



## TOWN BOARD WORK SESSION

July 7, 2014 – 6:00 P.M.

Town Board Chambers

301 Walnut Street, 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.

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**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. Proposed code language differentiating between large retail establishments and large entertainment establishments – J. Olhava
2. Discussion regarding regulations for accessory dwelling units (ADUs) in residential zoning districts – S. Ballstadt
3. Discussion regarding proposed Code amendments; nuisance abatement procedures – J. Michaels, I. McCargar
4. Strategic Plan Draft Review – P. Garcia, K. Unger
5. Future meetings agenda



## MEMORANDUM

**Date:** July 7, 2014  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Joseph P. Plummer, AICP, Director of Planning  
**From:** Josh Olhava, Associate Planner  
**Subject:** Proposed code language differentiating between large retail establishments and large entertainment establishments  
**Item #:** Work Session - 1

### Discussion:

On April 17, 2013, the Planning Commission granted a variance of Chapter 17, Article XIII Division 2, determining that the forthcoming Summit Entertainment Center project should not be considered a "large retail establishment" and is not subject to those standards. It was determined that the project is primarily an "entertainment" establishment as opposed to retail and would be more appropriately reviewed in accordance with the Commercial Corridor Plan and I-25 Corridor Plan standards. Please see the enclosed excerpt from the April 17, 2013 Planning Commission minutes and staff memo. The proposed code language amendment would distinguish between such "retail" and "entertainment" uses.

Also discussed during the Summit project was the use of tilt up concrete panels. The Commercial Corridor Plan permits tilt up concrete panels as an allowable building material but Section 17-13-280(2)b does not allow the use of tilt up concrete panels for use in large retail establishments. The Town has numerous examples of high quality projects which utilize tilt up concrete panels and the proposed language would eliminate the aforementioned prohibition.

Chapter 17, Article XIII, Division 2 of the Municipal Code outlines the Design Criteria and Procedures for Large Retail Establishments. Staff has reviewed all sections of the aforementioned Article and Division of the Code and has proposed the following additions and subtractions. For reference all text underlined/bold is new text that is proposed, while any text that is depicted as strike-through/bold is proposed to be eliminated.

### **Sec. 17-13-210. Supplementary regulations.**

No large retail establishment occupying more than fifty thousand (50,000) square feet of gross leasable area (GLA), as defined in Section 16-2-20 of this Code, shall be approved for construction or occupancy unless such establishment has been determined by the Town Board to be in compliance with this Division, including subsequent amendments thereto. In addition to the foregoing, no large retail establishment occupying more than fifty thousand (50,000) square feet of GLA shall be approved for construction or occupancy unless such establishment has obtained approval of a qualified commercial site plan approval by the Town Board in accordance with the requirements and standards set forth in this Code. (Ord. 2010-1393 §1)

**The Design Criteria and Procedures set forth in this Division 2 of Article XIII of Chapter 17, shall exclude large entertainment establishments that are otherwise located within a Commercial Corridor Plan, Intergovernmental Agreement or other area governed by other site plan development standards. For the purposes of this section, large entertainment establishments shall be defined as any facility that, as its primary business, is devoted to recreational or entertainment uses, such as showing motion pictures or dramatic, musical or live performances or containing amusement facilities such as bowling, billiards, and video arcades.**

**Sec. 17-13-280. Materials and Colors.**

(2) Prohibited materials. Predominant exterior building materials shall not include:

- a. Smooth-faced concrete block.
- b. ~~Tilt-up concrete panels.~~**
- c. Prefabricated steel or other metal panels.

**Sec. 17-13-320. Parking lot orientation.**

(1) No more than eighty-five percent (85%) of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade ~~of the large retail establishment~~ and the abutting streets, or "front parking area." If the applicant proposes more than eighty-five percent (85%) of the parking to be located in the front parking area and, in the determination of the Planning Commission and Town Board, the applicant's proposal is equal to or better than the parking lot configuration which meets the eighty-five-percent standard, the Planning Commission may make a recommendation regarding the alternative proposal to the Town Board for final determination.

**Recommendation:**

Town Board to reach a consensus and support staff's revised code amendments per the Planning Commission's direction.

**Attachments:**

Excerpt from the April 17, 2013 Planning Commission minutes  
Staff memo from the April 17, 2013 Planning Commission minutes

pc: Ian McCargar, Town Attorney  
Windsor Town staff

- m. The following certification blocks shall be included on the Drilling and Site Improvement Plans:
  - (1) A signed owner's acknowledgement certification block.
  - (2) A signed drilling operator's acknowledgement certification block.
- n. The following notes shall be included on the Drilling and Site Improvement Plans:
  - (1) The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC).
  - (2) The applicant shall comply with all rules and regulations of the Colorado Department of Public Health and Environment (CDPHE).
  - (3) The applicant shall maintain on-going compliance with all conditions of the Town and Windsor-Severance Fire Rescue.
  - (4) The facilities shall be kept clean and otherwise properly maintained at all times.
  - (5) The existing access may be utilized for oil and gas well activities. This access point is temporary and will be required to be removed at such time that permanent access is available in the future.
- 2. The applicant shall address and comply with the conditions of Windsor-Severance Fire Rescue.
- 3. The applicant shall address and comply with the comments and conditions of the Town of Windsor Engineering Department.

There were no additional questions or comments from Commissioners.

**Mr. Ehrlich moved to forward a recommendation of approval to the Town Board of the Conditional Use Grant subject to the aforementioned conditions. Mr. Cox seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Steve Scheffel, David Cox, Wayne Frelund; Nays – None. Motion carried.**

**6. Variance of Chapter 17, Article XIII, Division 2 Large Retail Establishment requirements in accordance with Chapter 17, Article XII of the Municipal Code – Eagle Crossing Subdivision, Second Filing, Lot 1 (Family Fun Center) - 4455 Fairgrounds Avenue – Summit Companies, Inc., applicant/Gary Dennison, Vaught Frye Larson Architects, applicant's representative – S. Ballstadt**

Mr. Ballstadt began by stating the applicant, Summit Entertainment Centers, represented by Mr. Gary Dennison, Vaught Frye Larson Architects, is preparing to submit a site plan application proposing a "family entertainment center" on the property, including bowling, laser tag and restaurant facilities. The existing zoning of the property is General Commercial (GC), which allows for the proposed uses as a use by right. He added the Eagle Crossing property was annexed as the Windsor Highlands Ninth Annexation and, per an amendment to the annexation agreement, development of the property will be subject to the Town's Commercial Corridor Plan (CCP) standards. In addition to the CCP standards, the design criteria for large retail establishments outlined in Chapter 17, Article XII, Division 2 may also apply if the proposed building exceeds 50,000 square feet of gross leasable area (GLA). Therefore, the subject variance request is being processed in advance of the site plan application so that the applicant can design the building and site plan to the appropriate criteria.

Section 17-13-210 of the Municipal Code refers to “large retail establishment” as “occupying more than fifty thousand (50,000) square feet of gross leasable area (GLA)”, requiring such establishments to obtain Town Board approval upon meeting additional architectural and site plan criteria. However, the term “large retail establishment” is otherwise undefined and does not differentiate between various types of commercial uses.

