



**TOWN OF WELLINGTON
PLANNING COMMISSION
January 10, 2022**

Work Session - 5:30 PM

Regular Meeting - 6:30 PM

No member or officer will be present at a physical meeting location based on the Town's emergency declaration and the mayor's determination that presence would be inadvisable.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89078624474?pwd=QkdsRERjeDJvcUFjeXNSUk5TSU5aUT09>

Passcode: 506161

Webinar ID: 890 7862 4474

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656

Members of the public may also provide public comment or comment on a specific agenda item by sending an email to birdca@wellingtoncolorado.gov. The email must be received by 4:00 p.m. Monday January 10, 2022 and will be read into the record during public comment or public comment for the agenda item.

1. WORK SESSION - 5:30pm
 - A. Land Use Code - Draft Land Use Standards
2. CALL TO ORDER REGULAR MEETING - 6:30pm
3. ROLL CALL
4. ADDITIONS TO OR DELETIONS FROM THE AGENDA
5. PUBLIC FORUM
6. CONSIDERATION OF MINUTES
 - A. Meeting Minutes of December 6, 2021
7. NEW BUSINESS
 - A. Election of Officers
 - B. Presentation: Possible Updates to Commission Membership
8. ANNOUNCEMENTS
9. ADJOURNMENT
10. CONTINUE WORK SESSION



Planning Commission Meeting

Date: January 10, 2022
Submitted By: Cody Bird, Planning Director
Subject: Land Use Code - Draft Land Use Standards

EXECUTIVE SUMMARY

The Planning Commission adopted the Wellington Comprehensive Plan on August 2, 2021. The Comprehensive Plan provides the long-range vision and recommendations for the growth and development of the Town and is the basis for zoning, subdivision regulations and other land use codes. The Town is now evaluating and updating the Town's land use codes to reflect the recommendations of the Comprehensive Plan and to bring the land use codes into compliance with recent changes to State statutes and other regulatory requirements. Additional considerations may also include updates to reflect emerging technologies, changes in development practices, water conservation needs and more.

Land use code topics and draft code language will be presented in work sessions over the coming months and will be presented in parts to facilitate review and discussion. The complete land use code and all recommended changes will be presented at a future meeting date for a public hearing.

Work sessions are for general presentation and discussion, but no action will be taken.

BACKGROUND / DISCUSSION

The Planning Commission has been conducting work sessions each month to discuss draft materials and draft language for the land use code update. As a reminder, the land use code is a planning implementation tool of the community's comprehensive plan. The land use code can include zoning regulations, subdivision regulations, annexation policy, fence and sign permitting, and more. For example, a land use code may prescribe how tall a single-family home can be, the density of a planned community, or the allowed uses within a commercial building. This is a tool that helps give more local control to reflect the values of a community. The Commission has been presented draft materials included in each agenda packet. Draft materials from prior agenda packets are available on the Town's website at <http://www.wellingtoncolorado.gov/129/Agendas-Minutes>.

At each work session, the Commission will have an opportunity to review and discuss materials presented at prior work sessions. The Commission may ask questions and provide guidance on what additional information should be evaluated and include input on any recommended changes to the draft materials.

At prior work sessions, the Commission was presented with a draft table of land uses to discuss zoning districts where each land use may be a permitted use (use by right) or conditional use (requires conditional review and approval). The draft land use table has been updated based on past discussion and formatting updated for easier review. Discussion of the draft table of land uses will continue at the January work session.

At the December work session, a methodology was presented for defining use standards (requirements or specifications defining necessary conditions to allow a use to be located within a zone district, such as setbacks, parking, screening, and others). Having clear regulations and use standards in the land use code ensures the Town can direct appropriate land uses to appropriate locations and meet the Town's design and appearance needs while also giving a potential applicant clear guidance on what will be required for a new use to be



established. Draft use standards are included in the agenda packet for discussion.

An online questionnaire was recently conducted asking residents about the downtown neighborhoods. Questions inquired about community preferences for appropriate uses within the downtown neighborhoods, which uses may need conditions of approval, preferred building heights, and preferred architectural styles or building elements. Results of the downtown neighborhoods questionnaire will be used to identify use standards appropriate for future new developments and future re-developments which may be requested by downtown property owners. The results of the downtown neighborhoods questionnaire is included in this agenda packet and will be presented at the work session.

Attachments for consideration with this report include the following:

- Draft Land Use Table - Updated
- Draft Use Standards
- Downtown Neighborhoods Online Questionnaire Results

STAFF RECOMMENDATION

ATTACHMENTS

1. Draft Land Use Table
2. Draft Use Standards
3. Downtown Neighborhood Questionnaire Results

DRAFT Proposed Use	Open	Residential					Commercial			Industrial		Misc.
	A Agriculture	R-1 Residential Rural Density	R-2 Residential Low Density	R-3 Residential Medium Density	R-4 Downtown Neighborhood	MH Manufactured Home Park	C-1 Community Commercial	C-2 Downtown Core Commercial	C-3 Mixed-Use Commercial	LI Light Industrial	I Industrial	P Public
Accessory Building	P	P	P	P	P	P						
Accessory Dwelling Unit	P	P	P	P	P			P				
Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P
Adult Entertainment Establishments											P	
Agriculture	P	P									C	
Airport											C	C
Art Studio							P	P	P	P	P	
Bar / Tavern							P	P	P	P	P	
Bed and Breakfast				C	C		C					
Brewery, Distillery, or Winery							C	C	P	P	P	
Brew Pub, Distillery Pub, or Limited Winery					C		P	P	P	P		
Building and Landscaping Materials Supply							C		C	P	P	
Car Wash							P		P	P		
Cemetery	P	P										P
Child Care Center					C		P	P	P			
Civic Space	P	P	P	P	P		P	P	P	P		P
Club / Lodge							P	P	P			
College							P	C	P	P		P
Communication Facility												
Community Facility							P		P	P		
Contractor and Contractor Storage										C	P	
Convenience Store							P	P	P	P		
Convenience Store, with fuel sales							P		P	P		
Commercial Dry Cleaning Facility										C	P	
Entertainment Facility							P		P			
Financial Institution							P	C	P			
Food Catering									P	P		
Funeral Services							C		P	P		
Golf Course	P	P							C			P
Greenhouse / Nursery									P	P		
Grocery Store (add supplemental regs for supermarkets)							P	C	P	C		
Group Home		P	P	P	P				P			
Health and Membership Club							P	C	P	P		
Heavy Equipment Sales & Rental											P	
Home Occupation	P	P	P	P	P	P						
Hotel / Motel							P	C	P	P		
Industrial and Manufacturing, Heavy											P	
Industrial and Manufacturing, Light									C	P	P	
Kennel	C								P	P		
Long-Term Care Facilities				C			C		P			
Manufactured Home	P	P			P	P						
Medical Care Facility									P	P		
Medical Office							P	C	P			
Mini-Storage Facility									P	P	P	
Mixed-Use Dwelling					P		P	P	P			
Motor Vehicle Dealership									P	P		
Motor Vehicle Repair, Heavy											P	
Motor Vehicle Repair, Light							P		P	P	P	
Motor Vehicle Storage										P	P	
Multi-Family Dwelling				P	C				P			

DRAFT Proposed Use	Open	Residential					Commercial			Industrial		Misc.
	A Agriculture	R-1 Residential Rural Density	R-2 Residential Low Density	R-3 Residential Medium Density	R-4 Downtown Neighborhood	MH Manufactured Home Park	C-1 Community Commercial	C-2 Downtown Core Commercial	C-3 Mixed-Use Commercial	LI Light Industrial	I Industrial	P Public
Nightclub									P	P	P	
Off-Street Parking Facility							C	P	C	P	P	
Open-Air Farmers' Markets								P	P	P		
Pawn Shop							P	P	P			
Personal Services							P	P	P	C		
Print Shop									P			
Professional Office							P	P	P	P		
Public Facilities	C						C	C	C	C	C	P
Recreational Entertainment, Indoor							P		P	P		P
Recreational Entertainment, Outdoor							P		P	P		
Recycling Facility											P	
Religious Land Use	C	P	P	P	P		C		P			
Research and Development									C	C	P	
Resource Extraction	C										P	C
Restaurant, Fast Food							P		P	C		
Restaurant, Fast Food with Drive-Thru							C		P	C		
Restaurant, Sit-down							P	P	P	P		
Retail Store (add supplemental regs for large retail stores)							P	P	P			
Salvage Yard											C	
School												P
Service Station							C		P	P	P	
Single-Family Attached Dwelling	P		P	P	P							
Single-Family Detached Dwelling	P	P	P	P	P							
Solid Waste Facility											C	C
Stable	P	P										
Technical School							P	C	P	P		P
Tourist Facilities								P	P			
Transit Facilities									P			
Veterinary Facilities, Large animals	P								C	C	P	
Veterinary Facilities, Small animals	P						P		P	P		
Wholesale Distribution, Warehousing, and Storage											P	
Wireless Telecommunications Facility												
Workshop							C	C	P	P	P	

CHAPTER 4: USE REGULATIONS

4.01 Purpose and Organization

4.01.1 Purpose. **Table 4.02-1, Table of Allowable Uses** below lists the uses allowed within all zoning districts.

All uses are defined in **Chapter ***, Definitions**. Approval of a use listed in this article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this article and approved under the appropriate process is prohibited.

4.01.2 Organization. The uses permitted in each of the zoning districts established in the Use Table are defined as follows:

A. Standards Column. The "Standards" column provides a reference to associated standards for certain uses Permitted by Right and for Conditional Uses. Where "NA¹" is in the column, there is no associated standard. Where "Y" is in the column, there are associated standards.

Table 4.01-1 Use Table Legend		
Symbol	Meaning	Description
P	Permitted by Right	A " P " in a zoning district column indicates that a use is permitted by right, provided that it meets the supplementary use standards referenced in the far right "Standards" column of the use table, if applicable. These uses are subject to all other applicable regulations of this Land Use Code.
C	Conditional Use	A " C " in a zoning district column indicates that a use requires conditional use review and approval by the Town Board (see Chapter ***)
A	Accessory Use	An " A " in a zoning district column indicates that a use is permitted by right as an accessory use, provided that it meets any necessary supplementary accessory use standards.
T	Temporary Use	A " T " in a zoning district column indicates that a use requires temporary use review and approval by the Town Board ² (see Chapter ***)
	Use not Permitted	A "blank cell" in a zoning district column indicates that a use is not permitted as a primary use in the zoning district.
Use Not Listed	See Section B., <i>Unlisted Uses</i> , below	

Note: The Use Table only establishes the principal uses allowed in each zoning district. See also Accessory and Temporary Use regulations in Chapter 4.

B. Unlisted Uses. If a proposed use is not specifically listed in the **Use Table**, the Planning Director shall determine whether the use is permitted or not. This determination shall be based upon the similarity

¹ Add this to the revised use table.

² Should this be the PC or TB?

in nature and character to one or more uses that are listed in the Use Table. In making this determination, the Planning Director may refer to the following factors as guidance:

1. Criteria for Use Determination.
 - a. Whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use. The Planning Director may refer to empirical studies or generally accepted planning or engineering sources in making this determination. The burden is on the applicant to establish that the use is similar to the expressly listed use; or
 - b. Whether the use is within the same industry classification as another permitted use. In making this determination, the Planning Director may refer to the most recent edition of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2017)(“NAICS”). If the use is not defined in the NAICS, the Administrator may refer to the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).
2. If Not Authorized Then Prohibited. If the Planning Director determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, accessory, conditional, or temporary use, then the use is a prohibited use.

4.02 Table of Allowable Uses

This chapter shall follow the requirements established in **Table 4.02-1, Table of Allowable Uses**³.

INSERT TABLE

4.03 Use Specific Standards⁴

4.03.1 Adult Entertainment Establishments⁵.

- A. Operation. It shall be unlawful to operate or cause to be operated a sexually oriented business in violation of any of the following restrictions:
 1. Zoning district. Sexually oriented businesses are only allowed in the Industrial District if approved as a conditional use.
 2. Distance restriction. It is unlawful to operate or cause to be operated a sexually oriented business within seven hundred fifty (750) feet, measured in a straight line, without regard to intervening structures, objects or Town limits, from the closest exterior wall of the structure in which the sexually oriented business is located to the property line of any of the following:

³ We will insert the use table in this section when its finalized by staff and stakeholders.

⁴ Some Use Specific Standards may change within the next few months as changes in the use table are revised by the staff, stakeholders and the public.

⁵ Carried forward existing regulations. We will review and flesh these uses in the ensuing weeks.

