1,640
 Living SF: 1,140
 Garage SF: 500
 ADU SF: 500
 Lot Cov: 2,140 SF (31%)

Accessory Dwelling Unit Permit Application

An ADU permit can only be granted after all conditions, listed below, are checked and initialed by a City Planner. Please reference Section 5.3.3 of the LDC for a full description of each item.

Owner's Name: _____

Owner's Address: _____

Building Department Review:

___ Existing Development on Lot. A single-family dwelling must exist as a principal dwelling unit on the lot or be constructed in conjunction with the ADU. A certificate of occupancy will only be granted to an ADU after it has been granted to the principal dwelling unit;

___ Utility Service Requirements. ADU's must be connected to the sewer and water of the principal dwelling unit and may not have separate services;

Code Enforcement Review:

___ Conformance to Land Development Code. An ADU must meet the same development standards required for the principal dwelling unit, and a building permit is required;

___ Parking. One on-site (hard surface) parking space shall be required for an ADU. Parking for the ADU is in addition to the required parking for the principal dwelling unit. The required parking space may be in tandem with other required spaces;

___ Unit Size and Configuration. ADU's are subject to the following size requirements (square footage does not include garage, porch or similar areas):

- For ADU's constructed as an addition or as a detached structure and associated with a principal dwelling unit of 1000 square feet or more of living space, the ADU shall be no larger than 40% of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller.
- For ADU's constructed as an addition or as a detached structure and associated with a principal dwelling unit of less than 1000 square feet of living space, the ADU shall be no larger than 400 square feet.
- Where an ADU is to be located within the footprint of an existing home, the size limitations are no more than 50% of the principal dwelling.
- No ADU shall be less than 200 square feet, and
- All ADU's shall be designed and configured as either studio or one bedroom units.

___ Unit Occupancy. No more than two persons shall occupy an ADU of less than 600 square feet, and no more than three persons shall occupy an ADU ranging from 600 to 800 square feet. The maximum number of persons allowed to reside in the proposed ADU is _____.

___ Number of ADU's per Parcel. Only one ADU shall be allowed for each parcel;

___ Owner Occupancy. The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the principal dwelling unit or ADU;

___ Outdoor Areas. The site plan shall provide accessible outdoor space and landscaping for both the ADU and the principal dwelling unit;

___ Garage or carport space. If covered parking is to be dedicated for use in conjunction with an ADU it shall not exceed 250 square feet;

___ Home Occupations. Home occupations shall not be allowed in an ADU;

___ Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an ADU;

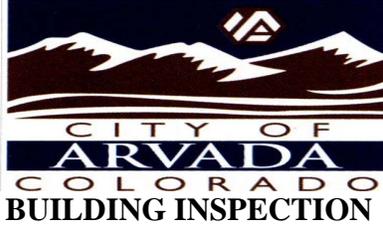
___ Deed Restriction. Before obtaining a building permit for an ADU, the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Director, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner (see Sec 5.3.3);

___ Site Plan. A completed site plan showing ADU location, setbacks, parking, square footage, percent lot coverage, entrance location, maximum number of residents. If property is comprised of two or more lots, then all related legal descriptions shall be provided;

Planning Review:

___ Design. To preserve the appearance of the single-family dwelling, ADUs shall be compatible with the design of the principal dwelling unit by use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch and colors (see Sec. 5.3.3). Photos of the principle home shall be provided along with proposed elevations (front and side view sketches)

ACCESSORY DWELLING UNIT



ADU
PERMIT NUMBER

Main Number: 720-898-7620/Inspection Request: www.arvadabuild.org
OR 720-898-7630/Fax:720-898-7630
City Website: www.arvada.org

DETACHED _____ ATTACHED _____

JOB ADDRESS _____

PROPERTY ZONING _____

LOT _____ BLOCK _____ SUBDIVISION _____ FILING _____

OWNER _____

ADDRESS _____ PHONE _____

CONTRACTOR _____ LICENSE NUMBER _____

ADDRESS _____ CITY _____ STATE _____

PHONE _____

CONTRACTOR _____ LICENSE NUMBER _____

COUNTY _____ LOT SQUARE FOOTAGE _____

LOT WIDTH _____ DEPTH _____ AREA _____ LOT COVERAGE (%) _____

FRONTS ON (N/S/E/W): _____

SET BACKS FROM PROPERTY LINE (Circle front)

NORTH ____ SOUTH ____ EAST ____ WEST ____ CORNER LOT? ____

SQUARE FOOTAGE(SQUARE FEET OF)

FINISHED _____ GARAGE _____ DECK _____ PATIO COVER _____

HEATING SYSTEM BTU _____ EFF % _____

TYPE OF HEATING SYSTEM: FORCED AIR ____ HOT WATER ____ RADIANT ____ OTHER ____

STATE CONTRACT BID OR VALUATION/COST OF CONSTRUCTION \$ _____.