Mr. Ballstadt went on to explain the proposed building will be approximately 57,230 square feet in size; however, the retail sales of tangible goods consists of the redemption space and only amounts to approximately 662 square feet or about 1% of the building with approximately 30% of the square footage of the building is dedicated to bowling lanes and equipment and is not space that is occupied by customers or employees. Gaming, laser tag and restaurant/bar areas occupy the remainder of the building. Mr. Ballstadt reminded Commissioners that although sales tax is charged on food and drink, staff recalls that, at the time of adoption, the primary intent of the large retail establishment regulations pertained to retailers that sell tangible retail goods as opposed to restaurants and entertainment establishments. The real question posed by this variance request is whether the focus should be on *retail sales* as the operative word in “large retail establishments”, or whether the focus should simply be on the *footprint* of the establishment, even if retail sales of goods are a small component of the establishment.

Mr. Ballstadt commented the large retail establishment architectural requirements are also intended to prevent the “big box” appearance of such uses, adding the enclosed draft sketch of the front building elevation shows the forthcoming site plan will include varying heights and architectural elements to break up the façade and to make for an attractive building.

Mr. Nick Cashion, Summit Entertainment, LLC, briefly addressed the Commission stating 30% of the facility will be occupied by bowling lanes, with large event and party rooms adjacent to the lanes. He added his team is discussing a slightly smaller footprint for the building, likely just under 50,000 square feet, however, they may propose something slightly greater than 50,000 square feet to include storage and office space.

Mr. Ballstadt then concluded in accordance with Chapter 17, Article XII of the Municipal Code and the aforementioned justification, staff recommends that the Planning Commission approve the variance request, noting a draft Site Plan has been received by the Planning Department, and that plan may come to the Planning Commission for review in May. He also noted this particular section of the Code may be reviewed in the future to address situations such as these.

Mr. Schick agreed stating the original intent of “big box” planning focused on retail locations, not facilities such as these. Mr. Ehrlich agreed.

**Mr. Ehrlich moved to approve the variance request. Mr. Tallon seconded the motion. Roll call on the vote resulted as follows: Yeas – Gale Schick, Paul Ehrlich, Victor Tallon, Steve Scheffel, David Cox, Wayne Frelund; Nays – None. Motion carried.**

7. Public Hearing – An Ordinance Amending Chapter 16 of the Windsor Municipal Code with respect to building location requirements – S. Ballstadt

Mr. Ballstadt stated this ordinance is proposed as a “house-keeping” amendment associated with the adoption of the building codes intended to align the building location requirements of the Municipal Code with those in the International Residential Code (IRC) and the International Building Code (IBC). He noted table R302.1(1) of the 2012 IRC allows building eaves to extend no closer than two (2) feet from a property line and this is consistent with Section 16-11-50(b)(2) of the Municipal Code currently states, “Roof structures, including eaves, cornices, canopies and similar architectural features, may extend to within two (2) feet of the lot line.” The IRC also



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## MEMORANDUM

**Date:** April 17, 2013  
**To:** Planning Commission  
**Via:** Joseph P. Plummer, AICP, Director of Planning  
**From:** Scott Ballstadt, AICP, Chief Planner  
**Subject:** Variance of Chapter 17, Article XIII, Division 2 Large Retail Establishment requirements in accordance with Chapter 17, Article XII of the Municipal Code – Eagle Crossing Subdivision, Second Filing, Lot 1 (Family Fun Center) - 4455 Fairgrounds Avenue  
**Item #s:** C.6

### **Discussion:**

The applicant, Summit Entertainment Centers, represented by Mr. Gary Dennison, Vaught Frye Larson Architects, is preparing to submit a site plan application proposing a “family entertainment center” on the property, including bowling, laser tag and restaurant facilities. The existing zoning of the property is General Commercial (GC), which allows for the proposed uses as a use by right.

The Eagle Crossing property was annexed as the Windsor Highlands Ninth Annexation and, per an amendment to the annexation agreement, development of the property will be subject to the Town’s Commercial Corridor Plan (CCP) standards. In addition to the CCP standards, the design criteria for large retail establishments outlined in Chapter 17, Article XII, Division 2 may also apply if the proposed building exceeds 50,000 square feet of gross leasable area (GLA). Therefore, the subject variance request is being processed in advance of the site plan application so that the applicant can design the building and site plan to the appropriate criteria.

Section 17-13-210 of the Municipal Code refers to “large retail establishment” as “occupying more than fifty thousand (50,000) square feet of gross leasable area (GLA)”, requiring such establishments to obtain Town Board approval upon meeting additional architectural and site plan criteria. However, the term “large retail establishment” is otherwise undefined and does not differentiate between various types of commercial uses.

According to the enclosed variance request, the proposed building will be approximately 57,230 square feet in size; however, the retail sales of tangible goods consists of the redemption space and only amounts to approximately 662 square feet or about 1% of the building. Approximately 30% of the square footage of the building is dedicated to bowling lanes and equipment and is not space that is occupied by customers or employees. Gaming, laser tag and restaurant/bar areas occupy the remainder of the building. Although sales tax is charged on food and drink, staff recalls that, at the time of adoption, the primary intent of the large retail establishment regulations pertained to retailers that sell tangible retail goods as opposed to restaurants and entertainment establishments. The real question posed by this variance request is whether the focus should be on *retail sales* as the operative word in “large retail establishments”, or whether the focus should simply be on the *footprint* of the establishment, even if retail sales of goods are a small component of the establishment.

Obviously, the large retail establishment architectural requirements are also intended to prevent the “big box” appearance of such uses. As can be seen by the enclosed draft sketch of the front building elevation, the forthcoming site plan will include varying heights and architectural elements to break up the façade and to make for an attractive building.

**Conformance with Comprehensive Plan:** The forthcoming site plan will be consistent with Commercial and Industrial Land Use Goal 3 of the Comprehensive Plan: Windsor should continue to encourage and promote commercial and industrial development, redevelopment and expansions in order to strengthen its tax base, increase revenue sources, and provide high-quality employment opportunities for its residents.

**Conformance with Vision 2025:** The application is consistent with Vision 2025 Economic Vitality Goal 3: “Grow and Diversify the Windsor economy.”

**Relationship to Strategic Plan:** The proposal advances the Strategic Plan Goal 3: “Diversify, Grow, and Strengthen the Local Retail and Industrial Economy”

**Recommendation:** In accordance with Chapter 17, Article XII of the Municipal Code and the aforementioned justification, staff recommends that the Planning Commission approve the variance request.