- a. A religious land use;
 - b. A use approved for residential purposes;
 - c. A school or licensed child care facility; or
 - d. A park, recreational center, or community center.
 3. Single building restriction. No sexually oriented business shall be operated in the same building, structure or portion thereof as any other sexually oriented business.
 4. Discontinued operations. A sexually oriented business lawfully operating is not rendered a nonconforming use by the subsequent location of any use outlined in Paragraph (1) above; however, if the sexually oriented business ceases operation for a period of sixty (60) days or more regardless of any intent to resume operation, it may not recommence operation in that location. (Ord. 4-2005 §1; Ord. 11-2007 §1)
- B. Definitions. The following definitions shall apply to this Article.
1. *Adult bookstore, adult novelty store or adult video store* means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade, advertising, floor space, shelf space or storage space to, or receives a significant or substantial portion of its revenues from, any one (1) or more of the following:
 - a. The sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction, description, display or exhibition of specified sexual activities or specified anatomical areas; or
 - b. The sale or rental of instruments, devices or paraphernalia which are designed for use in connection with, or marketed primarily for engaging in, specified sexual activities, excluding condoms and other medically recognized birth control devices and disease-prevention products.
 2. *Child care facility* means any facility, by whatever name known, licensed by the State and maintained for compensation, for the whole or any part of a day, for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager thereof.
 3. *Community center* means a building or other structure which is Town-owned or used by the Town that provides services to the community and is open to the general public.
 4. *Park* means a park, reservation, playground, recreation area, bikeway, trail, greenbelt or other area in the Town owned or used by the Town or landowner's association and devoted to use as a park, reservation, playground, recreation area, bikeway, trail, greenbelt for members of that

association and devoted to active or passive recreation, including developed and undeveloped land.

5. *Residential property* means any area subdivided and approved by the Town for residential land use or any property or lot devoted to full-time residential use.
6. *School* means a facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.
7. *Sexually oriented business* means:
 - a. Any business where individuals appear in a state in such a manner as to intentionally display specified anatomical areas or which encourages specified sexual activities, whether as the primary, or principal, use of the premises or whether as a secondary, or incidental or accessory, use of the premises for the purpose of entertaining the patrons of such establishments (but not including performances in which persons appear in a state of nudity and which, taken as a whole, contain serious literary, artistic, political or scientific value).
 - b. An adult bookstore, adult novelty store or adult video store.
8. *Specified anatomical areas* means:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the areolae; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. *Specified sexual activities* means:
 - a. Human genitals in a state of sexual stimulation, tumescence or arousal;
 - b. Acts, actual or simulated, of human masturbation, sexual intercourse, oral copulation, bestiality or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
 - d. Flagellation, mutilation, sadism, sadomasochism or torture for purposes of sexual arousal, gratification or abuse; and
 - e. Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs a through d of this definition. (Ord. 4-2005 §1; Ord. 11-2007 §1)
- C. **Hours of Operation.** Sexually oriented businesses may only operate from the hours of 7:00 a.m. to 12:00 a.m. each day. Businesses falling within the definition of a sexually oriented business may be open for such additional hours as their owners in their discretion desire, provided that no activities carried on by a sexually oriented business may be available during such additional hours, that is other lawful activity not involving sexually oriented businesses may freely occur. (Ord. 4-2005 §1; Ord. 11-2007 §1)

- D. Premises. Sexually oriented businesses shall only conduct or offer sexually oriented business activities indoors (within an enclosed structure), and no sexually oriented business may permit or cause any sexually oriented business activity from outside the structure in which it is enclosed. (Ord. 4-2005 §1; Ord. 11-2007 §1)
- E. Age Limits. No one under eighteen (18) years of age shall be admitted to or be present in any nude entertainment establishment from the hours of 7:00 a.m. to 12:00 a.m. on any day. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises. Notice of this minimum age limitation shall be posted prominently outside all entrances to any nude entertainment establishment. (Ord. 4-2005 §1; Ord. 11-2007 §1)
- F. Signage and Exterior.
 - 1. In addition to the other requirements of this Code or the Land Use Code, it shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct or maintain any sign for the sexually oriented business other than one (1) primary sign and one (1) secondary sign, as provided herein.
 - 2. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:(1)Be a flat plane, rectangular in shape;(2)Not exceed seventy-five (75) square feet in area; and(3)Not exceed ten (10) feet in height or ten (10) feet in length. (Ord. 4-2005 §1; Ord. 11-2007 §1)

4.03.2 Airport.

- A. An Airport shall have a twenty (20) acre minimum property size for the overall site, and buildings and structures directly related to aircraft operations, storage, and/or passenger processing.
- B. The Airport shall comply with all Federal Aviation Administration regulations including but not limited to runway design, noise standards, and height limitations.

4.03.3 Bar/Tavern⁶.

- A. No Bar/Tavern shall be located within five hundred (500) feet of any residential district or use.
- B. 4.03.3.A does not apply to any Bar/Tavern located in C-2 Zone.

4.03.4 Bed and Breakfast⁷.

- A. The owner shall always occupy and manage any Bed and Breakfast.
- B. The maximum number of rented bedrooms is five (5).
- C. The maximum length of stay for any guest is fourteen (14) consecutive days in any one calendar month.

⁶ Provided basic distancing requirements

⁷ Provided new standards that are simple and on par with the surrounding jurisdictions

- D. The Bed and Breakfast owner is responsible for the collection of all applicable Town and County taxes.
- E. Only breakfast may be served on the premises only for Bed and Breakfast guests and employees.
- F. No other meals shall be provided for guests on the premises.
- G. Guestrooms shall not be equipped with cooking facilities including, but not limited to, stoves, hot plates, or microwave ovens
- H. No Bed and Breakfast shall be located within one thousand (1,000) feet of any other Bed and Breakfast.

4.03.5 Brewery, Distillery, or Winery⁸.

- A. No Brewery, Distillery, or Winery shall be located within five hundred (500) feet of any residential district.
- B. A Brewery, Distillery, or Winery shall have a five (5) acre minimum parcel size.
- C. A Brewery, Distillery, or Winery includes on-site consumption as a primary or secondary use, which includes a minimum of twenty-five percent (25%) of the gross floor area.
- D. A Brewery, Distillery, or Winery may include other secondary uses like retail sales or outdoor events.
- E. A Brewery, Distillery, or Winery is limited to three hundred (300) guests.
- F. Outdoor events associated within a Brewery, Distillery, or Winery's operations are limited to Sunday through Thursday 11 am to 8 pm, and Friday through Saturday 10 am to 11 pm.
- G. All Breweries, Distilleries, or Wineries shall utilize best management practices and available technology to minimize potential adverse odors associated with the use.
- H. All waste shall be managed, treated, stored, and/or disposed of in accordance with County, State, and Federal rules, regulations, and ordinances pertaining to waste.

4.03.6 Boarding and Rooming House⁹.

- A. No more than ten (10) occupants (including any resident staff and family) shall occupy any boarding house at one time.
- B. The maximum length of stay for any guest is fourteen (14) consecutive days in any one calendar month.
- C. No meals shall be provided for guests on the premises.
- D. No Boarding and Rooming House shall be located within one thousand (1,000) feet of any other Boarding and Rooming House.

4.03.7 Brew Pub, Distillery Pub, Limited Winery.

⁸ Needs standards to alleviate the CUP requirement

⁹ Provided general standards that are on par with other cities

- A. No Brew Pub, Distillery Pub, or Limited Winery shall be located within two hundred fifty (250) feet of any residential district or use.
- B. 4.03.7.A does not apply to any Brew Pub, Distillery Pub, or Limited Winery located in C-2 Zone.
- C. No Brew Pub, Distillery Pub, or Limited Winery shall be located within five hundred (500) feet of any other Brew Pub, Distillery Pub, or Limited Winery.
- D. Overhead doors shall not face streets unless they are set back at least one hundred (100) feet from the street.
- E. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 8:00 AM and 8:00 PM.
- F. No outdoor storage is permitted.

4.03.8 Building and Landscaping Materials Supply.

- A. C-1 and C-3 Zones.
 - 1. No Building and Landscaping Materials Supply shall be located within five hundred (500) feet of any residential use or district.
 - 2. Outdoor display, storage, sales, or rental of building and landscaping materials shall be screened.
 - 3. Screening for outdoor display, storage, sales, or rental of building and landscaping materials shall be constructed from concrete or masonry and be at least six (6) feet tall.
 - 4. No screening wall shall exceed ten (10) feet tall.
 - 5. In no instance shall any outdoor display, storage, sales, or rental of building and landscaping materials be stacked higher than the required concrete or masonry screening wall.
 - 6. No materials for sale shall be displayed between the principal structure and the front property line.

4.03.9 Car Wash¹⁰.

- A. No Car Wash shall be located within two hundred fifty (250) feet of any residential use or district.
- B. A Car Wash shall not be open for business between the hours of 10:00 PM and 7:00 AM.

4.03.10 Cemetery¹¹.

- A. A Cemetery shall have a two (2) acre minimum property size.
- B. No structure, excluding fences or walls, shall be located within one hundred (100) feet from any residential use.
- C. Graves and monuments shall set back at least twenty feet (20) from any property line.
- D. All cemeteries shall be platted according to Chapter ***, Subdivision.

¹⁰ Provided spacing standards.

¹¹ Proposed standards since they want to allow this use in R1

4.03.11 Communication Facility¹².

- A.
- B.

4.03.12 Contractor and Contractor Storage.

- A. All outdoor storage areas shall be located at least one hundred (100) feet from any property line.
- B. All structures shall be located at least fifty (50) feet from any property line.
- C. The minimum property size for a Contractor and Contractor Storage shall be two (2) acres.
- D. Outdoor storage areas shall be screened and comply with Chapter 4.04.5.D.
- E. Maintenance of vehicles or machinery shall be incidental to the Contractor and Contractor Storage and the incidental use shall only include minor repair.
- F. Office space shall be incidental to the Contractor and Contractor Storage and shall comply with Chapter 4.04.5.C.
- G. No retail sales associated with a Contractor and Contractor Storage may occur on the property unless retail sales are approved with a different use that allows retail sales.
- H. No on street parking of vehicles or equipment associated with the use is allowed.
- I. Hours of operation are limited between the hours of 7:00 AM and nine 9:00 PM.

4.03.13 Convenience Store.

- A. C-1 and C-2 Zones.
 - 1. No Convenience Store shall be located within one hundred (100) feet of any residential use or district.
 - 2. No Convenience Store shall exceed two thousand (2,000¹³) square feet in building area.
 - 3. No Convenience Store shall be located within two hundred fifty (250) feet of any other Convenience Store.
 - 4. No outdoor display is permitted.
 - 5. Drive-thrus are not permitted.
- B. C-3 and LI Zones.
 - 1. No Convenience Store shall be located within fifty (50) feet of any residential use or district.
 - 2. Drive-thrus may be allowed if the following requirements are met:
 - a. The Convenience Store is located two hundred fifty (250) feet from any residential district or use.
 - b. The Convenience Store is less than two thousand (2,000) square feet in building area.

¹² This use left blank as we will fill this section in with more input from staff and consultant best practices.

¹³ U.S. average convenience store size is ~ 2,800 sf. I'd imagine Wellington has smaller convenience store sizes than the US average.

- c. A drive-thru lane is provided on site.
- d. The drive-thru lane is at least ten (10) feet wide.
- e. The drive-thru lane provides at least three (3) vehicle stacking spaces before the drive-thru window.
- f. Vehicle stacking spaces shall be ten (10) feet wide by twenty (20) feet long.

4.03.14 Convenience Store, with fuel sales¹⁴.

A. All Zones.

- 1. Convenience Store, with fuel sales shall not be located within one hundred (100) feet of any residential use or district.
- 2. Any pump island or other structure shall not be less than twenty (20) feet from adjacent property lines or street and highway right-of-way lines.
- 3. Overhead canopies or weather protection structures shall not be less than ten (10) feet from any right-of-way line or property line.
- 4. No outdoor display is permitted.
- 5. Drive-thrus are not permitted.

B. C-1 Zone.

- 1. No Convenience Store, with fuel sales shall exceed two thousand (2,000) square feet in building area.
- 2. No Convenience Store, with fuel sales shall be located within two hundred fifty (250) feet of any other Convenience Store, with fuel sales.
- 3. The total fuel pumps shall not exceed four (4).

4.03.15 Financial Institution¹⁵.

A. All Zones.

- 1. Drive-thrus/ATMs may be allowed if the following requirements are met:
 - a. The Financial Institution is located one hundred fifty (100) feet from any residential district or use.
 - b. A drive-thru/ATM lane is provided on site.
 - c. The drive-thru/ATM lane is at least ten (10) feet wide.
 - d. The drive-thru/ATM lane provides at least four (4) vehicle stacking spaces before the drive-thru window/ATM.
 - e. Vehicle stacking spaces shall be ten (10) feet wide by twenty (20) feet long.

¹⁴ Do we really need this distinction? Why not just make one category with the specific use standards regulating fuel sales (i.e. fuel are allowed only in C1, C3, and LI)? Also, there's a service station use. What's the difference between the two?

¹⁵ Insert size requirements, drive thru specs (drive thrus may be included in accessory uses though)

f. The Financial Institution shall not exceed three (3) drive-thru/ATM lanes.

B. C-2 Zone.

1. No Financial Institution shall exceed two thousand (2,000) square feet in building area.
2. No Financial Institution shall be located within two hundred fifty (250) feet of any other Financial Institution.
3. Drive-thrus are not permitted.