DESCRIBE PROJECT IN DETAIL: _____

OFFICE USE ONLY

PLANNING DEPARTMENT APPROVAL: INITIALS _____ DATE: _____

ENGINEERING DIVISION APPROVAL: INITIALS _____ DATE: _____

FLOOD PLAIN APPROVED BY _____ DATE _____

NOTES _____

PLOT PLAN APPROVED BY _____ DATE _____

NOTES _____

PERMIT CONDITIONS: _____

VALUATION _____
PERMIT FEE..... _____
ASSESSMENTS _____
PLAN REVIEW..... _____
OTHER..... _____
TOTAL FEES _____

THE ISSUANCE OF A PERMIT, INSPECTIONS, OR CERTIFICATE OF OCCUPANCY SHALL NOT BE CONSTRUED TO BE A PERMIT FOR, NOR AN APPROVAL OF, ANY VIOLATION OF THE UNIFORM BUILDING OR OTHER CODE OR ORDINANCE ADOPTED BY THE CITY OF ARVADA. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE NOT TO START THIS PROJECT UNTIL THIS APPLICATION IS APPROVED AND VALIDATED, AND SHALL COMPLY WITH THE LAWS OF THE STATE OF COLORADO AND TO THE ZONING REGULATIONS AND INTERNATIONAL BUILDING CODE AS ADOPTED BY THE CITY OF ARVADA. ANY VIOLATION OF THE ABOVE NOTED TERMS WILL CAUSE IMMEDIATE REVOCATION OF THIS PERMIT.

PLANNING DEPT. APPROVAL **DATE**

CODE ENFORCEMENT APPROVAL **DATE** **PRINT NAME**

BUILDING DEPT APPROVAL **DATE** **APPLICANT SIGNATURE** **DATE**

Single Family to Duplex Conversion

When there is a change of use for a building, it is treated as a new building and must be upgraded to current code requirements for the proposed use, and a Certificate of Occupancy must be obtained. For an Accessory Dwelling Unit/ADU each dwelling unit shall comply with the minimum life safety requirements adopted by the City of Arvada at the time of application.

Building, Electrical, Mechanical, Plumbing and Energy Requirements:

Both units shall comply with the all current adopted ordinances and International Residential Code.

Detached Unit

Detached units shall comply with all current adopted ordinances and the International Residential Code.

Submittal Documents

- 2 - Plans & elevations (including existing building) with structurals and floor plans
- 2 - Plot plans – 8 ½" x 11" or 8 ½" x 14" max (on separate sheet from plans)
- 2 - Basement structural floor design and ventilation if needed
- 2 - Foundation plans, wet stamped by Colorado Engineer
- 1 - Permit application signed by applicant
- 1 - Heat calculations - one for each unit ACCA compliant Manual J and D
- 1 - RES check www.energycodes.gov
- 1 - Fixture count sheet
- 1 - Subcontractor form
- 2 - Soils report

**Declaration of Covenants, Conditions, and Restrictions
Pertaining to Accessory Dwelling Unit**

This Declaration of Covenants, Conditions, and Restrictions (the "Declaration") is made on the date hereinafter set forth by the undersigned (whether one or more, the "Declarant").

WHEREAS, Declarant is the owner of certain real property (the "Property") located in the City of Arvada, County of Jefferson, State of Colorado as follows: (Insert **legal** description or, if lengthy, reference Exhibit A and attach Exhibit A. A street address alone is insufficient.)

_____ ; and

WHEREAS, Declarant has applied to the City of Arvada Community Development Department for an Accessory Dwelling Unit ("ADU") pursuant to the Arvada Land Development Code, Section 5.3; and

WHEREAS, Declarant desires to enhance the quality, value, desirability and attractiveness of the Property, and to ensure compliance with all provisions of the Arvada Land Development Code pertaining to Accessory Dwelling Units;

NOW THEREFORE, Declarant hereby declares that the Property shall be owned, held, transferred, conveyed, sold, leased, rented, hypothecated, encumbered, used, occupied, maintained, altered and improved subject to the following covenants, conditions, restrictions, and other provisions set forth herein, all of which shall run with the title to such right, title or interest in the Property, or any part thereof:

1. The Declarant (at least one, if more than one) shall reside on the Property and such Property shall be the primary and permanent dwelling place of Declarant, excluding temporary absences and temporary stays elsewhere, and said Property shall be Declarant's legal residence.
2. Any Accessory Dwelling Unit placed on the Property shall not be sold separately from the principal dwelling unit, nor shall the portion of the Property on which the ADU is situated be subdivided from the portion on the Property on which the principal dwelling unit is situated, unless such subdivision can be accomplished in accordance with all provisions of the Arvada Land Development Code.
3. The Certificate of Occupancy for the Accessory Dwelling Unit shall be in effect only so long as either the principal dwelling unit or the ADU is occupied by the owner of record as the owner's principal place of abode, subject to any temporary waiver granted pursuant subsection 5.3.3 B.7 of the Arvada Land Development Code.
4. A lack of compliance with any of the provisions of this Declaration may subject the owner of the Property to any and all penalties provided for in the Arvada Land Development Code.
5. The City of Arvada shall have the right to enforce all covenants, conditions, restrictions, and other provisions of this Declaration, but failure to so enforce shall in no event be deemed a waiver of the right to do so thereafter.

6. This Declaration may be terminated only upon removal of the Accessory Dwelling Unit and the City of Arvada's confirmation thereof. To effectuate this intent, upon the request of the owner of the Property, and upon verification of such removal, the City shall execute appropriate documentation in order to facilitate the release of such encumbrance. The owner of the Property shall pay all required recording fees, and it shall be the owner's responsibility to ensure that any recording of such release is successfully completed.

7. The Accessory Dwelling Unit shall be restricted to the approved size.

8. This Declaration, and the Covenants, Conditions and Restrictions herein, shall be perpetual and constitute covenants running with the land and shall be binding upon the Declarant, and the heirs, successors and assigns of the Declarant, and all persons claiming under them.

9. Neither this Declaration, nor the Covenants, Conditions and Restrictions herein, shall be amended, terminated, or modified in any way without the consent of the City of Arvada, filed with the County Clerk and Recorder of Jefferson County Colorado.

Declarant:

Date:

Declarant:

Date:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____.

Witness my hand and official seal.

(SEAL)

Notary Public

My commission expires: _____



MEMORANDUM

Date: December 2, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Scott Ballstadt, AICP, Chief Planner
Subject: Report regarding 11/14/13 meeting with owners of unincorporated enclave properties
Item #s: Work Session Item #4

Discussion:

At the direction of the Town Board, staff sent a letter to all of the owners of unincorporated enclave properties surrounded by the Town and invited them to an informational open house at the rec center on November 14, 2013. The attendance sheet is enclosed; however, most attendees opted not to sign in.

Approximately 20 people were in attendance and staff answered questions regarding livestock, crops, hunting, utilities, etc. Staff reiterated several times that the Town Board is only interested in *voluntary* annexation by *willing* owners; however, it was apparent that the majority, if not all, of the property owners in attendance preferred to stay in the county for the time being.