**Notification:** n/a

**Neighborhood Meeting(s):** n/a

**Attachments:** narrative variance request and sketch materials

pc: Ian McCargar, Town Attorney  
Summit Entertainment Centers, applicant  
Gary Dennison, AIA, Vaught Frye Larson Architects, applicant’s representative



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## MEMORANDUM

**Date:** July 7, 2014  
**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 regulations for accessory dwelling units in residential zoning districts within the Town of Windsor  
**Item #:** Work Session - 2

### **Discussion:**

Following recent Town Board consideration of regulations regarding Accessory Dwelling Units (ADUs), Ordinance No. 2014-1473 failed on second reading on April 28, 2014 due to lack of a super majority vote as required by the Town Charter (please see enclosed excerpt of meeting minutes). At the May 12, 2014 work session, the Town Board directed staff to schedule further discussion of ADUs and that is the purpose of this item.

While the previously proposed ordinance would have addressed issues such as minimum and maximum size of an ADU, design, parking requirements and other items, the primary areas of concern that were previously raised by the Town Board included:

### **ADU Occupancy Limit**

The ordinance proposed a maximum occupancy of two (2) persons as follows:

**Sec. 16-33-20.(f) Unit Occupancy.** No more than two (2) persons shall occupy an Accessory Dwelling Unit.

The concern over this limitation centered on the example of a young couple who give birth to a child and find themselves in violation of the maximum occupancy. The intent of the maximum occupancy limitation is to protect against overcrowding, parking and other issues. Given the previously discussed maximum size of 950 square feet, ADUs may be too small for some growing families. One option the Town Board could choose is to increase the maximum occupancy limit to address the example of a young couple with a baby.

### **Notification to Homeowner's Associations (HOAs) and metro districts**

Following direction from the first reading of the ordinance at the April 14, 2014 Town Board meeting, staff created a page on the Town's website dedicated to ADUs and also emailed notice of the second reading, a copy of the ordinance and informational materials to the metro district and HOA contact lists on file. Only one metro district representative responded at that time and they indicated that they had no concerns with the ordinance.

At the Town Board's second reading of the ordinance, concerns remained regarding HOAs and metro districts that may not have had adequate time to consider ADUs or properly address them in respective documents; therefore, additional outreach may be necessary. Additionally, if the Town Board decides to re-consider ADUs, they may also wish to consider a delay in the effective date of an ADU ordinance to allow time for HOAs and metro districts to make any changes to their respective documents as they see fit.

Staff did receive one additional response following second reading. The enclosed email dated 4/30/14 from Mr. Martin Lind, Water Valley Land Company, supports the Town's consideration of ADUs but recommends that applications for ADUs be reviewed and approved by any respective HOA or metro district as well as the Town.

The proposed ordinance acknowledged private requirements as follows:

**Sec. 16-33-20.(b) Compliance with Restrictive Covenants.** If the parcel upon which an Accessory Dwelling Unit is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this Article shall be considered minimum requirements. Any such association shall have the right to lawfully adopt more stringent standards for Accessory Dwelling Units, including the outright prohibition of Accessory Dwelling Units, for any parcel within the regulatory authority of such association.

One of the primary purposes of the ADU ordinance is to outline the Town's criteria with which each ADU application must comply in order to provide an equal opportunity to property owners. Similarly, if the Town were to require HOA or metro district approval of an ADU application, such HOA or metro district approval would need to be firmly based upon adopted covenants and requirements that apply to all property owners within the applicable neighborhood.

### **Inventory of Lots Eligible for an ADU**

Without performing a lot-by-lot analysis of every lot in Town, it would be difficult to identify which lots may or may not be eligible for an ADU, which is why the proposed ordinance would require review and approval of a site plan. Detached ADUs and ADUs proposed as an addition to an existing home would require review of lot size, setbacks, offsets, easements, utilities, existing outbuildings, parking, etc. Those ADU's that are proposed to be located wholly within an existing structure would not require all of the aforementioned reviews but, at a minimum, access to each unit and parking would still require review.

### **Enforcement**

As proposed, the ADU ordinance did not anticipate "registering" or "tracking" occupants of ADUs to monitor compliance. Similar to other Town ordinances, enforcement of an ADU ordinance would be prompted by citizen complaints if occupancy, parking or other issues arise.

**Recommendation:** Staff recommends that the Town Board consider the aforementioned information and provide staff with direction regarding ADUs.

**Notification:** Notice is not required for this work session item, however, previous notification regarding ADUs includes:

- Notice of March 19, 2014 Planning Commission public hearing published in March 7, 2014 Greeley Tribune
- Notice of April 14, 2014 Town Board public hearing published in March 7, 2014 Greeley Tribune
- Notice of both public hearings posted on Town website March 7, 2014
- Notice of April 28, 2014 Town Board meeting, ordinance and informational materials were emailed to metro district and HOA contact lists on April 16, 2014
- A page on the Town's website regarding ADUs was created and a related press release was issued on April 16, 2014
- Notice of July 7, 2014 Town Board work session discussion posted on Town website and Town Hall bulletin board

**Attachments:** 4-28-14 Town Board meeting minutes excerpt  
4-30-14 email from Water Valley Land Company  
4-16-14 email to HOAs and Metro Districts  
Ordinance 2014-1473  
4-16-14 press release

pc: Mr. Paul W. Harder, Harder Building and Development, Inc.  
Mr. Jason Kingery, property owner  
Mr. Martin Lind, President, Water Valley Land Company

1. Ordinance No. 2014 -1472 – An Ordinance Repealing, Amending And Readopting Certain Portions Of The Windsor Municipal Code With Respect To The Uniform Administration Of The Maximum Fine Imposed Upon Persons Convicted Of Violations By The Town Of Windsor Municipal Court

***Super-majority vote required for adoption on second reading***

- Second Reading
- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

**Mayor Pro-Tem Melendez moved to approve Ordinance 2014-1472; Mr. Morgan seconded the motion.**

Mr. McCargar began by reminding the Board the purpose of this Ordinance is to make references to the maximum fine allowed in the Windsor Municipal Court uniform throughout the Municipal Code. There have been no changes since the first reading of the Ordinance.

**Roll call on the vote resulted as follows:**

**Yeas – Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez**

**Nays – None. Motion passed.**

2. Ordinance No. 2014-1473 - 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

***Super-majority vote required for adoption on second reading***

- Second reading
- Legislative action
- Staff presentation: Scott Ballstadt, Chief Planner

**Mr. Adams moved to approve Ordinance 2014-1473; Mr. Bishop-Cotner seconded the motion.**

Mr. Ballstadt began by stating this Ordinance would allow a second dwelling unit on properties that would qualify, noting many jurisdictions have adopted similar Ordinances. He added an informational web page has been posted to the Town of Windsor web site for reference, and all Metro Districts and Home Owner Associations have been notified of this proposal. A letter stating support for the Ordinance was received from one of the HOAs. There have been no changes since the first reading of the Ordinance.

Mr. Morgan questioned how the two person maximum per ADU would be enforced. Mr. Ballstadt responded enforcement of Code violations would be initiated on a complaint driven basis, and a process would be developed to allow residents time to find another place to live. Mr. Morgan reiterated enforcement would be difficult stating eviction is more serious than the normal violation. Mayor Vazquez stated his perception that ADUs will be inhabited by ill or elderly family members, adding it will be an evolving process to develop the appropriate policies to monitor them. Mr. Ballstadt noted Planning Commission raised similar concerns, but opted not to increase the number of residents allowed. Mr. McCargar stated the number chosen was simply a numeric limit on the number of occupants making this a density driven issue, but suggested not tying it to “family” status as defined by the Fair Housing Act.