4.03.16 Funeral Services¹⁶.

- A. Funeral Services including a Cemetery shall follow the requirements established in Chapter 4.03.10.
- B. Funeral Services shall be located at least five hundred (500) feet from any residential district or use.
- C. Funeral Services including cremation or embalming shall follow the additional requirements below.
 1. Prior to the issuance of a certificate of occupancy, the Funeral Services operator shall provide documentation of the issuance of all applicable federal, state, and local permits and provide all the equipment manufacturers' specifications for construction, installation, operation, and maintenance.
 2. Funeral Services shall be constructed, installed, operated, and maintained in accordance with all manufacturers' specifications and all applicable federal, state, and local permits. Town inspectors shall have the right to enter and inspect the operations to determine compliance with this provision.
 3. Each incinerator shall have a modern automated control panel and a dedicated natural gas meter.
 4. The height of the exhaust stack shall be a minimum of two (2) feet above the roof line or other nearby obstruction to minimized downdrafts of the exhaust.

4.03.17 Golf Course¹⁷.

- A. The designed centerline of each hole shall be a minimum of one hundred (100) feet from adjacent property boundaries to reduce the potential of golf balls exiting the subject property.
- B. Appropriate controls, like netting, shall be installed to prevent golf balls from exiting the subject property.
- C. Total lot coverage with principal and accessory buildings shall not exceed twenty five percent (25%).
- D. Residential uses on the subject property are prohibited.
- E. No principal or accessory building, swimming pool, or tennis court shall set back at least fifty (50) feet from any property line.
- F. All exterior lighting shall terminate at 9:00 PM.

¹⁶ Regs that mitigate effects in C1.

¹⁷ Standards provided for screening, separation, lighting, etc.

4.03.18 Grocery Store¹⁸.

A. C-1 Zone.

1. Any Grocery Store exceeding 15,000 square feet shall require a Conditional Use Permit.

B. C-2 Zone.

1. Any Grocery Store exceeding 10,000 square feet shall require a Conditional Use Permit and meet the following standards.
 - a. No drive-thrus are permitted.
 - b. No Grocery Store shall be located within five hundred (500) feet of any other Grocery Store.

C. C-3 and LI Zones.

1. Any Grocery Store exceeding 25,000 square feet shall require a Conditional Use Permit.

4.03.19 Heavy Equipment Sales and Rental.

- A. No Heavy Equipment Sales and Rental use shall be located within one thousand (1,000) feet of any residential use or district.
- B. Outdoor display, storage, sales, or rental of heavy equipment shall be screened.
- C. Screening for heavy equipment shall be constructed from concrete or masonry and be at least six (6) feet tall.
- D. No screening wall shall exceed twelve (12) feet tall.
- E. No outdoor display, storage, sales, or rental of heavy equipment shall be taller than the required concrete or masonry screening wall unless located in the rear of the site. If located in the rear, outdoor display, storage, sales, or rental of heavy equipment shall not exceed twenty (20) feet tall.
- F. No materials for sale shall be displayed between the principal structure and the front property line.

4.03.20 Home Occupation¹⁹.

A. A Home Occupation shall meet the following requirements.

1. The use shall be conducted entirely within a dwelling and carried on by the inhabitants of the dwelling. Except for daycare businesses which shall be allowed to commence operations as of 6:00 a.m. the hours of operation during which clients or customers are allowed to come to the home in connection with the business activity are limited to between 8:00 AM and 9:00 PM.
2. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the dwelling's character.

¹⁸ Insert size requirements, drive thru specs,

¹⁹ Carried forward existing regulations.

3. The total area used for a Home Occupation shall not exceed one-half ($\frac{1}{2}$) the floor area of the user's dwelling unit.
 4. There shall be only the incidental sale of stocks, supplies or products conducted on the premises.
 5. There shall be no exterior storage on the premises of material or equipment used as a part of the Home Occupation.
 6. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
 7. A Home Occupation shall provide additional off-street parking areas adequate to accommodate all needs created by the Home Occupation.
- B. A Home Occupation shall not include the following:
1. Animal hospital;
 2. Long-term care facility;
 3. Restaurant;
 4. Bed and breakfast;
 5. Group home;
 6. Adult-oriented use; or
 7. Vehicle repair, servicing, detailing or towing if vehicles are:
 - a. Dispatched from the premises;
 - b. Are brought to the premises; or
 - c. Are parked or stored on the premises or on an adjacent street.
- C. Licensing.
1. A Home Occupation shall be permitted only after the owner or inhabitant of the dwelling in which the occupation is conducted has obtained a home occupation license and business license from the Town.
 2. The license fee shall be an amount established by resolution by the Board of Trustees to offset the Town's cost.
 3. At the time the time ownership of the property is transferred, or the Home Occupation is discontinued for a period of six (6) months or more the home occupation license terminates.
 4. Following termination, the license may be issued again upon the submission and review of a new application and the payment of an additional fee.
 5. If the Town is investigating a violation of this Land Use Code with respect to the particular home occupation at the time the renewal application is made, the license will not be reissued until the investigation is completed and, if necessary, all violations have been corrected.
 6. The term of the previous license shall continue during the period of investigation.

4.03.21 Industrial and Manufacturing, Heavy.

- A. An Industrial and Manufacturing, Heavy use shall be located at least one thousand (1,000) feet from any residential district or use.
- B. Any Industrial and Manufacturing, Heavy use producing and curating toxic chemicals or conducting animal slaughtering shall be located at least:
 - 1. Two thousand six hundred forty (2,640)²⁰ feet from any residential district, religious land use, medical care facility, or school.
 - 2. One thousand three hundred twenty (1,320)²¹ feet from any commercial use.
 - 3. Six hundred sixty (660)²² feet from any Industrial and Manufacturing, Light use.

4.03.22 Industrial and Manufacturing, Light.

- A. Industrial Zones.
 - 1. An Industrial and Manufacturing, Light use shall be located at least two hundred fifty (250) feet from any residential district or use.
 - 2. Overhead doors shall not face streets unless set back at least one hundred (100) feet from the street.
- B. Commercial Zones.
 - 1. An Industrial and Manufacturing, Light use shall be located at least five hundred fifty (500) feet from any residential district or use.
 - 2. No Industrial and Manufacturing, Light use shall be located within two hundred fifty (250) feet of any other Industrial and Manufacturing, Light use.
 - 3. Overhead doors shall not face any street.
 - 4. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 8:00 AM and 8:00 PM.
 - 5. Accessory outdoor storage shall be allowed in the rear of the subject property if screened appropriately per Chapter ***.
 - 6. Any Industrial and Manufacturing, Light use over 5,000 square feet of building area shall require conditional use approval.

4.03.23 Kennel.

- A. A two hundred fifty (250) foot separation shall be maintained between the area and structures where animals are housed and any property line.

²⁰ This is a ½ mile

²¹ This is a ¼ mile

²² This is a 1/8 mile

- B. Outside runs for commercial kennels shall be operated only with an attendant present on the premises twenty four (24) hours a day.
- C. At a minimum, the animals shall be enclosed within a six foot (6') fence or wall to restrain animals from running at large.
- D. In residential districts, visual screening shall be required to buffer adjacent land uses.
- E. No more than twenty five percent (25%) of the building floor area may be used for related accessory retail sales.
- F. No more than twenty five percent (25%) of the building floor area may be used for related accessory grooming uses.

4.03.24 Manufactured Home²³.

- A. Manufactured home design standards/building requirements.
 - 1. The manufactured home must be partially or entirely manufactured in a factory.
 - 2. The manufactured home must be not less than twenty-four (24) feet in width and thirty-six (36) feet in length.
 - 3. The manufactured home must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve (12) inches above finish grade. The foundation shall be similar in appearance and durability to a masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system for the manufactured home that is totally concealed under the structure.
 - 4. The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.
 - 5. The manufactured home must have a pitched roof with a pitch of at least a nominal three (3) in twelve (12). The roof must be covered with shingles, shakes or tile. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.
 - 6. The manufactured home must have windows that are wood, vinyl-coated or anodized aluminum.
 - 7. The manufactured home must have color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same.
 - 8. The main entrance to the manufactured home must face or be oriented toward an adjacent street.
 - 9. The transportation mechanisms, including the wheels, axles and hitch, must be removed.

²³ Carried forward the existing regulations.

10. No manufactured home shall be occupied for dwelling purposes unless it is properly placed in a manufactured home space and connected to water, sewerage, electric and gas utilities, as appropriate.
 11. All manufactured homes shall be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., or shall be certified by the Colorado Division of Housing pursuant to Section 24-32-701 et seq., C.R.S.
 12. All manufactured homes shall have an enclosed crawlspace underneath the manufactured home and shall not provide a harborage for rodents or create a fire hazard. No enclosed crawlspace shall be used for storage unless the storage area is surfaced with concrete. Adequate access and ventilation shall be provided in accordance with the Guidelines For Manufactured Housing Installation.
 13. All manufactured homes shall meet or exceed equivalent engineering standards for other single-family residences.
 14. Additions to increase the floor area of manufactured home shall not be permitted except for patios, porches, garages, decks or carports. Garages may be detached or attached.
 15. Prior to occupancy, the Building Inspector shall inspect each manufactured home to determine compliance with this Code. No occupancy shall be permitted or certificate of occupancy issued until said inspection and all connections to public utilities have been made. The owner or home builder shall pay to the Town a building permit fee for each residential structure as may be required by this Code. Installation procedures and the building permit fee shall be in accordance with the then current Guidelines for Manufactured Housing Installation, including appendices, published by the International Conference of Building Officials for manufactured homes and as adopted by the Town.
 16. All additions shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition. (Ord. 11-2007 §1)
- B. Density, dimensional and spacing standards.
1. The minimum area manufactured home space shall be four thousand (4,000) square feet.
 2. The minimum lot length shall be eighty (80) feet.
 3. The minimum lot width shall be fifty (50) feet.
 4. The maximum building height shall be thirty-five (35) feet.
 5. The maximum gross density shall be ten (10) units per acre.
 6. The distance between any building or manufactured home from a property line of the manufactured home park shall be twenty (20) feet.
 7. The front setback of a manufactured home shall be at least fifteen (15) feet from the back of the curb; provided, however, that in order to encourage the enclosed storage of parked vehicles, the

setback from the back of the curb to a garage shall be either five (5) feet or fifteen (15) feet or greater.

8. Side spacing shall provide for a minimum distance of twenty (20) feet between manufactured homes.
9. Rear spacing shall provide for a minimum distance of twenty (20) feet between units when units are side-to-end and a minimum distance of ten (10) feet between units when units are end-to-end.
10. There shall be a minimum setback of twenty (20) feet between any service facility or manufactured home park permanent building and any manufactured home.
11. Accessory buildings and structures shall be constructed in accordance with the adopted Building Code. Accessory buildings and structures shall include steps, attached or detached patios that are open on three (3) sides, attached or detached decks that are open on three (3) sides, attached or detached storage units, attached or detached garages and attached or detached carports. Accessory buildings or structures may be located adjacent to a manufactured home space line; provided, however, that a minimum of six (6) feet of separation is provided between a garage and any other structure on an adjoining space. Any other building or structure shall provide a minimum of ten (10) feet between it and any structure on an adjoining space.
12. The limits of each manufactured home lot shall be clearly marked on the ground by permanent monuments set pursuant to Section 38-51-101, C.R.S. (Ord. 11-2007 §1)

C. Parking.

1. Every manufactured home space shall have two (2) off-street parking spaces adjacent to the manufactured home. There shall be one (1) additional parking space for each manufactured home space within one hundred (100) feet for use by occupants and guests.
2. Off-street vehicle parking for recreation facilities. Off-street vehicle parking shall be provided for recreation facilities located within a manufactured home park. One (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee at the maximum shift, shall be provided for enclosed recreation facilities. Twenty (20) spaces are to be provided for every diamond or athletic field, or one (1) space for every four (4) spectator seats, whichever is greater. (One [1] seat is equal to two [2] feet of bench seating length.) Handicapped parking spaces shall be provided in conformance with the Americans With Disabilities Act, as may be amended from time to time. (Ord. 11-2007 §1)

D. Outdoor Living Area.

1. No less than eight percent (8%) of the gross site area shall be reserved for and devoted to improved recreation areas and facilities provided in locations convenient to all manufactured home spaces.
2. An outdoor living area shall be provided on each space equal to at least ten percent (10%) of its area, provided that in no case shall such area be less than three hundred (300) square feet or required to be more than five hundred (500) square feet. The minimum horizontal dimension of such area shall be not less than fifteen (15) feet.
3. Such outdoor living area shall be properly drained, located for convenience and optimum use and walled, fenced or landscaped to provide reasonable privacy. (Ord. 11-2007 §1)

E. Tenant Storage.

1. A separate uniform tenant storage structure shall be provided for each space, located on each space.
2. There shall be a minimum of two hundred twenty-four (224) cubic feet of storage area provided for each manufactured home space.
3. Design and location of tenant storage shall enhance the appearance of the park, and the exterior siding of the structure shall have the same appearance as materials commonly used on residential dwellings. (Ord. 11-2007 §1)

4.03.25 Medical Office²⁴.

A. C-2 Zone.

1. No Medical Office shall be located within five hundred (500) feet of any other Medical Office.
2. No Medical Office shall be located within two hundred fifty (250) feet of any other Medical Office.
3. Any Medical Office over 2,500 square feet of building area shall require conditional use approval.