pc: Mr. Gale Schick, Chairman, Windsor Planning Commission

11/14/13 OPEN HOUSE TO DISCUSS ENCLAVE PROPERTIES

Sign In Sheet

Name Address Email

SCOTT BAUSTADT 301 WALNUT ST. SBAUSTADT@

WINDSOR
COOL.COM

Sparky Eitenberg Severance

Robert Walker Loveland

Ronald L. Schnell Littleton, Co RLSchnell@a.com

Laurel Schnell lreschne11@a.com

Steve Schettler 507 Ventana

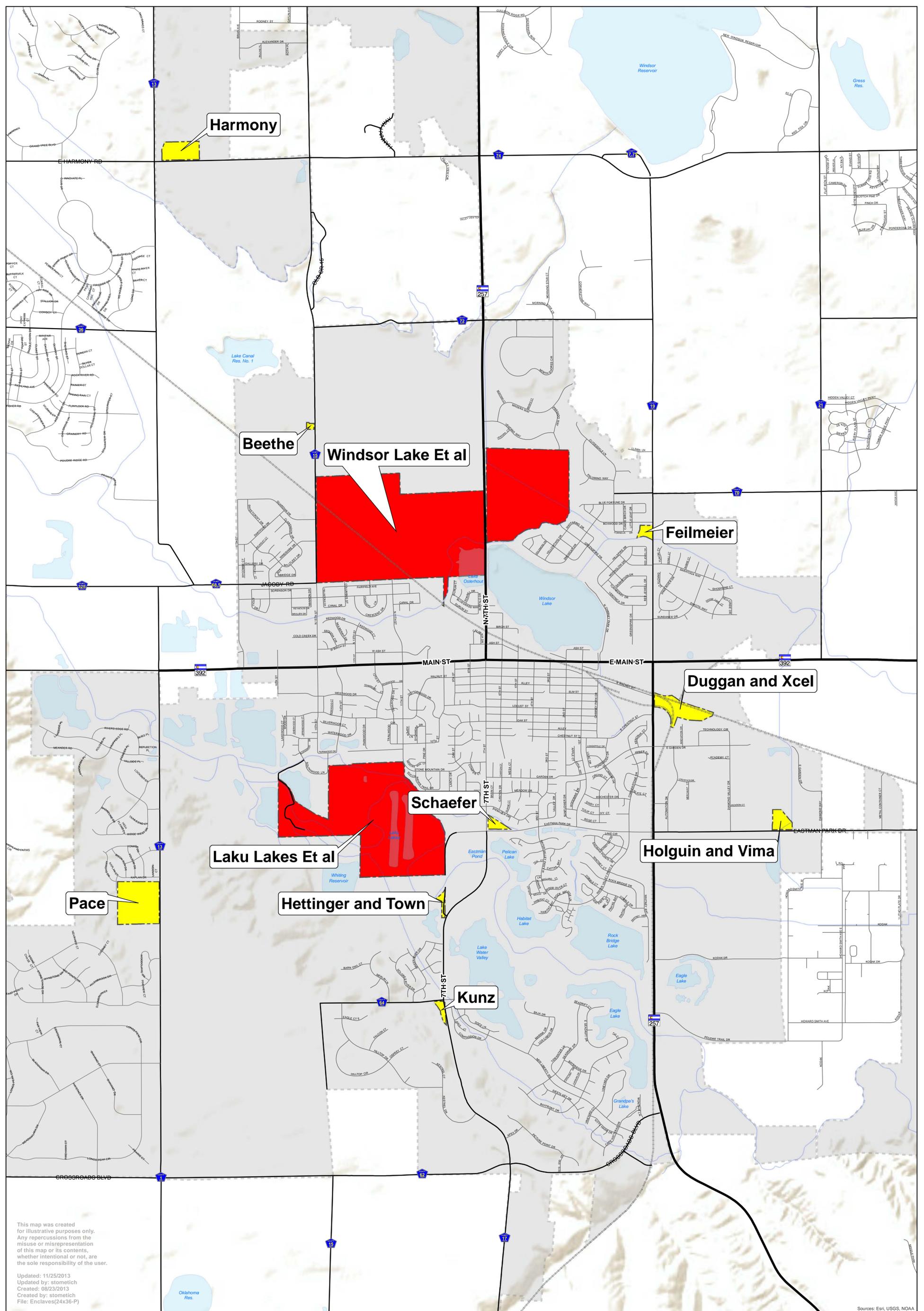
TERESE BEETHE 34429 WCR 15

DAUGLAS BEETHE 11 "

Alex Breneman 301 E Chestnut

* Dan Feimerer 33801 CR 19 dan@hpenenergyinc.com

↳ ~~send~~ send Dennis contact info



This map was created for illustrative purposes only. Any repercussions from the misuse or misrepresentation of this map or its contents, whether intentional or not, are the sole responsibility of the user.

Updated: 11/25/2013
 Updated by: stometich
 Created: 08/23/2013
 Created by: stometich
 File: Enclaves(24x36-P)

Sources: Esri, USGS, NOAA



ENCLAVES



Town Limits



1:15,000



FUTURE TOWN BOARD MEETINGS

Work Sessions & Regular Meetings will be held in the Board Chambers unless otherwise noted.

December 9, 2013 5:30 p.m.	CRC expansion discussion follow up Chapter 17 review – request by developer
December 9, 2013 7:00 p.m.	Town Board Meeting
December 16, 2013 6:00 p.m.	Town Board Work Session Joint meeting with the Historic Preservation Commission Museum strategic plan
December 23, 2013	Town Board Meeting and Work Session – Cancelled
December 30, 2013	Fifth Monday
January 6, 2014 6:00 p.m.	Town Board Work Session Town oil & gas revenue for school district foundation purposes
January 13, 2014 5:30 p.m./First floor conference room	Board/Manager/Attorney Monthly Meeting
January 13, 2014 7:00 p.m.	Town Board Meeting Kern Board Meeting
January 20, 2014 5:30 p.m./CRC	Joint Work Session Fire, School & Library Districts
January 27, 2014 6:00 p.m.	Town Board Work Session
January 27, 2014 7:00 p.m.	Town Board Meeting
February 3, 2014 6:00 p.m.	Town Board Work Session
February 10, 2014 5:30 p.m./First floor conference room	Board/Manager/Attorney Monthly Meeting
February 10, 2014 7:00 p.m.	Town Board Meeting
February 17, 2014 6:00 p.m.	Town Board Work Session
February 24, 2014 6:00 p.m.	Town Board Work Session
February 24, 2014 7:00 p.m.	Town Board Meeting

Additional Events

December 6, 2013 6:00 p.m.	Town of Windsor End of Year Banquet Windsor Community Recreation Center
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Future Work Session Topics

None.