Mr. Morgan also expressed concerns that HOAs have not had adequate time to react to these changes. Mr. Ballstadt responded HOAs will have the ability to change covenants if they choose to. Mr. Adams agreed with Mr. Morgan’s concerns, asking if wordsmithing could resolve this issue.

Mr. Ballstadt reviewed the history of this process in Windsor for clarification. Mr. Morgan inquired if both the primary and accessory dwelling units could be rented. Mr. McCargar stated a member of an LLC may be the owner, but a natural person must be identified as the owner, and live in one of the dwelling units. Mr. Ballstadt clarified an owner would be designated upon submittal of the site plan. Mayor Pro-Tem Melendez stated in Eagle CO accessory dwelling units are required for every new single-family residence that is built. Mr. Morgan stated he could not vote yes on this issue without more time to consider all the ramifications. Mr. Arnold reminded Board Members this discussion has gone on for nearly a year. Mr. McCargar stated if adopted, the application process would not include a public hearing for each proposed unit.

**Mr. Morgan moved to postpone this item until 5/27 to allow more time for consideration. Motion failed due to lack of a second.**

Again Mr. Adams inquired if rewording a portion of the Ordinance would resolve this concern. Mr. Ballstadt suggested addition of a third occupant could be an alternative.

**Mr. Morgan moved to postpone this item until 5/27; Mr. Adams seconded the motion.**

**Roll call on the vote resulted as follows:**

**Yeas – Morgan, Bishop-Cotner, Adams**

**Nayes – Rose, Melendez, Vazquez. Motion failed.**

**A motion on the floor made by Mr. Adams and seconded by Mr. Bishop Cotner was put to a vote. Roll call on the vote resulted as follows:**

**Yeas – Rose, Melendez, Bishop-Cotner, Vazquez**

**Nayes – Morgan, Adams. Motion failed due to lack of super majority on second reading.**

Mayor Vazquez questioned what to do next. Mr. McCargar counseled the Board to strike the following agenda item as it is tied to the item that just failed.

3. Resolution No. 2014-25 - A Resolution Approving and Adopting a Development-related Fee Pertaining to the Review of Applications for Accessory Dwelling Units in the Town Windsor, Colorado

- Legislative action
- Staff presentation: Scott Ballstadt, Chief Planner

**Mr. Bishop-Cotner moved to postpone Resolution 2014-25 indefinitely; Mayor Pro-Tem Melendez seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez**

**Nayes – None. Motion passed.**

4. Public Hearing – Conditional Use Grant for temporary gravel parking in the Central Business (CB) zoning district located on a portion of Lots 21 and 22, Burlington Subdivision and a portion of Lot 5, Town of Windsor Subdivision – Bob Winter, Chairman, Windsor Downtown Development Authority, applicant

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Chief Planner

**Mayor Pro-Tem Melendez moved to open the public hearing; Mr. Adams seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez**

**Nayes – None. Motion passed.**

Mr. Ballstadt stated this Conditional Use Grant would allow use of recycled asphalt as an interim paving medium for a property located north of Main Street, and south of Windsor Lake, on a site owned by the Downtown Development Authority. He reviewed the history of the property, location, and proposed uses. Mr. Ballstadt noted at their 4/16/2014 meeting the Planning Commission

## Scott Ballstadt

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**From:** Martin Lind <MLind@watervalley.com>  
**Sent:** Wednesday, April 30, 2014 3:10 PM  
**To:** Scott Ballstadt  
**Cc:** Patrick McMeekin; Mark Foster  
**Subject:** ord 2014-1472

Hi Scott, hope all is great.

We applaud Windsor taking lead on this ordinance and find no problems with the ordinance. We would however request that when an applicant applying in an area governed by an HOA or special metro district that the HOA or district approve the application as well prior to permit.

Thanks for all you do.

Thanks,

Martin



Martin Lind  
President

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## Scott Ballstadt

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**From:** Scott Ballstadt  
**Sent:** Wednesday, April 16, 2014 4:14 PM  
**To:** Scott Ballstadt  
**Subject:** RE: Town of Windsor Ordinance No. 2014-1473 regarding accessory dwelling units  
**Attachments:** TB Item C.7.C.8.b Ord 2014-1473 ADU 4-2-14.pdf

Representatives of Metropolitan Districts and Homeowners' Associations:

As seen in the enclosed ordinance, the Town of Windsor is interested in adopting regulations that will allow accessory dwelling units to be constructed in zoning districts which permit single-family dwelling units as a permitted use, subject to all of the criteria outlined in the ordinance. Additional information regarding this ordinance can be found at: <http://windsorgov.com/index.aspx?NID=873>

On April 14, 2014 the Windsor Town Board approved this ordinance on first reading. The second reading to consider adoption of the ordinance is scheduled for 7:00 p.m. on April 28, 2014 in the board chambers of Town Hall, 301 Walnut Street, Windsor.

As managers of Metropolitan Districts and Homeowners' Associations, you are being notified of this meeting to provide you with advance information for comparison to the covenants, conditions and restrictions your respective communities may have in place.

Thank you for your time and consideration of this matter.

**Scott Ballstadt, AICP**

Chief Planner  
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TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2014-1473

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

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

WHEREAS, the Town has in place a comprehensive system of land use regulations, including zoning requirements applicable to identified zoning districts within the Town; and

WHEREAS, the Town’s zoning districts include limitations on the number of permitted dwelling units on a given lot or parcel in those zoning districts in which single-family residential uses are permitted uses by right; and

WHEREAS, the evolution of sound land use planning and the need to accommodate residential uses of greater intensity calls for the Town to consider reasonable regulations allowing for the development of Accessory Dwelling Units (“ADU’s”) as a permitted accessory use within single-family lots, where appropriate; and

WHEREAS, the Town’s Planning Department has made recommendations to the Planning Commission and Town Board, which recommendations have been reviewed and considered in arriving at the terms of the within Ordinance; and

WHEREAS, the Town Board has given due consideration to the anticipated impacts of greater residential density, including traffic, parking, fire safety and public infrastructure; and

WHEREAS, the Town Board believes that the within Ordinance strikes a reasonable balance between the need for available housing alternatives and the public interest in preventing over-crowding, congestion and public safety concerns; and

WHEREAS, the Town Board wishes to amend the *Windsor Municipal Code* as set forth herein for the purpose of allowing ADU’s, subject to reasonable land use requirements.

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 XXXIII, which shall read as follows:

**ARTICLE XXXIII  
ACCESSORY DWELLING UNITS**

**Sec. 16-33-10. Statement of Intent.**

The intent of this Article is to provide for accessory dwelling uses in areas within which single-family detached residential uses are permitted, while protecting the public health, safety and welfare through reasonable limitations on size, occupancy, density, and parking associated with such uses.