4.03.26 Mini-Storage Facility.

- A. The Mini-Storage Facility shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.
- B. Mini-Storage Facilities shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.
- C. No Mini-Storage unit shall be used for the storage of explosives, ammunition, hazardous, or flammable materials.
- D. All buildings in the self-storage warehouse facility shall be architecturally compatible with the surrounding development in terms of architectural style and building materials and color.

²⁴ Provided a distance requirement from other medical uses to prevent from medical office monopolies in downtown.

- E. Mini-Storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit.
- F. The Mini-Storage Facility may include an accessory on-site office.
- G. No office shall not exceed more than three thousand (3,000) square feet.
- H. No outdoor storage is permitted in the C-3 zone.
- I. Outdoor storage may be allowed LI and I zones in a designated on-site area for vehicles and recreational equipment if they are covered by an awning or canopy structure.
- J. Hours of public access to a Mini-Storage Facility shall be restricted to 6:00 AM. to 10:00 PM.

4.03.27 Mixed-Use Dwelling²⁵.

- A. A single-story Mixed-Use Dwelling unit shall be permitted if the following standards are met.
 - 1. The nonresidential use shall front the street.
 - 2. The residential use shall be located behind the nonresidential use.
 - 3. The residential use shall not exceed 50%²⁶ of the total Mixed-Use Dwelling.
 - 4. No single-story Mixed-Use Dwelling shall exceed three thousand (3,000) square feet.
- B. A multiple story Mixed-Use Dwelling shall be permitted if the following standards are met.
 - 1. The first floor shall be used for nonresidential uses.
 - 2. No residential uses are allowed on the first floor.
 - 3. All residential parking shall be provided in the rear of the site.

4.03.28 Motor Vehicle Dealership²⁷.

- A. A Motor Vehicle Dealership shall be located five hundred (500) feet from any residential district or use.
- B. No Motor Vehicle Dealership shall be located within five hundred (500) feet of any other Motor Vehicle Dealership.
- C. No more than fifty percent (50%) of the total building floor area may be used for related accessory uses such as retail sales, vehicle repair and service, and vehicle washing.
- D. Vehicle inventory spaces shall not count towards the minimum parking requirements.

4.03.29 Motor Vehicle Repair, Heavy²⁸.

- A. All Motor Vehicle Repair, Heavy repair activities shall take place within an enclosed space.

²⁵ Implement current standards via the existing definition. How far do we want to go with the standards here?

²⁶ Example (2,000 sf single story Mixed-Use Dwelling): Max residential area – 1,000 sf and Max nonresidential area – 1,000 sf

²⁷ Add a requirement about gas and repairs as accessory uses. Needs distancing, screening, and noise requirements.

²⁸ Provided distancing, screening, enclosure, and noise requirements.

- B. Motor Vehicle Repair, Heavy facilities shall be located five hundred (500) feet from any residential use, religious land use or school.
- C. Motor Vehicle Repair, Heavy facilities shall set back at least fifty (50) feet from the front property line and twenty-five (25) feet from the rear property line.
- D. Disabled or damaged vehicles are not allowed to remain in an exterior location unless screened from public view.
- E. Screened areas for disabled or damaged vehicles are only allowed in areas to the rear or side of the principal structure of the Motor Vehicle Repair, Heavy facility.
- F. Screening for disabled or damaged vehicles shall be constructed from concrete or masonry and be at least six (6) feet tall.

4.03.30 Motor Vehicle Repair, Light²⁹.

- A. All Motor Vehicle Repair, Light repair activities shall take place within an enclosed space.
- B. Motor Vehicle Repair, Light facilities shall be located two hundred fifty (250) feet from any residential use, religious land use or school.
- C. Disabled or damaged vehicles are not allowed to remain in an exterior location unless screened from public view.
- D. Screened areas for disabled or damaged vehicles are only allowed in areas to the rear of the principal structure of the Motor Vehicle Repair, Light facility.
- E. Screening for disabled or damaged vehicles shall be constructed from concrete or masonry and be at least six (6) feet tall.

4.03.31 Multi-Family Dwelling³⁰.

- A. A Multi-Family Dwelling shall not exceed twelve (12) units.
- B. All Multi-Family Dwelling sites shall provide at least 20% of functional open space.

4.03.32 Nightclub³¹.

- A. No Nightclub shall be located within five hundred (500) feet of any residential district or use.
- B. No Nightclub shall be located within two hundred fifty (250) feet of any school or religious land use.
- C. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 8:00 AM and 8:00 PM.

4.03.33 Off-Street Parking Facility³².

²⁹ Provided distancing, screening, enclosure, and noise requirements.

³⁰ Maybe add specific standards for apartments in the downtown area? Why would this be a conditional use? Are they concerned about size, height, etc.?

³¹ Can this use be collapsed into the bar category?

³² Maybe implement a size and parking space requirement to prevent large parking lots in prime areas?

- A. Off-Street Parking Facilities shall meet the following requirements established in Table***.

Table *** Off-Street Parking Facilities	
Zone	Maximum Parking Square Footage Area
C-1	20,000
C-2	15,000
C-3	30,000

- B. An Off-Street Parking Facility may exceed the limits established if a parking garage is provided; however, no parking floor shall exceed the square footage limits.
- C. Parking garages shall follow the zone height requirements.
- D. Exterior parking garage elevations shall be compatible with the architecture found in the zone in terms of style, material, and other exterior elements.
- E. Parking garages shall include a minimum of two of the following elements on any facade facing a public street or space:
1. Window and door openings comprising a minimum of twenty-five (25) percent of the ground floor facade;
 2. Awnings;
 3. Sill details; or
 4. Columns.

4.03.34 Pawn Shop.

- A. All Zones.
1. A Pawn Shop shall be located five hundred (500) feet from any residential district or use.
 2. No Pawn Shop shall be located within two hundred fifty (250) feet of any school or religious land use.
 3. No Pawn Shop shall be located within one thousand (1,000) feet of any other Pawn Shop.
- B. C-1 and C-2 Zones.
1. No Pawn Shop shall exceed two thousand (2,000) square feet in building area.
 2. No outdoor display is permitted.

4.03.35 Recreational Entertainment, Outdoor³³.

- A. Any Recreational Entertainment, Outdoor use shall be located five hundred (500) feet from any residential district or use.
- B. Any Recreational Entertainment, Outdoor use shall close by 10:00 PM.

³³ Should we add standards for this use (think about ball fields, stadiums, etc.)?

- C. All exterior lighting shall terminate at 10:00 PM.
- D. Noise generated by the use shall not exceed 45 dBA at any residential property line between the hours of 10:00 PM and 8:00 AM.

4.03.36 Religious Land Use³⁴.

- A.
- B.

4.03.37 Research and Development.

A. All Zones.

1. Research and Development facilities shall not contain or utilize toxic or explosive materials.
2. All facilities shall be completely enclosed.

B. C-3 Zone.

1. Any Research and Development facility shall be located two hundred fifty (250) feet from any residential district or use.
2. No Research and Development facility shall be located within five hundred (500) feet of any other Research and Development facility.
3. Any Research and Development facility over 5,000 square feet of building area shall require conditional use approval.

C. LI Zone.

1. Any Research and Development facility shall be located five hundred (500) feet from any residential district or use.
2. Any Research and Development facility over 10,000 square feet of building area shall require conditional use approval.

4.03.38 Resource Extraction³⁵.

- A.
- B.

4.03.39 Restaurant, Fast Food³⁶.

³⁴ If consultants provide standards, they must comply with RLUIPA. RLUIPA prohibits zoning and landmarking laws that:

- (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions;
- (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;
- (3) totally exclude religious assemblies from a jurisdiction; or
- (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

³⁵ Loveland and Durango handle resource extraction through an Extraction Master Plan that is adopted by the jurisdiction. Would Wellington consider this approach?

³⁶ Why not have one Restaurant use with the specific standards applying to differentiate?

- A. Any Restaurant, Fast Food with Drive-Thru shall be located two hundred fifty (250) feet from any residential district or use.
- B. No Restaurant, Fast Food shall have a drive-thru window.
- C. Any Restaurant, Fast Food shall have a trash management program for the daily removal of on-site trash and litter.
- D. Loading is not allowed between the hours of 10:00 PM and 8:00 AM.

4.03.40 Restaurant, Fast Food with Drive-Thru.

- A. No Restaurant, Fast Food with Drive-Thru shall exceed five thousand (5,000) square feet in building area.
- B. Any Restaurant, Fast Food with Drive-Thru shall be located two hundred fifty (250) feet from any residential district or use.
- C. All drive-thru interactions shall occur within three (3) feet of a designated “drive-thru lane”.
- D. A drive-thru lane shall be at least ten (10) feet wide.
- E. A drive-thru lane shall originate at the last stacking space from the “point of order”.
- F. A drive-thru lane shall provide at least three (3) vehicle stacking spaces before the “point of order”.
- G. Vehicle stacking spaces shall be ten (10) feet wide by twenty (20) feet long.
- H. Any Restaurant, Fast Food with Drive-Thru shall designate a “point of order” on site where meal orders are communicated by patrons to staff.
- I. A “point of order” may be established before or at the drive-thru window.
- J. If a “point of order” is established before the drive-thru window, it shall be located at least thirty (30) feet from the first, or only, drive-thru window.
- K. Two (2) drive-thru windows may be allowed on site.
- L. If multiple drive-thrus are proposed, they shall be spaced at least forty (40) feet from one another.
- M. No drive-thru lane shall be closer than five (5) feet from an adjacent property line.
- N. Any Restaurant, Fast Food with Drive-Thru shall have a trash management program for the daily removal of on-site trash and litter.
- O. Loading is not allowed between the hours of 10:00 PM and 8:00 AM.

4.03.41 Restaurant, Sit Down.

- A. No Restaurant, Sit Down shall have a drive-thru window.
- B. Accessory outdoor customer seating/dining areas are permitted if they meet the applicable district’s dimensional standards.
- C. Any Restaurant, Sit Down shall have a trash management program for the daily removal of on-site trash and litter.

4.03.42 Retail and Medical Marijuana Store.

- A. All retail and medical marijuana stores shall comply with the regulations established in Ordinance No. ***-2021³⁷ as approved by the Town of Wellington voters to regulate marijuana within town limits.

4.03.43 Retail Store³⁸.

A. C-1

1. No Retail Store shall exceed ten thousand (10,000) square feet in building area.
2. No outdoor display is permitted.

B. C-2

1. No Retail Store shall exceed five thousand (5,000) square feet in building area.
2. No outdoor display is permitted.

C. C-3

1. A Retail Store shall meet the following requirements established in Table ***,

Table *** Retail Store	
Property Size	Maximum Building Square Foot Percentage
≤ 1 acre	20% ³⁹
1.01 to 10 acres	25% ⁴⁰
> 10 acres	30% ⁴¹

2. No Retail Store shall exceed the maximum building square foot percentages established in Table***.
3. Outdoor display shall be limited to 25% of the total building area.
4. Any outdoor display shall be screened.
5. Outdoor display screening shall be constructed from concrete or masonry and be at least six (6) feet tall.

4.03.44 Salvage Yard.

A. Measurements and Setbacks.

1. Any Salvage Yard shall be located one thousand (1,000) feet from any residential use or district.

³⁷ Added language in the use regulations that links the newly adopted marijuana ordinance. We will provide a hyperlink that will take the reader to the approved marijuana ordinance.

³⁸ They want specific regulations for large retail stores. Why not combine grocery stores and retail stores since groceries are a form of retail and offer similar traffic?

³⁹ Sample calculation based on a 1 acre lot (acreage x percentage = max building square footage). $43,560 \times 0.2 = 8,712 \text{ sf}$

⁴⁰ Sample calculation based on a 10 acre lot (acreage x percentage = max building square footage). $435,600 \times 0.25 = 108,900 \text{ sf}$

⁴¹ Sample calculation based on a 15 acre lot (acreage x percentage = max building square footage). $653,400 \times 0.3 = 196,020 \text{ sf}$

2. No Salvage Yard shall be located within one thousand three hundred twenty (1,320)⁴² feet from any other Salvage Yard.
3. Any Salvage Yard shall set back at least fifty (50) feet from the front property line and twenty-five (25) feet from the rear property line.
4. Any Salvage Yard shall be at least a minimum property size of five (5) acres.

B. Operation.

1. No hazardous wastes or hazardous materials shall be accepted or deposited at any salvage yard, except as incidental to the salvage operation.
2. Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.
3. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 8:00 AM and 8:00 PM.

C. Screening.

1. Screening shall be provided for all disabled or damaged vehicles, tools, or equipment.
2. Screening for disabled or damaged vehicles, tools, or equipment shall be constructed from concrete or masonry and be at least six (6) feet tall.
3. No screening wall shall exceed twelve (12) feet tall.
4. In no instance shall any disabled or damaged vehicles, tools, or equipment be stacked higher than the required concrete or masonry screening wall.

4.03.45 Service Station⁴³.

- A. Service Stations shall not be located within one hundred (100) feet of any residential use or district.
- B. Any pump island or other structure shall not be less than twenty (20) feet from adjacent property lines or street and highway right-of-way lines.
- C. Overhead canopies or weather protection structures shall not be less than ten (10) feet from any right-of-way line or property line.
- D. In the C-1 zone, the total fuel pumps shall not exceed four (4).