**Sec. 16-33-20. General provisions.**

Accessory Dwelling Units shall be permitted as an accessory use in conjunction with all single family detached dwellings in all zoning districts which permit single-family dwelling units as a permitted use, subject to the following conditions:

- (a) **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 municipal codes, building codes, residential codes, fire codes, and property maintenance codes. The application of these codes may render some property ineligible for Accessory Dwelling Unit approval.
- (b) **Compliance with Restrictive Covenants.** If the parcel upon which an Accessory Dwelling Unit is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this Article shall be considered minimum requirements. Any such association shall have the right to lawfully adopt more stringent standards for Accessory Dwelling Units, including the outright prohibition of Accessory Dwelling Units, for any parcel within the regulatory authority of such association.
- (c) **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. The parking space required under this Section shall be paved with asphalt or concrete.
- (d) **Accessory Dwelling Unit Size and Configuration.** Except as modified in sub-section 5 below, the living space of the Accessory Dwelling Unit shall be no larger than the living space of the principal dwelling unit on the subject lot or parcel, and shall not in any event exceed nine-

hundred fifty (950) square feet. No Accessory Dwelling Unit shall be less than five-hundred (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.

- (e) **Unit Size Exception.** The limitations of sub-section 4 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 one-thousand (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 one-thousand (1,000) square feet of living space.
- (f) **Unit Occupancy.** No more than two (2) persons shall occupy an Accessory Dwelling Unit.
- (g) **Number of Accessory Dwelling Units per Lot or Parcel.** Only one Accessory Dwelling Unit shall be allowed for each lot or parcel.
- (h) **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.
- (i) **Existing Development on Lot.**
  - 1. **Certificate of Occupancy Required.** 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.
  - 2. **Legal Nonconformity.** Nothing herein shall be construed to render lawful any dwelling unit in use which, at the time of its establishment, was not lawful. Nothing herein shall require adherence to the requirements of this Article as applied to any dwelling unit which, at the time of its establishment, was lawful, unless such dwelling unit is proposed for expansion, modification or use different than that taking place at the time of the adoption of this Article.
  - 3. **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.

4. **Limitations on Garage-space Accessory Dwelling Units.** Garage space dedicated for use in conjunction with an ADU shall not exceed two-hundred fifty (250) square feet.
5. **Prohibited Accessory Dwelling Units.** Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an Accessory Dwelling Unit.
6. **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. 16-33-30. Types of Accessory Dwelling Units.**

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

- (a) **Type I:** An Accessory Dwelling Unit which is detached from the principal dwelling unit and considered a separate dwelling unit under the Residential Code.
- (b) **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. 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.
- (c) **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 not locked off from the principal dwelling unit. In this case, the Accessory Dwelling Unit and principal dwelling unit shall be considered part of one (1) dwelling unit under the Residential Code.

**Sec. 16-33-40. 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:

- (a) **Design.** To preserve the appearance of the single-family dwelling, Accessory Dwelling Units shall be designed in the following manner:
  1. 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.

2. 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.
3. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors.

(b) **Outdoor Areas.** The site plan shall provide accessible outdoor space and landscaping for both the Accessory Dwelling Unit and the principal dwelling unit. The parking area required under Section 16-33-20 (c) shall be paved with asphalt or concrete.

### **Sec. 16-33-50. Home Occupations.**

Home occupations may take place within any Accessory Dwelling Unit approved or lawful pursuant to this Article. However, home occupations taking place in any Accessory Dwelling Unit shall comply in all respects with the requirements of Chapter 16, Article X of this Code.

### **Section 16-33-60. Recorded Declaration of Restrictions Required.**

As a condition of Accessory Dwelling Unit approval and condition of any building permit issued for or within an Accessory Dwelling Unit, the property owner shall record a declaration of restrictions with the Clerk and Recorder of the county in which the property is located. Such declaration of restrictions shall be in the form approved and maintained by the Zoning Official, and shall state that:

- (a) 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 and remain Declarant's place of legal residence
- (b) 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.
- (c) 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.
- (d) The Certificate of Occupancy for the Accessory Dwelling Unit shall be in effect only so long as either the principal residence, or the Accessory Dwelling Unit, is occupied by the owner of record as a principal dwelling unit as required by Section 16-33-20 (h) above.

- (e) If the Accessory Dwelling Unit is approved as Type III, the Accessory Dwelling Unit shall not be locked off from the principal dwelling unit unless, prior to such action, the property owner has applied for and received approval for a change of designation to a Type II Accessory Dwelling Unit.
- (f) The above restrictions are binding upon any successor in ownership of the property.
- (g) Non-compliance with the declaration of 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. The owner of the Property shall be liable for all Town expenses associated with civil remedies sought by the Town in association with the declaration of restrictions. The failure of the Town to pursue civil or criminal remedies shall not be deemed a waiver of any violations or noncompliance.
- (h) The declaration of 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 declaration of restrictions. The property owner shall pay all required recording fees, and shall provide satisfactory written evidence that such recording was successfully completed.
- (i) The declaration of restrictions, shall be perpetual and constitute covenants running with the land. The declaration of restrictions shall be binding upon the property owner, and the heirs, successors and assigns of the property owner, and all persons claiming under them.
- (j) Neither the declaration of restrictions, nor any of the specifics set forth or incorporated therein, shall be amended, terminated, or modified in any way without the written consent of the Town of Windsor, filed with the Clerk and Recorder of the county in which the property is located.

**Sec. 16-33-70. Procedure for Accessory Dwelling Unit Approval.**

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

- (a) 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.

(b) 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.

(c) The determination of the Board of Adjustment pursuant to this Section shall be deemed final agency action for purposes of judicial review.

**Section 2.** *Windsor Municipal Code* Section 16-8-40 (b) is hereby repealed, amended and re-adopted to read as follows:

One (1) building per lot. Except as otherwise provided for multifamily dwellings, accessory dwelling units, and planned unit developments, only one (1) principal residence structure shall be permitted on a lot

Introduced, passed on first reading, and ordered published this 14<sup>th</sup> day of April, 2014.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 28<sup>th</sup> day of April, 2014.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk



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## PRESS RELEASE

**WINDSOR, CO - (April 16, 2014)**

The Town of Windsor is currently in the process of adopting regulations that will allow accessory dwelling units (ADUs) to be constructed in zoning districts which permit single-family dwelling units as a permitted accessory use subject to the criteria outlined in proposed Ordinance No. 2014-1473, within town limits.

On April 14, 2014 the Windsor Town Board approved this ordinance on first reading. The second reading to consider adoption of the ordinance is scheduled for 7:00 p.m. on April 28, 2014 in the board chambers of Town Hall, 301 Walnut Street, Windsor. Board meetings are open to the public.

ADUs have become an increasingly popular concept in recent years due to a wide variety of factors. ADUs are considered an efficient "infill" development as they typically utilize existing water, sewer and street infrastructure. Additionally, demographic trends such as declining household size; aging population; affordable housing options; and rental income for elderly or young homeowners are all examples of reasons why communities allow ADUs. Demand for accessory dwelling units is expected to increase in the future as the baby boomer generation retires and a variety of housing options are needed.

Several jurisdictions in Colorado have already adopted ADU regulations, and Windsor's Ordinance No. 2014-1473 is intended to ensure that any ADU is compatible with the surrounding neighborhood and to mitigate potential issues. The ordinance addresses issues such as minimum and maximum size of an ADU, maximum number of occupants, parking requirements and design requirements.

For more information please visit the Town's website at: <http://www.windsorgov.com/index.aspx?NID=873>

**Contact:**

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301 Walnut Street  
Windsor, CO 80550  
970/674-2411  
[sballstadt@windsorgov.com](mailto:sballstadt@windsorgov.com)

**Submitted by:**

Melissa M. Chew, CPRP, Director of Parks, Recreation and Culture  
Town of Windsor  
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## MEMORANDUM

**Date:** July 7, 2014  
**To:** Mayor and Town Board  
**Via:** Work session materials, July 7, 2014  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Nuisance Code amendments  
**Item #:** Work Session - 3

**Background / Discussion:**

Staff is recommending revisions to the Chapter 7, Article I of the *Windsor Municipal Code*, known generally as the Nuisance Code. These revisions are intended to bring greater notice and hearing rights than are currently in place. Although there will still be the ability to enter into property on very limited notice in emergency situations, most nuisance violations will fall into the proposed new rules.

The proposed amendments give the property owner and occupant a right to hearing prior to Town representatives entering the property for non-emergency nuisance abatement activity. Notice can be mailed or contained within a summons into the Municipal Court. Either way, the proposed amendments give the property owner/occupant a pre-abatement hearing in non-emergency situations. The current language only gives the owner the right to a post-abatement hearing solely on whether a lien should be applied to the property for the cost of nuisance abatement. Although the earlier procedures are constitutionally-sufficient as to the Town's lien rights, we feel that we should deliver due process at a higher level through the proposed amendments.

Both Chief Michaels and Town Prosecutor Emil have actively participated in drafting these Code amendments, and both are satisfied that these new provisions are an improvement in this area. Chief Michaels and I will be on hand to explain the changes during the work session.

**Financial Impact:** None.

**Relationship to Strategic Plan:** Community Spirit and Pride.

**Recommendation:** Review the attached draft ordinance language, provide staff direction

**Attachments:** Draft language, Amendments to Chapter 7, Article I of the *Windsor Municipal Code*.

DRAFT REVISIONS  
TO  
WINDSOR MUNICIPAL CODE §§ 7-1-40 & 50 (Nuisance Abatement procedures)

Rev. June 9, 2014

**Sec. 7-1-40. Notice to owner; failure to comply; issuance of citation; procedure.**

- (1) **Imminent or emergency matters.** In the event a nuisance exists under this Article which presents an imminent threat to the public health, safety or welfare, the following procedures shall be followed:
- (a) **Authorization.** The Windsor 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.
  - (b) **Determination administrative.** In conjunction with the application for an *ex parte* order under sub-section (1) (a) of this Section, the Windsor Police Department may issue a citation to the property owner, the property occupant, or both. Notwithstanding the issuance of a citation under this sub-section, the determination and issuance of an *ex parte* order shall remain an administrative matter except as provided below.
  - (c) **Contents.** Every *ex parte* order issued pursuant to this sub-section (1) 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.
  - (d) **Mailing and posting.** The Municipal Court shall mail a copy of every *ex parte* order issued pursuant to this sub-section (1) within twenty-four (24) hours of its issuance to the property owner address as maintained by the County Assessor's Office by first class United States mail. The Municipal Court shall further direct the Windsor Police Department to post a copy of such *ex parte* order in a conspicuous location upon the premises.

(e) **Right to hearing; No citation; Administrative Procedure.** Every *ex parte* order issued pursuant to this sub-section (1) shall contain a notice to the property owner that upon written request, a hearing before the Municipal Court will be scheduled. Such property owner's request for hearing shall be in writing, shall contain the requestor's mailing address and shall be delivered to the Municipal Court within ten (10) days of the mailing specified in subsection (1) (d) above. Upon receipt of the property owner's request for a hearing, the Municipal Court shall schedule a hearing and provide written notice of the same to the Municipal Prosecutor, who shall represent the Town in the matter. The court shall also provide written notice of the hearing date and time to the requesting property owner by first-class United States mail to the address appearing on the request for hearing. Failure of the property owner to request a hearing as provided in this subsection within ten (10) days of issuance the *ex parte* order shall be deemed a waiver of any objections to the *ex parte* order authorized in this Section, and shall be deemed a waiver of any objections to the Town's lien rights for nuisance abatement costs provided in Section 7-1-50. In cases in which a citation is issued to the property owner, the determination of guilt or innocence, and the amount, if any, of nuisance abatement costs to which the Town may be entitled shall be determined as provided in sub-section (1) (f) below.

At the administrative hearing, the following provisions shall apply:

- i. The Municipal Court shall determine whether, based on a preponderance of the evidence, a nuisance existed upon the subject property and, if so, whether the Town should have been authorized to enter upon the subject property for the purpose of abating the nuisance. The property owner shall be given an opportunity to be heard and present evidence on these questions. Upon a finding in the affirmative on both questions, the Municipal Court shall order determining that the entry and abatement was lawful, assessing the costs of nuisance abatement, and authorizing the remedies available under Section 7-1-50.
- ii. In the event that the administrative hearing results in a finding that no nuisance constituting an imminent threat to the public health, safety and welfare existed at the time the *ex parte* order was issued, the Municipal Court shall make such a finding and shall deny the Town any right to recover nuisance abatement costs incurred by the Town in conjunction with the matter. In this event, the Town shall have no lien rights.

- (f) **Right to hearing/Citation Issued/Criminal Procedure.** In cases in which a citation has been issued to the property owner, the determination of a nuisance prohibited by this Article shall be made in conjunction with the usual and customary practices of the Municipal Court presiding in criminal matters. In the event of a conviction, or approval of a deferred sentence, arising out of any citation issued for a violation of this Article, as a condition of sentencing or deferral, the Municipal Court shall order the defendant to pay all costs incurred by the Town for abatement of the nuisance in addition to any other sentence or assessment of court costs. The standard of proof for determination of the amount of nuisance abatement costs shall be by a preponderance of the evidence as a sentencing matter.
- (g) **Determination final, lien rights, citation to owner.** In cases in which a citation is issued to the property owner, and a conviction, or deferred sentence results, the Municipal Court's determination of nuisance abatement costs made in accordance with sub-section (1) (e) above shall be final, and shall entitle the Town to enforcement of such sums as provided in Section 7-1-50 below, including the right to a lien for such sums.
- (h) **Determination final, lien rights, citation to occupant(s).** In cases in which a citation is issued to the property occupant(s), and a conviction, or deferred sentence results, the court's determination of nuisance abatement costs made in accordance with sub-section (1) (f) above shall be final, and shall entitle the Town to enforcement of such sums as provided in Section 7-1-50 below. In such cases, the Town's enforcement remedies shall include the right to a lien for such sums.
- (2) **Non-emergency matters.** For all cases in which a nuisance exists under this Article which is not alleged or found to be an imminent threat to the public health, safety or welfare, the procedures set forth in this sub-section (2) shall be followed.
- (a) **Notice.** The Town shall give notice to every person owning any lots, tracts or parcels of land within the Town, upon receiving notification from any source that a nuisance exists in violation of the provisions of this Chapter. Said notice shall direct the person to comply with the provisions of this Article within five (5) days after the date of such notice if the property owner resides within the Town and seven (7) days if the property owner resides outside the Town. Every notice issued pursuant to this sub-section (2) shall state that, if the work required is not done within the time specified, the Town shall cause the same to be done at the expense of the property owner. The notice required by this sub-section shall state

that the cost of such work shall constitute a lien upon such property as provided in Section 7-1-50 below.