4.03.46 Single-Family Attached Dwelling⁴⁴.

- A. No Single-Family Attached Dwelling shall exceed five (5) units.
- B. All Single-Family Attached Dwellings shall provide rear entry parking garages.

⁴² This is a ¼ mile

⁴³ Combine with convenience store with fuel sales?

⁴⁴ Need a limit on amount of attached units in one row (4, 5, 6, etc.). Design requirements where they need to be rear or side entry.

4.03.47 Solid Waste Facility⁴⁵.

- A. Any Solid Waste Facility shall comply with all applicable Larimer County, State of Colorado, and Federal regulations and permit requirements prior to approval.
- B. Any Solid Waste Facility shall be:
 - 1. Located one thousand (1,000) feet from any residential use or district.
 - 2. At least a minimum property size of ten (10) acres.

4.03.48 Stable.

- A. A Stable is only allowed on a lot that has at least one (1) acre of land.
- B. A person shall keep only the number of horses permitted for the lot area as described in Table ***.

Table *** Stable Standards	
Property Size	Number of Horses
1 to 2 acres	2
2.01 to 5 acres	4
5.01 to 10 acres	8
> 10 acres	8 + 1 for each 0.5 acre after 10 acres

- C. A Stable shall include a pen, corral, fence, or similar enclosure containing at least eight hundred (800) square feet of land for each animal with a stable under a roof containing at least one hundred (100) square feet for each animal.
- D. A Stable must have proper drainage so as not to create offensive odors, fly breeding, or other nuisances.
- E. A pen, corral, fence, or similar enclosure may not be closer than twenty (20) feet to an adjacent property line. The widths of alleys, street rights-of-way, or other public rights-of-way may be used in establishing the 20 foot distance to the adjacent property line.
- F. A pen, corral, fence, or similar enclosure shall be at least four (4) feet tall and shall maintain a strength to retain the horse(s).

4.03.49 Technical School⁴⁶.

- A. C-2 Zone.
 - 1. No Technical School shall exceed three thousand (3,000) square feet in building area.
 - 2. No Technical School shall be located within two hundred fifty feet of any other Technical School.
 - 3. Any Technical School exceeding 3,000 square feet shall require a Conditional Use Permit.

⁴⁵ Basic distancing requirements.

⁴⁶ Why a CUP in C2? What would be the concerns of allowing it there be?

4.03.50 Veterinary Facilities, Large Animals⁴⁷.

- A. Any Veterinary Facilities, Large Animals shall be located on a property of at least one (1) acre.
- B. Any Veterinary Facilities, Large Animals shall be designed and constructed to:
 - 1. Eliminate any emission of odor offensive to persons owning, occupying, or patronizing properties adjacent to the subject property.
 - 2. Reduce the sound coming from any Veterinary Facilities, Large Animals to the level of sixty-five (65) decibels at any given abutting property line.
- C. Exterior areas used to exercise, walk, or keep animals shall set back at least one hundred (100) feet from any lot line.
- D. All exterior exercise areas and runs shall be fenced.
- E. Animals are prohibited from being outdoors between 8:00 PM and 8:00 AM.
- F. Animals shall only be walked or exercised in on-site outdoor areas.
- G. No animal boarding is allowed for any length of time except if boarding is necessary to provide surgical or other medical care to the animals.
- H. All buildings and accessory structures shall set back at least two hundred fifty (250) feet from any residential property line.
- I. All litter and animal waste shall be contained and controlled on the subject property.

4.03.51 Veterinary Facilities, Small Animals.

- A. Any Veterinary Facilities, Small Animals, including all treatment rooms, cages, pens, kennels, and exercise runs, shall be maintained within a completely enclosed, soundproof building.
- B. Any Veterinary Facilities, Small Animals shall be designed and constructed to:
 - 1. Eliminate any emission of odor offensive to persons owning, occupying, or patronizing properties adjacent to the subject property.
 - 2. Reduce the sound coming from any Veterinary Facilities, Small Animals to the level of sixty-five (65) decibels at any given abutting property line.
- C. No animal boarding is allowed for any length of time except if boarding is necessary to provide surgical or other medical care to the animals.

4.03.52 Workshop⁴⁸.

- A. All Zones.

⁴⁷ Why not one vet category with specific regs applying to large and small? Make vets allowable but differentiate large animals in certain zones.

⁴⁸ Create standards that mitigate adverse impacts in lighter intensity areas (i.e., noise, enclosure, setbacks)

1. All permitted repair work, vehicle washing, lubrication, and installation of parts and accessories shall be performed within an enclosed structure.
2. Any Workshop shall be located five hundred (500) feet from any residential use or district.
3. All dismantled vehicles, parts, and repair supplies shall be stored within an enclosed building or totally screened from view by a solid fence. All vehicles awaiting repair or service shall be stored on-site in approved parking spaces and not on a public right-of-way.

B. C-1 and C-2 Zones.

1. No Workshop shall exceed two thousand (2,000) square feet in building area.
2. Any Workshop exceeding two thousand (2,000) square feet shall require a Conditional Use Permit.

4.03.53 Wireless Telecommunications Facility⁴⁹.

- A.
- B.

4.04 Accessory Uses and Structures

4.04.1 Purpose. This section authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards established in this section. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, buildings, and activities typically associated with the use, unless specifically prohibited in this section.

4.04.2 Approval Procedure.

- A. Any of the accessory uses identified in this section may be allowed as accessory to an authorized principal use provided that:
 1. The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and
 2. The proposed accessory use or building is consistent with the general and specific standards for accessory uses in this subsection.
- B. Simultaneously with a Principal Use. Accessory uses or buildings may be reviewed as part of review of an associated principal use. In cases where the principal use is subject to a Conditional Use Permit, an accessory use may only be authorized in accordance with an approved Conditional Use Permit.
- C. Subsequent to a Principal Use.

⁴⁹ Regulations to be proposed as we continue to receive more information from staff and stakeholders.

1. Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.
2. In cases where the principal use is subject to a Conditional Use Permit, an accessory use may only be authorized in accordance with the provisions in Chapter ***, Conditional Use Permits.

4.04.3 Interpretation of Unidentified Accessory Uses. The Planning Director shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:

- A. The definition of "accessory use" in Chapter ***, Definitions, and the general accessory use standards and limitations established in Chapter 4.04;
- B. The purpose and intent of the base districts in which the accessory use is located;
- C. Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and
- D. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

4.04.4 General Standards for all Accessory Uses. All accessory uses and buildings shall be subject to the general standards in this section, as well as any applicable supplemental standards in Chapter 4.04.5 and all standards applicable to the associated principal use as set forth in **Chapter 4 Use Standards**.

- A. Size. All accessory uses shall:
 1. Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
 2. Not violate the bulk, density, parking, landscaping, or open space standards of this Land Use Code when taken together with the principal use or structure.
 3. The floor area of any detached accessory building shall not exceed 50 percent of the floor area of the principal structure. The total combined floor area of all buildings shall not exceed the maximum lot coverage for the zoning district in which it is located. The Planning Director may authorize a building to exceed this percentage if the building is used as a guest house, or is used for animal production or crop production associated with an agricultural use.
- B. Function. All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.
- C. Timing. Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.
- D. Height. Accessory buildings shall be limited to a maximum height of 24 feet unless exempted from the height requirements in this Code.
- E. Location.

1. Accessory uses or buildings shall be located on the same lot as the principal use or building.
2. Accessory buildings shall not be located within platted or recorded easements.
3. The Planning Director may authorize an accessory building on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use, or used in conjunction with a park or community garden.

F. Design Compatibility.

1. Except where exempted, all accessory buildings shall be designed to be aesthetically compatible with the principal building. Compatibility shall be measured in terms of building materials, building orientation, building placement, and building mass. Non-enclosed stables, gazebos, greenhouses, and carports ten feet or less in height with a roofed area of 300 square feet or less are exempted from this compatibility requirement.
2. Applicants for accessory buildings not exempted in accordance with this subsection who request exceptions from the design compatibility requirements shall demonstrate screening methods or design features that will be used to minimize any potential adverse effects on neighboring properties.

G. Ownership. Accessory uses or buildings shall be owned or operated by the same person as the principal use or buildings.

4.04.5 Supplemental Accessory Use Standards.

A. Accessory Dwelling Unit⁵⁰.

1. A Detached Accessory Dwelling Unit shall only be located in the rear of a lot.
2. A Detached Accessory Dwelling Unit must comply with the required setbacks by the zoning district in which the unit is located. If the accessory dwelling unit is part of the primary dwelling (attached), it must comply with principal building setbacks for the zoning district in which the unit is located.
3. An Accessory Dwelling Unit must comply with the zoning district's height requirements. An Accessory Dwelling Unit must not exceed the height of the primary dwelling.
4. An Accessory Dwelling Unit must not exceed one thousand (1,000) gross square feet in area.
5. An Accessory Dwelling Unit must maintain the architectural design, style, appearance, and character of the primary dwelling.
6. The property owner must occupy the principal dwelling as the owner's permanent residence. For purposes of these regulations, "property owner" means the title holder and/ or contract purchaser of the lot, and "owner occupancy" means that a property owner makes their permanent residence at the site.

⁵⁰ Two types of ADUs – detached and attached.

B. Drive-Thru Facility⁵¹. A Drive Through Facility may be permitted as an accessory use subject to the following standards.

1. Setbacks. All Drive-Thru Facilities are set back five feet (5 ft) from any property line.
2. Number of Drive-Thru Facilities.
 - a. Two (2) Drive-Thru Facilities may be permitted only for a Restaurant use.
 - b. One (1) Drive-Thru is allowed for a Financial Institution use.
3. Stacking.
 - a. All Drive-Thru Facilities accommodate the required stacking standards.
 - b. A drive-thru/ATM lane is provided on site.
 - c. The drive-thru/ATM lane is at least ten (10) feet wide.
 - d. The drive-thru/ATM lane provides at least three (3) vehicle stacking spaces before the drive-thru window/ATM.
 - e. Vehicle stacking spaces shall be ten (10) feet wide by twenty (20) feet long.

C. Office.

1. An accessory office shall be allowed for an approved use.
2. The office shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use.
3. If the approved primary use is not located in a structure, the office structure shall not occupy more than five percent (5%) of the property area on which the primary use is located or five thousand (5,000) square feet, whichever is less.

D. Outdoor Storage.

1. Outdoor storage areas shall be screened according to Chapter ***.
2. All outdoor storage areas shall be completely fenced and screened from public view.
3. Screening shall be at least six feet (6') tall, but no more than ten feet (10') tall unless where specifically stated otherwise.
4. One side of the outdoor storage may be left unenclosed, provided that the materials stored in the area shall not be visible from a public roadway or an abutting property.
5. Cyclone or chainlink fencing (with or without slats) shall not be deemed a screening material.
6. Materials shall not be stored within the required setbacks.
7. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

⁵¹ This includes a stand alone ATM

8. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
9. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants.

4.05 Temporary Uses and Structures

4.05.1 Purpose. This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building.

4.05.2 Approval Procedure. Any use listed in this section may be permitted as a temporary use provided:

- A. Where indicated in Table 4.02-1 Use Table; and
- B. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this section.

4.05.3 General Standards for all Temporary Uses. All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Land Use Code:

- A. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
- B. The temporary use shall comply with all applicable general and specific regulations of this Chapter 4.05, unless otherwise expressly stated.
- C. Permanent alterations to the site are prohibited.
- D. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
- E. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
- F. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health or building permits.
- G. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

- H. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- I. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Official, including fire rating.
- J. Off-street parking shall be adequate to accommodate the proposed temporary use.

4.05.4 Supplemental Temporary Use Standards⁵².

- A.
- B.

⁵² Any supplemental temporary use standards that need to be considered? I.e., carnivals, flea markets, holiday festivals, etc.
Chapter 4 Use Regulations | Draft v1 | Jan. 7, 2022



Wellington Land Use Code Update | Downtown Neighborhoods

ONLINE QUESTIONNAIRE RESULTS | JANUARY 2022

What is the purpose of this questionnaire?

During the Comprehensive Plan process, the community indicated that Wellington's Downtown contained two functional areas, the Commercial Core and the Downtown Neighborhoods. The location of each specific area is detailed on page 2 of this document. Information was gathered during the Comprehensive Plan process to determine the overall desired look and feel of each area by way of identifying general images of example building types. Desired residential densities were also determined based on several informed discussions with the steering committee, stakeholders, and the community. The Land Use Code focuses on the details that implement the desired vision and set the stage for right-sized infill development when requested by the property owner. The Downtown Neighborhoods questionnaire was launched to better understand what is desired for future new development and re-development requests in the Downtown Neighborhoods and seeks to identify specific design features such as roof forms and porches; dimensional standards such as building height; and land uses appropriate to preserve the desired look and feel of the area.

How many people took the questionnaire?

There were 112 community members that responded to the questionnaire. Approximately 67% of those responses were from community members that live outside the Downtown Neighborhoods but within Wellington town limits and 21% from community members that live in the Downtown Neighborhoods. The following pages represent the results of the questionnaire responses.

How was the questionnaire advertised?

The online questionnaire was launched on December 1, 2021 in the Town's monthly newsletter and was available through December 21, 2021. A link was placed on the Town of Wellington's website on the Land Use Code Update page and advertised through Facebook, Nextdoor, and Instagram. Additionally, table tents and coasters were distributed to businesses around town in late November and early December to bring attention to the project and online resources.

What did we learn and how will this inform the Land Use Code?

What we learned from this questionnaire is that the images represented in the comprehensive plan for the character of the area are still relevant and there is a preference for one- and two-story single-family residences with limited multi-unit dwellings. There is also a preference for allowing certain business uses that represent the scale and character of existing neighborhood with the potential for additional conditions or use standards to ensure compatibility. Roof styles do not seem as important as details such as porches and building height. Craftsman, Farmhouse and Victorian architectural styles are preferred. Duplexes, townhomes, and mixed-use dwellings were identified as potentially appropriate with specific conditions applied. Multi-family dwellings were identified as not an appropriate use in the Downtown Neighborhood zone district.

This information will serve as the foundation for design standards to be included in the Land Use Code to better define the overall desired character of new development or re-development requested by property owners in the Downtown Neighborhood zone district. Implementing standards in the Land Use Code will help homeowners, potential businesses, and builders understand the key elements needed for any new development or re-development to preserve the essence of the area while still allowing owners to make reasonable improvements to their properties and still be sensitive to the existing character of the Downtown Neighborhoods.

Welcome!

The Town of Wellington is currently working to update our Zoning and Subdivision regulations by combining the two sections in order to create a new unified Land Use Code. More information on the overall project can be found on the [Town's webpage](#).

As part of this update, one proposed change to the regulations includes clarifying the existing zone districts that are already in place and have been established throughout our community. Currently, the Town has a zone district called Transitional, which is "intended to encompass existing areas containing a mixture of residential and commercial and/or light industrial uses or areas which are currently older neighborhoods". Historically, this zone district has included the residential areas surrounding the downtown core, but the associated regulations are not specific as to how those neighborhoods are intended to be preserved or what the overall character of development within those areas should look like. Today, the unified Land Use Code is proposing that the Transitional zone district should be changed to a new Downtown Neighborhood zone district that is better suited for these areas that it was originally intended for.

What is the purpose of this questionnaire? To ask you, the residents of the Town of Wellington, what should be included in a proposed new Downtown Neighborhood zone district, both in terms of allowed land uses as well as the look and feel of new development or redevelopment that would be allowed within the zone district. This information is necessary to ensure that future development meets the vision of the Town's Comprehensive Plan and that there are adequate regulations in place to guide future development processes for all those impacted by new construction. Please take a few minutes to answer the following 10 questions in order to help guide the code update conversation.

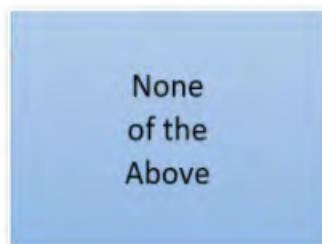
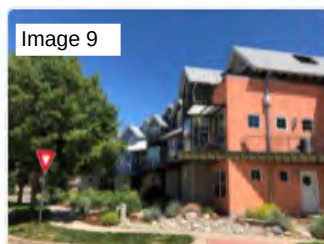
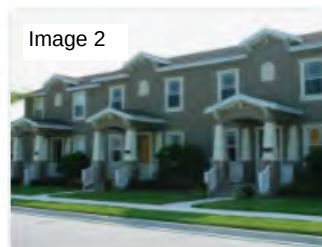
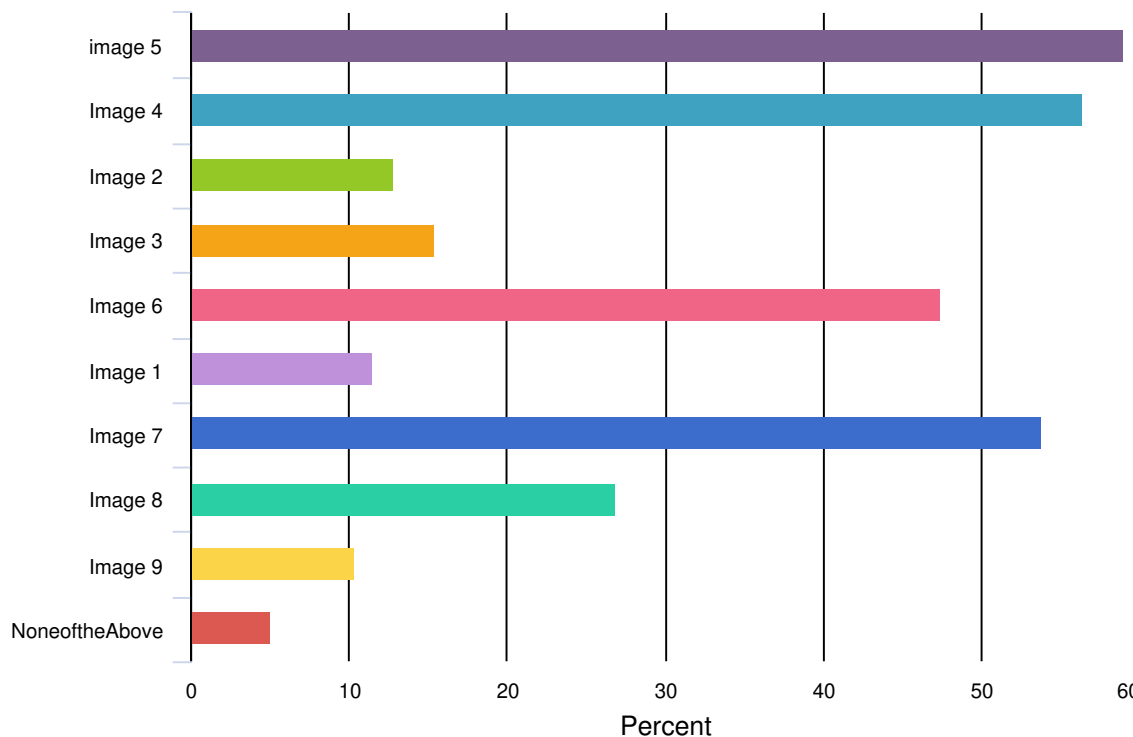
Background & Context

Wellington's recently-adopted [Comprehensive Plan](#) defines the general intent and guidance for the Downtown Core and Downtown Neighborhoods. Using the [snapshot](#) below as reference, the **Downtown Core** (in burgundy) is generally defined as Wellington's Main Street corridor, between I-25 and the railroad crossing, and extending north and south one block. **The Downtown Neighborhoods** (in pink) are generally defined as the areas outside the Downtown Core north to Washington Ave.; east to I-25; south to Jefferson Ave.; and west to the railroad.

For additional reference, further below are [images](#) of some of the residences found in the Downtown Neighborhoods today.

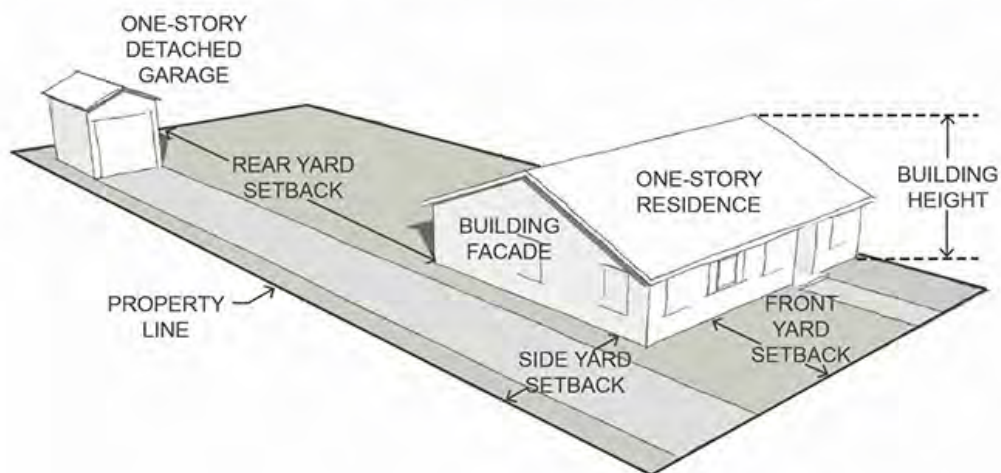


Click on the images* you believe are best suited for the Downtown Neighborhoods (select as many or as few as you desire) and you may use the comment box to describe your choices.*These images were included within the adopted Comprehensive Plan for guidance on the desired look and feel of housing within the Downtown Neighborhoods category.



Value		Percent	Responses
image 5		59.0%	46
Image 4		56.4%	44
Image 2		12.8%	10
Image 3		15.4%	12
Image 6		47.4%	37
Image 1		11.5%	9
Image 7		53.8%	42
Image 8		26.9%	21
Image 9		10.3%	8
NoneoftheAbove		5.1%	4

This is an illustration of some of the **terminology** found in the following questions. In addition to the multiple choice questions below, there is a comment box at the end of the questionnaire to capture any additional ideas you have.



Below are comments related to the previous question

Any business allowed on a residential street should maintain a look same or similar to the style of the neighborhood. Existing homes should be allowed to improve and not be held to the current structure (size, appearance, etc.). Many older homes are in need of repair and/or replacement.

I think the Downtown Neighborhoods area should consist of single family homes or large homes that can be subdivided into apartments. This will preserve the look and feel of the area and limit noise and traffic as well.

Low density, no businesses

Muted colors, with landscape that looks natural rather than forced and formatted. Permanent, well-maintained signs and structures (benches, playgrounds, etc). Feels welcoming and stable.

Not commercialized or over grousing with apartments/condos

Keep it single family housing.

I have a strong preference for the old town feel of the Wellington down town area which is characterized by SMALL craftsman style bungalows with yards not giant redevelopments of apartment complexes. Trying to force fit that into old town doesn't make sense.

Mix of walkable neighborhood amenities, multi family housing with visually stimulating design characteristics, & space defining art & recreation installations

The residential area around "downtown" is really OLD TOWN and should be left that way.

We don't want to look like old town Fort Collins or Boulder

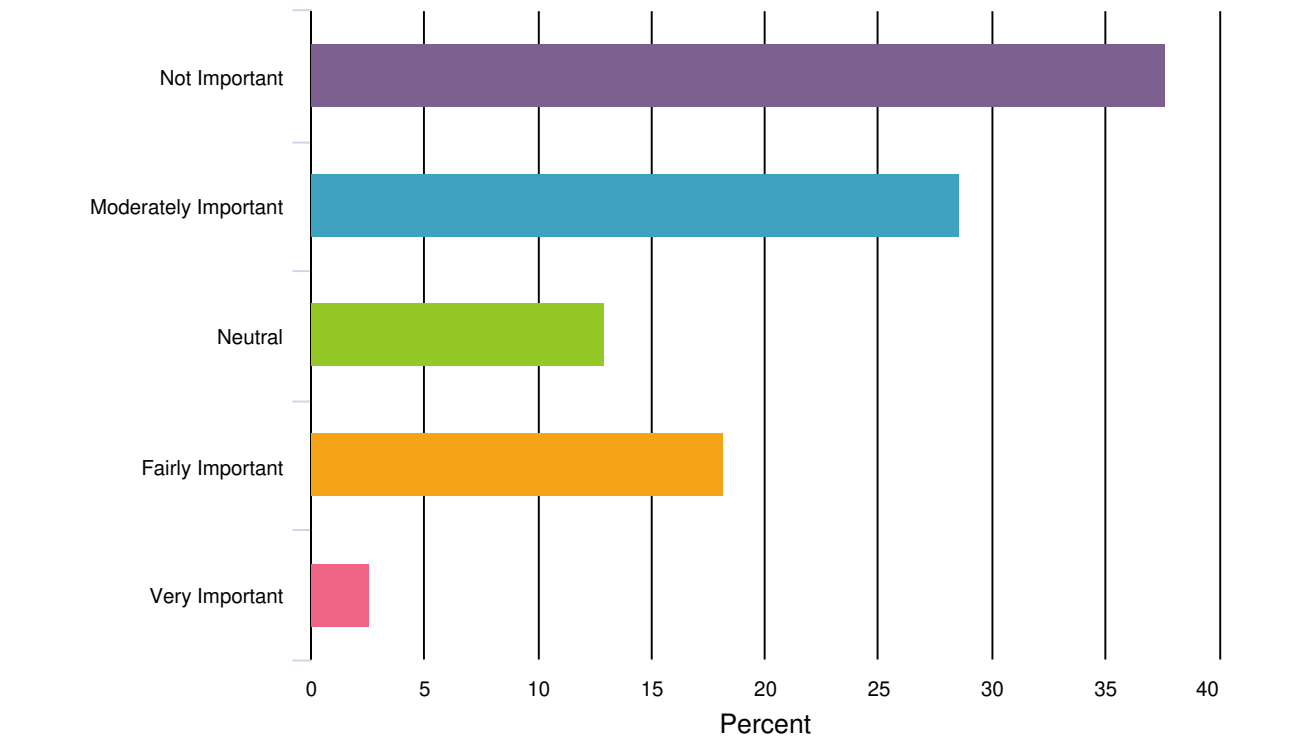
I think single story buildings, stand alone are appropriate. Especially craftsman cottage/bungalow style. If business, single story w a integrated urban walkway interspersed w green landscaping

Single family homes.