- (b) **Citation, notice without citation.** The Windsor Police Department may (but shall not be required to) issue a citation to the property owner, the property occupant, or both. In cases in which no citation is issued to the owner or occupant, or both, of the property, the notice given pursuant to sub-section (2) (a) shall set forth a date and time certain at which the Windsor Police Department or Town Prosecutor will appear before the Municipal Court to obtain an order for entry into the property and abatement of the nuisance. In cases in which a citation is issued to the owner or occupant, or both, of the property, the return date on the citation shall serve as the date upon which the Windsor Police Department or Town Prosecutor, will appear before the Municipal Court to obtain an order for entry into the property and abatement of the nuisance.
- (c) **Notice, service.** Every notice issued pursuant to sub-section (2) (a) shall be served by mailing a copy of the notice via first-class United States mail to the record owner of such property as maintained by the County Assessor's Office, and by posting on the property in a conspicuous place. Service on one owner of the property shall be deemed service on all owners.
- (d) **Authority to issue administrative orders, mailing and posting.** The Municipal Court Judge is empowered to issue administrative orders for the abatement of any nuisance determined to exist under this sub-section (2), after notice and an opportunity for hearing as described herein. Every such order shall be mailed by the Municipal Court within twenty-four (24) hours of its issuance to the property owner address maintained by the County Assessor's Office by first-class United States mail. At or prior to the time of nuisance abatement by the Town, a copy of the administrative order for nuisance abatement shall be posted on the property in a conspicuous place.
- (e) **Disposition of citation.** In cases in which a citation has been issued to the property owner, the determination of a nuisance prohibited by this Article shall be made in conjunction with the usual and customary practices of the Municipal Court presiding in criminal matters. In the event of a conviction or approval of a deferred sentence arising out of any citation issued for a violation of this Article, the Municipal Court shall order that the Town may immediately enter into the property for the purpose of nuisance abatement. As a condition of sentencing,

the Municipal Court shall order the defendant to pay all costs which may be incurred by the Town for abatement of the nuisance in addition to any other sentence or assessment of court costs.

**Sec. 7-1-50. Lien for nuisance abatement costs.**

- (1) **Lien Certification, administrative matters.** In all cases in which the determination of nuisance abatement costs is made by the Municipal Court as an administrative matter, the Municipal Court shall issue a Certification of Nuisance Abatement Costs containing the amount of nuisance abatement costs determined as due and owing to the Town. Such Certification shall be mailed by the Municipal Court by first-class United States mail to both the owner of the property and to the property address if different from the owner's address. Such Certification may be recorded in the books and records of the County Clerk and Recorder as evidence of the principal amount due.
- (2) **Lien Certification, disposition of citations.** In all cases where the determination of nuisance abatement costs is made by the Municipal Court in the context of criminal sentencing, the Municipal Court shall issue a Certification of Nuisance Abatement Costs containing the amount of nuisance abatement costs determined as due and owing to the Town. Such Certification shall be mailed by the Municipal Court by first-class United States mail to both the owner of the property and to the property address if different from the owner's address. Such Certification may be recorded in the books and records of the County Clerk and Recorder as evidence of the principal amount due.
- (3) **Lien Certification, enforcement of sentencing orders.** In all cases where the Municipal Court has issued a sentencing order pursuant to Section 7-1-40 (2) (e), a representative of the Windsor Police Department shall certify under oath in writing, the costs of nuisance abatement incurred by the Town in carrying out such order. Such Certification may be recorded in the books and records of the County Clerk and Recorder as evidence of the principal amount due.
- (4) **Lien perpetual.** The amount of any nuisance abatement costs incurred by the Town pursuant to this Article shall constitute a perpetual lien on the property upon which nuisance abatement measures were undertaken in accordance with this Article.
- (5) **First and prior lien; rate of interest.** 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

costs are incurred until all nuisance abatement costs, together with simple interest at the rate of eight percent (8%) per annum from the date the costs were incurred, are paid.

- (6) **Owner responsibility; lien not affected by changes in ownership.** The Town is not required to seek payment of nuisance abatement 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 costs exists in no way affects such owner's liability for payment in full.
- (7) **Foreclosure rights.** 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 costs and allowable court costs in the manner provided for foreclosure of statutory liens.
- (8) **Tax assessment rights.** 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.
- (9) **Civil suit.** Unpaid nuisance abatement 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.
- (10) **Remedies not exclusive.** The remedies provided under this Section are cumulative and supplemental to each other.



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## MEMORANDUM

**Date:** July 7, 2014  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk/Assistant to Town Manager & Kelly Unger, Management Assistant  
**Re:** 2014-2016 Strategic Plan Draft Review  
**Item #:** Work Session - 4

### Background / Discussion:

The 2014-2016 Strategic Plan document has been a work in progress since the first of the year beginning with a survey to the Town Board regarding the process and department heads looking at upcoming projects to be completed. Work sessions and meetings of the Town Board and department heads have taken place since the initial discussions which have culminated with the current draft 2014-2016 Strategic Plan.

The attached document includes the Mission and revised Vision Statement, Goals and Priorities along with Action Plan items that staff has generated during their review of the Strategic Plan. The objective is for the Town Board to review and discuss the Goals and Priorities with the end result being a document that can be shared publicly through the balance of the strategic planning process. During the months of July and August the Town Board has the opportunity to share the Goals and Priorities at a variety of venues identified below:

- July and August – Advisory Board/Commission meetings
- July 26 – Coffee with the Mayor @ The Bungalow
- August 5, 4:30 – 8:30 pm – National Night Out
- August 4-17 – Opportunity to hold individual district meetings
- August 18, 6:00 p.m. – Town Hall meeting (in lieu of work session)

Information can also be provided to the Windsor/Severance Fire District and the various School Districts that serve Windsor residents either by a Town Board member attending a meeting or information can be requested to be included in their board packets. Meeting information is as follows:

- Windsor/Severance Fire District – 2<sup>nd</sup> Thursday of the month @ 7:00 p.m.
- Weld RE-4 – 3<sup>rd</sup> Monday of the month @ 7:00 p.m.
- Thompson RJ-2 – 3<sup>rd</sup> Monday of the month – time varies between 5:00 & 6:00 p.m.
- Poudre School District – 2<sup>nd</sup> & 4<sup>th</sup> Tuesday of each month @ 6:30 p.m. (no July meeting)

We will also be using Community Voice, which is activated through the Town of Windsor website, to allow citizens to communicate their ideas. This effort will begin July 15 and run through August 15 with results being provided to the Town Board in conjunction with the August 18 Town Hall meeting.