I chose these images because they represent people being outside enjoying themselves and the nice Colorado weather. Trails are great for a community.

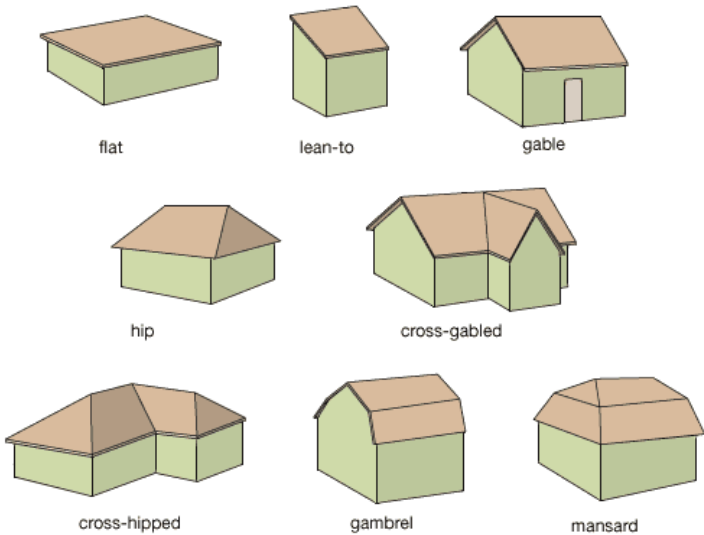
Single family homes, preferably not more than 2 story, although most are currently single story and keeping homes single story would preserve the original history and character of the neighborhood. None of those apartments or condos are appropriate for Harrison Avenue or McKinley Avenue.

How important is it to standardize roof styles? (see the image below for examples)

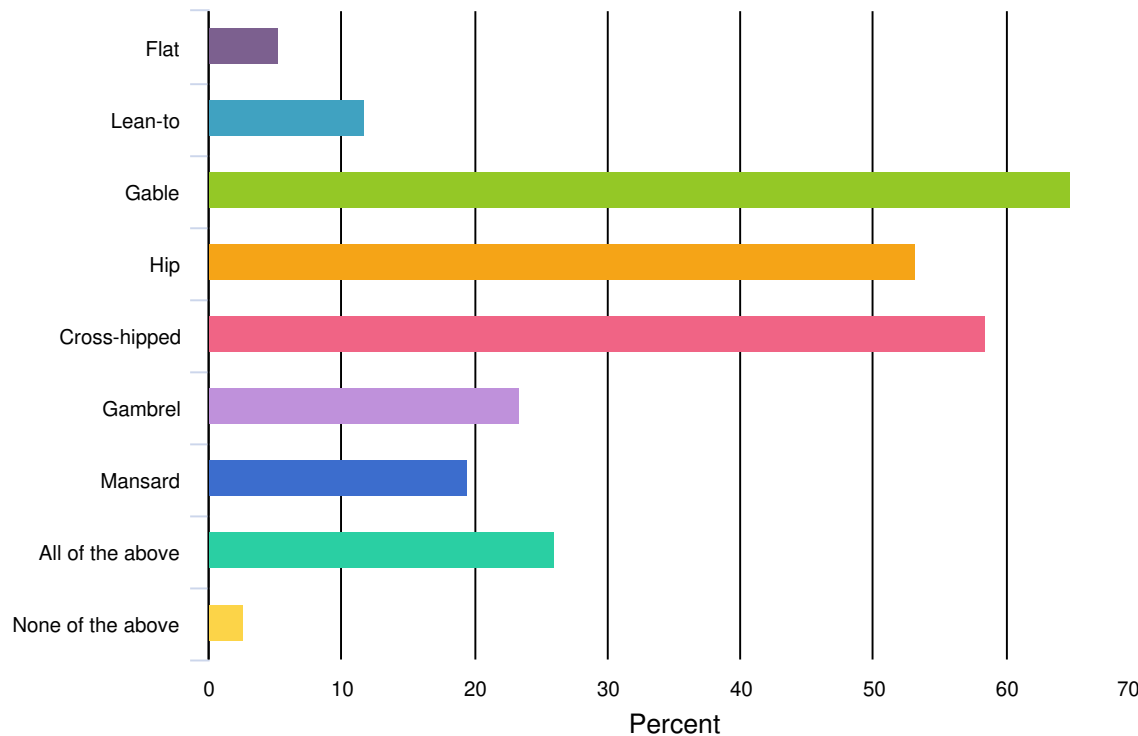


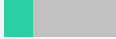
Value		Percent	Responses
Not Important		37.7%	29
Moderately Important		28.6%	22
Neutral		13.0%	10
Fairly Important		18.2%	14
Very Important		2.6%	2

Totals: 77

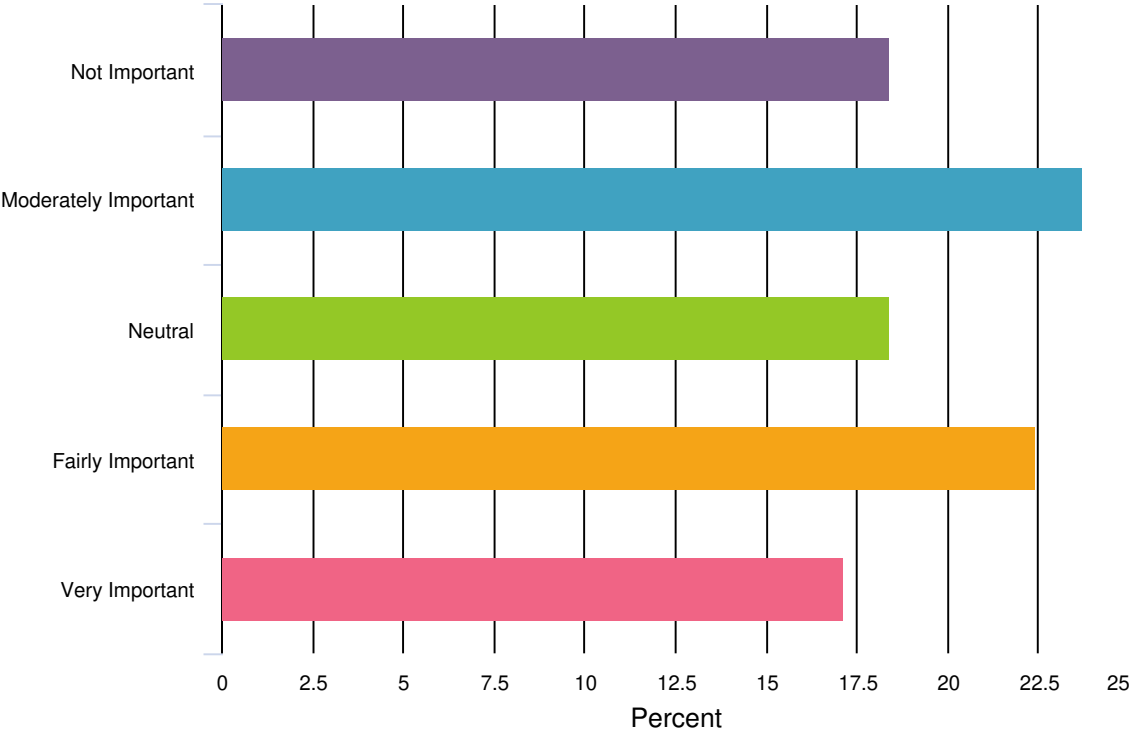


Which of the roof types below seem appropriate to the Downtown Neighborhoods? (select all that apply)



Value		Percent	Responses
Flat		5.2%	4
Lean-to		11.7%	9
Gable		64.9%	50
Hip		53.2%	41
Cross-hipped		58.4%	45
Gambrel		23.4%	18
Mansard		19.5%	15
All of the above		26.0%	20
None of the above		2.6%	2

How important is building height in the Downtown Neighborhoods?

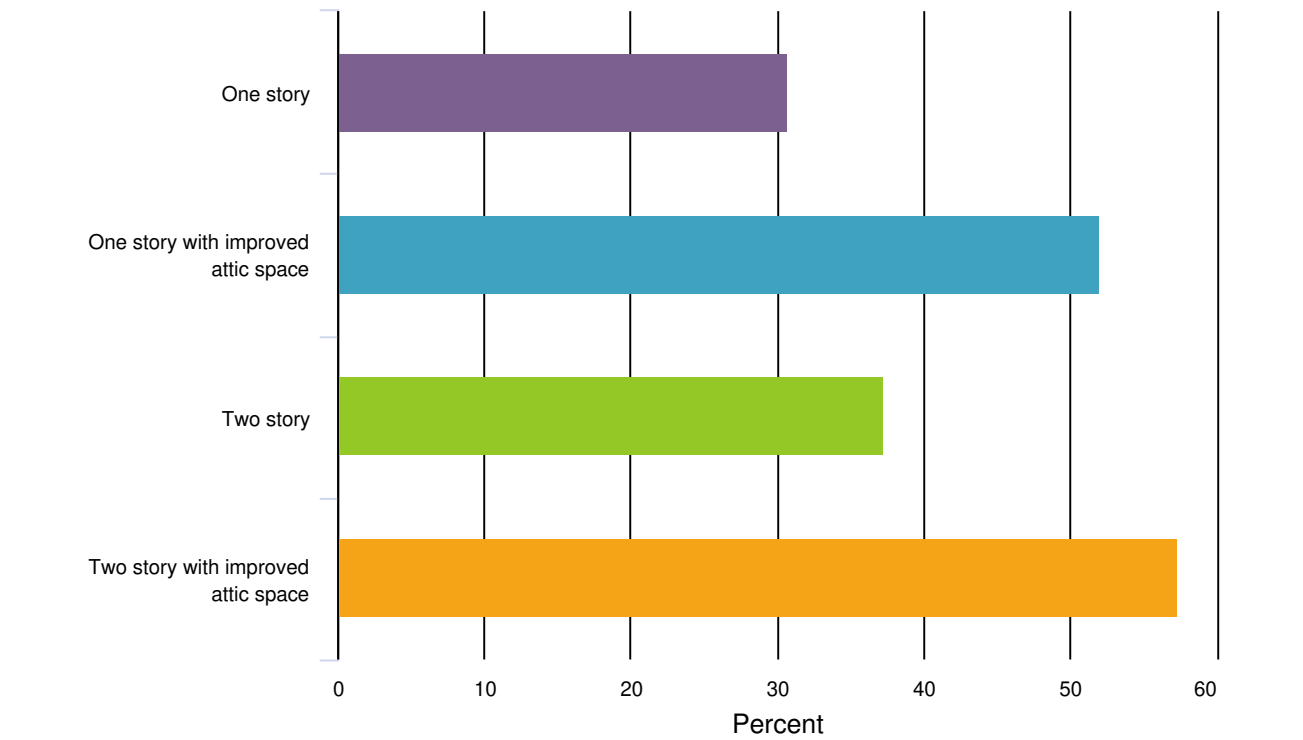


Value		Percent	Responses
Not Important		18.4%	14
Moderately Important		23.7%	18
Neutral		18.4%	14
Fairly Important		22.4%	17
Very Important		17.1%	13

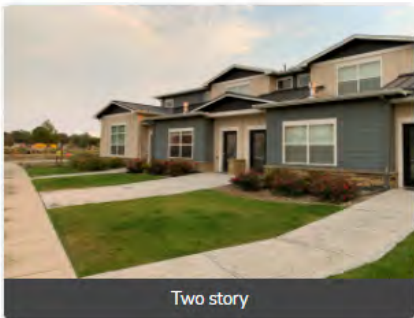
Totals: 76



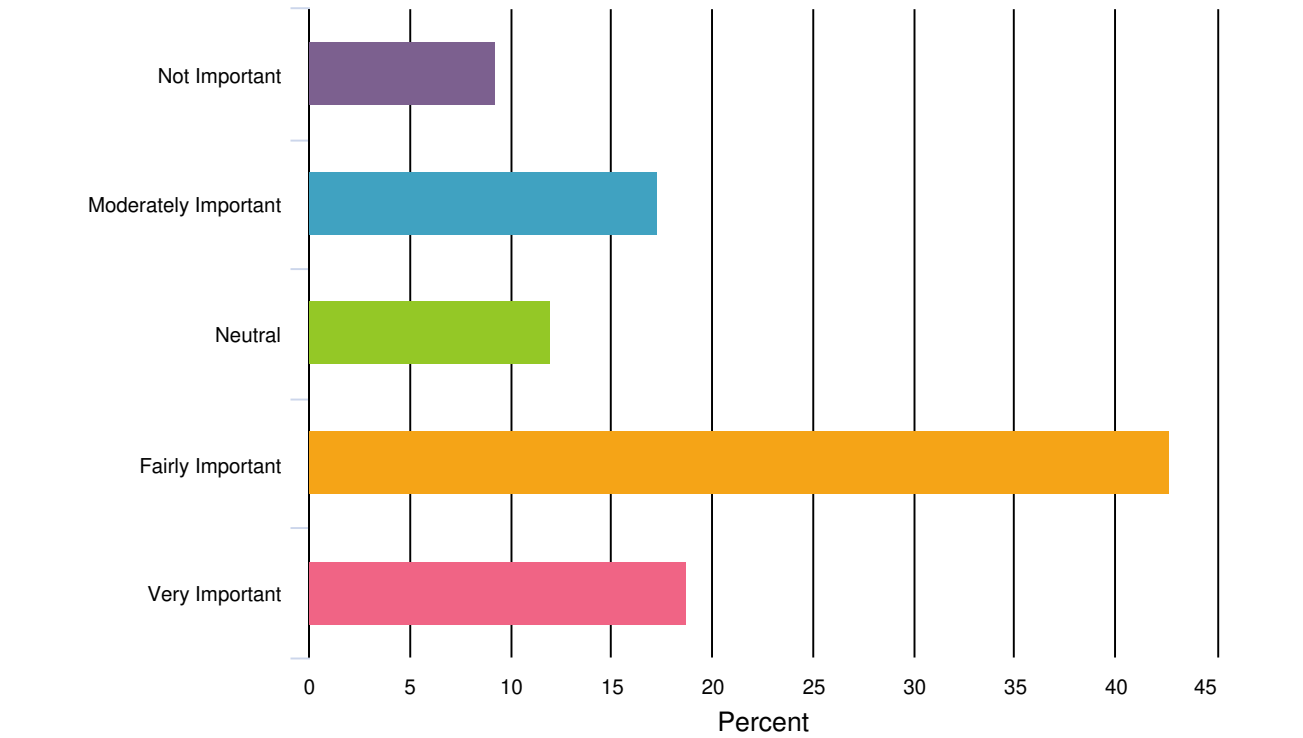
What is the desired maximum height for the Downtown Neighborhoods? (Select all that apply).