Staff will be available and attending meetings as needed including the Board/Commission meetings, National Night Out events and the Town Hall meeting to help facilitate information. Ideas that are brought forward which identify Goals and/or Priorities that could be considered for inclusion in the 2014-2016 Strategic Plan can be discussed at a work session prior to Plan adoption. The Strategic Plan is tentatively scheduled to be on the September 8 agenda for consideration.

During the Strategic Planning process, the Town Board discussed the implementation of a “tagline” that could be used to describe Windsor. The top three results from the May 19 work session are listed below:

- Heart of Northern Colorado
- Dream, Believe, Achieve in Windsor
- Where life, work and play come together

**Recommendation:**

- 1) Strategic Plan - Discuss the Draft 2014-2016 Strategic Plan Goals and Priorities and direct staff to create a public document to be shared with Town of Windsor citizens and employees.
- 2) Tagline – Discuss and determine next steps (ie - public input, implementation, etc.)

**Attachments:**

Draft 2014-2016 Strategic Plan



## Town of Windsor Strategic Plan 2014-2016

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### MISSION STATEMENT

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The Town of Windsor strengthens community through the fiscally responsible and equitable delivery of services, support of hometown pride, and encourages resident involvement.

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### VISION STATEMENT

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1. Windsor's hometown feel fosters an energetic community spirit and pride that makes our town a special place in Northern Colorado.
2. Windsor has a strong local economy with diverse business sectors that provide jobs and services for residents.
3. Windsor promotes quality development.
4. Windsor enjoys a friendly community with a vibrant downtown, housing opportunities, choices for leisure, cultural activities, recreation and mobility for all.
5. Windsor is a good environmental steward.

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### GOAL 1: Build Community Spirit and Pride

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- A. Promote safety and security
  - a. Update and train all personnel on the Emergency Operations Plan
  - b. Support rail safety efforts
  - c. Establish best practices and efficiencies for police services
  - d. Establish crosswalk safety standards
- B. Provide opportunities for residents to be involved (and informed) in Town governance and in community service
  - a. Strengthen communications efforts
- C. Encourage healthy, family-friendly neighborhoods for all ages
  - a. Update Comprehensive Plan
  - b. Engage neighborhood participation through Town supported activities
- D. Promote a "One Windsor-One Community" philosophy
  - a. Develop a new resident orientation program
  - b. Promote Windsor's unique attributes
- E. Lead through stewardship of natural resources
  - a. Evaluate Water Conservation Plan
  - b. Identify opportunities for disposal of household items
  - c. Explore natural area preservation opportunities
  - d. Implement LED street light conversion
- F. Improve appearance and aesthetics of main corridors
  - a. Develop public right-of-way standards for main corridors
- G. Support Windsor's youth
  - a. Develop Windsor's business and school partnerships
- H. Encourage historic preservation
  - a. Implement Historic Preservation Commission Work Plan
  - b. Promote Lake View Cemetery



## Town of Windsor Strategic Plan 2014-2016

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### GOAL 2: Promote Windsor as a Destination

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- A. Provide diverse and healthy choices in leisure, culture, and recreation
  - i. Encourage community supported events
    - 1. 125 Year Anniversary of Windsor
  - ii. Support Public Policy efforts for CRC Proposed Expansion/ Ballot Question/ Project Implementation
  - iii. Implement Museum Landscape Plan
  - iv. Update Parks, Recreation & Culture Master Plan
- B. Promote creative and artistic outlets
  - i. Promote Art in Public Places Plan
  - ii. Seek cultural district designation

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### GOAL 3: Diversify, Grow, and Strengthen the Local Economy

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- A. Foster business attraction tools and promote the business retention and expansion program
  - i. Utilize incentives guideline program
  - ii. Research and identify new financial assistance programs
- B. Strengthen retail strategies for all commercial corridors
  - i. Create a shop local program
  - ii. Support new businesses
  - iii. Develop a business-to-business program
- C. Advance employment opportunities
  - i. Promote primary employment opportunities
  - ii. Network/connect with brokers and site selectors
- D. Support the Downtown Development Authority
  - i. Support implementation of DDA Work Plan

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### GOAL 4: Develop and Maintain Effective Infrastructure

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- A. Identify and address barriers to traffic flow
  - i. Actively engage with North Front Range Metropolitan Planning Organization
  - ii. Prioritize projects in 5 year Capital Improvement Plan
  - iii. Determine feasibility to reduce river flooding impacts on arterial roads
- B. Support multiple forms of alternative transportation
  - i. Develop Transportation Plan to include Trails Master Plan
- C. Make street maintenance a priority
  - i. Establish methods to fund a target Pavement Condition Index standard
- D. Pursue water independence
  - i. Participate in Northern Integrated Supply Project (NISP)
  - ii. Finalize direction for the Regional Water Transmission & Treatment effort
  - iii. Support operational systems
    - a. Develop funding strategy for Public Works/Parks Shop



## FUTURE TOWN BOARD MEETINGS

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

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July 14, 2014 5:30 p.m./1 <sup>st</sup> floor conference room	Board/Manager/Attorney Monthly Meeting
July 14, 2014 7:00 p.m.	Town Board Meeting Kern Board Meeting
July 21, 2014 6:00 p.m.	Town Board Work Session Electronic publication of ordinances & other required publications
July 28, 2014 6:00 p.m.	Town Board Work Session CRC Expansion Discussion/Update
July 28, 2014 7:00 p.m.	Town Board Meeting
August 4, 2014 6:00 p.m.	Town Board Work Session Capital Improvement discussion
August 11, 2014 5:30 p.m./1 <sup>st</sup> floor conference room	Board/Manager/Attorney Monthly Meeting
August 11, 2014 7:00 p.m.	Town Board Meeting
August 18, 2014 6:00 p.m.	Town Hall Meeting – Strategic Plan
August 25, 2014 6:00 p.m.	Town Board Work Session
August 25, 2014 7:00 p.m.	Town Board Meeting
September 1, 2014	Labor Day
September 8, 2014 5:30 p.m./1 <sup>st</sup> floor conference room	Board/Manager/Attorney Monthly Meeting
September 8, 2014 7:00 p.m.	Town Board Meeting
September 15, 2014 6:00 p.m.	Town Board Work Session
September 22, 2014 6:00 p.m.	Town Board Work Session
September 22, 2014 7:00 p.m.	Town Board Meeting

**Additional Events**

August 5, 2014  
4:30 – 8:30 p.m.

National Night Out

**Future Work Session Topics**

None.