Value		Percent	Responses
One story		30.7%	23
One story with improved attic space		52.0%	39
Two story		37.3%	28
Two story with improved attic space		57.3%	43



How important are front porches (some examples shown below) to the overall look and feel in the Downtown Neighborhoods?

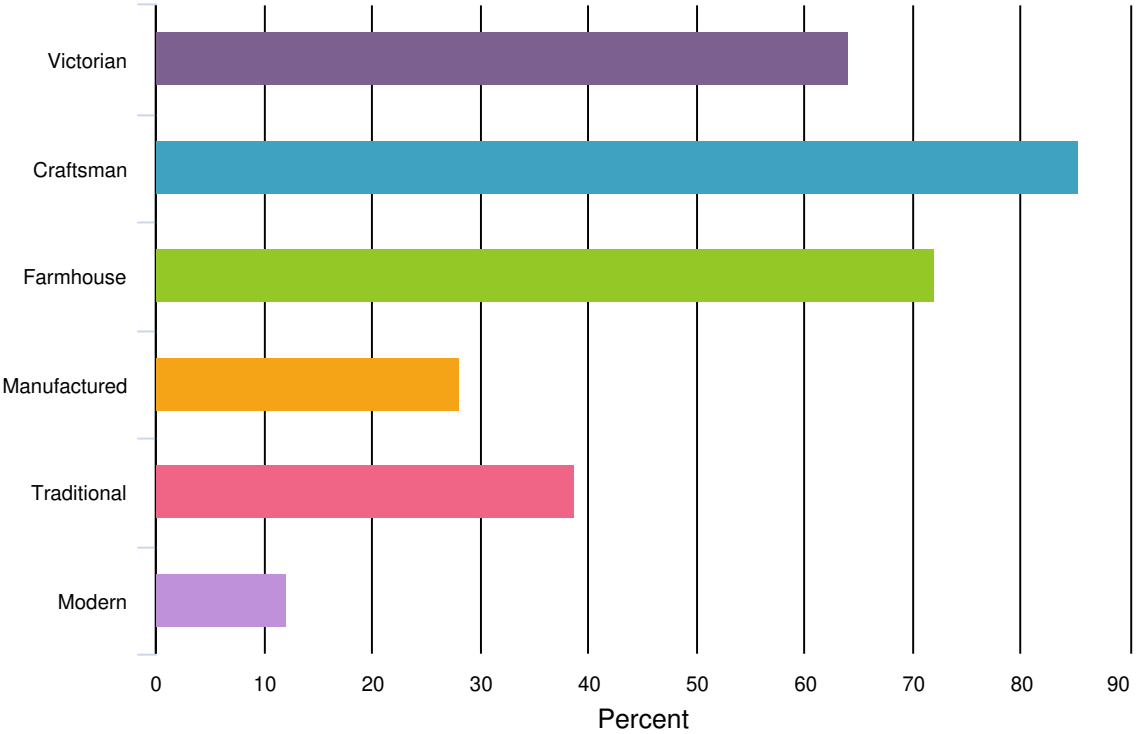


Value		Percent	Responses
Not Important		9.3%	7
Moderately Important		17.3%	13
Neutral		12.0%	9
Fairly Important		42.7%	32
Very Important		18.7%	14

Totals: 75



The following architectural styles can be found throughout Wellington and the Northern Colorado region. Which seem most characteristic of the Downtown Neighborhoods? (click on all of the images that apply)



Value		Percent	Responses
Victorian		64.0%	48
Craftsman		85.3%	64
Farmhouse		72.0%	54
Manufactured		28.0%	21
Traditional		38.7%	29
Modern		12.0%	9



Please share your thoughts concerning which of the uses listed below should be allowed, not allowed, or allowed with conditions in the new zone district. Currently, the Downtown Neighborhood area includes single family homes, duplexes, townhomes, manufactured homes, civic spaces, and home occupations. Below is a list of uses that could be allowed in the Downtown Neighborhoods as part of the code update. Some uses might be more appropriate as a conditional use (such uses would be required to meet a specific set of standards) and others should be an allowed use by right. If you have no opinion either way, please select "no opinion"

	Yes	No	Yes with Conditions	No Opinion	Responses
Single Family Home Count Row %	58 80.6%	2 2.8%	10 13.9%	2 2.8%	72
Duplex Count Row %	27 38.0%	17 23.9%	24 33.8%	3 4.2%	71
Townhome Count Row %	15 20.8%	29 40.3%	25 34.7%	3 4.2%	72
Multi-family Dwelling Count Row %	9 12.7%	44 62.0%	17 23.9%	1 1.4%	71
Mixed-use Dwelling (commercial/office on ground floor with residential above) Count Row %	26 36.1%	15 20.8%	29 40.3%	2 2.8%	72
Manufactured Home Count Row %	17 23.9%	35 49.3%	13 18.3%	6 8.5%	71
Accessory Dwelling Unit Count Row %	12 17.6%	20 29.4%	23 33.8%	13 19.1%	68
Bed and Breakfast Count Row %	32 44.4%	5 6.9%	30 41.7%	5 6.9%	72

	Yes	No	Yes with Conditions	No Opinion	Responses
Boarding House Count Row %	13 18.3%	36 50.7%	13 18.3%	9 12.7%	71
Childcare Center Count Row %	24 33.8%	15 21.1%	27 38.0%	5 7.0%	71
Civic Space (parks and municipal buildings like Town Hall) Count Row %	44 62.0%	6 8.5%	16 22.5%	5 7.0%	71
Home Occupation Count Row %	36 50.0%	5 6.9%	16 22.2%	15 20.8%	72
Religious Land Use (church) Count Row %	37 52.1%	15 21.1%	14 19.7%	5 7.0%	71
Small Business Office Count Row %	38 54.3%	5 7.1%	23 32.9%	4 5.7%	70
Boutique Restaurant or Coffee Shop Count Row %	44 62.0%	7 9.9%	18 25.4%	2 2.8%	71
Hair/Nail Salon Count Row %	43 60.6%	6 8.5%	21 29.6%	1 1.4%	71
Single Family Residence Converted to Retail or Office Count Row %	31 43.7%	14 19.7%	23 32.4%	3 4.2%	71
Totals Total Responses					72

This questionnaire tries to anticipate a variety of options based on what we have heard from the community to date. If there are additional options you think we should consider please share them with us by uploading images that you think define the character of the Downtown Neighborhoods and/or by sharing any additional comments.

0 Files Uploaded

This questionnaire tries to anticipate a variety of options based on what we have heard from the community to date. If there are additional options you think we should consider please share them with us by uploading images that you think define the character of the Downtown Neighborhoods and/or by sharing any additional comments. - comments

ResponseID	Response
------------	----------

	Prefer a welcoming downtown with plenty of parking, sidewalks, family friendly spaces, and ADA access.
--	--

	Downtown already has many 2-story homes. 2-story or the attic option should be allowed to maximize space on the smaller lots. Manufactured homes are ok if they meet some standards for looking like other homes. Many existing manufactured homes or trailers are in poor condition and should be allowed/encouraged to be replaced. Downtown streets can be crowded with vehicles - If any business use or multi-family is considered, bike parking and pedestrian network should be a factor.
--	--

	It seems a little odd to try to dictate what someone's house looks like when they don't live in an HOA. My main concern is that the area avoid being overly commercial and absolutely no apartment buildings.
--	---

	Leave it as is do not commercialize
--	-------------------------------------

	What is "home occupation?" The nearest neighbors should have the right to nix any business going in on their block. Parking is a big problem. Small one-at-a-time services like a small hair salon would not need more than one or two parking spots whereas a restaurant or coffee shop, boarding house, townhouses and apartments (sneakily called "multifamily housing") would require parking LOTS. And child care centers would increase traffic a bunch at certain times of day. I am considering a home that provides child care to only a small amount of kids as different from a building built or remodeled to serve a large number of kids (and needing more employees.)
--	--

	Parking Parking Parking! The character of downtown Wellington is already at risk because of the city vehicles swamping centennial park all day long and with the new structure going up behind the Mexican restaurant that has no additional parking and destroyed the character of a beautiful little old single family home. This is extremely disrespectful to residents with driveways being blocked and dangerous for kids going to and from the park having to navigate so many cars. Many of the old houses don't have driveways and garages. Please respect the nature of the small somewhat affordable houses in downtown that actually let families and young people afford to live in Colorado.
--	--

	Keeping the small town vibe would be great. No apartment buildings, making crossing the streets safer for pedestrians.
--	--

ResponseID Response

Concentrate on Cleveland Ave development and leave residential property off of Cleveland alone. Maintain the old town atmosphere. There never will be enough safe parking around Cleveland ave until Hwy 1 is rerouted.

Please consider cleaning up the downtown neighborhoods and enforcing ordinances for existing homes to look presentable!

I believe if we are not deliberate as a town to create a charming/attractive character we will continue to struggle with identity and be very "hodge-podge" looking. Businesses like a chain auto parts store on a main corner do not promote a sense of historic and community identity but rather continue a "strip-mall" non cohesive identity.

REC CENTER

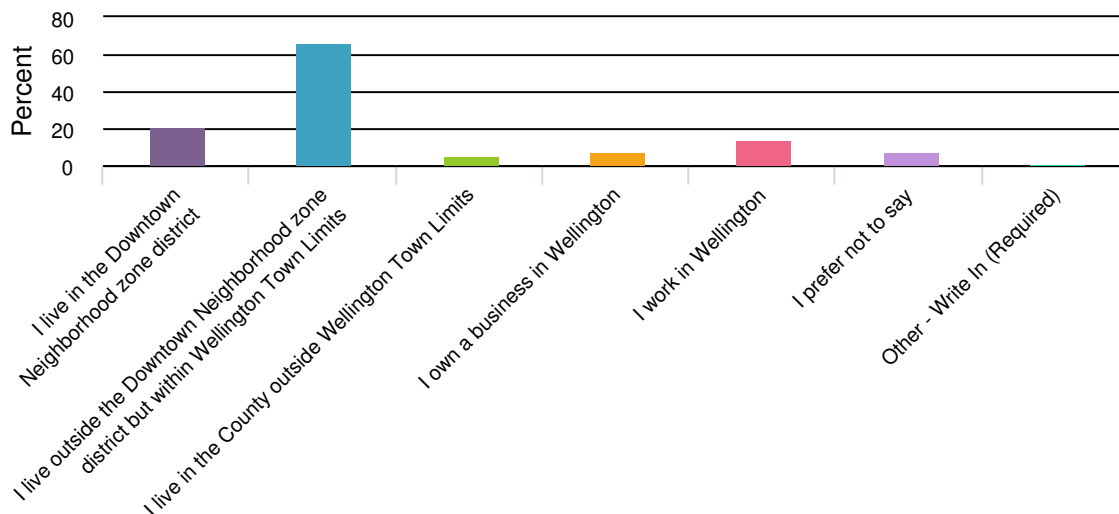
Going back to Question 3 , "cross-gabled" was left out as an option, I would have chosen it

Thanks for asking. You have some great ideas. I personally believe they more walkways, trails, bike lanes, and parks would be a great addition to Wellington.

I think an emphasis should also be placed on encouraging or promoting beautiful food gardens. Everybody bonds with food. Wellington could take the lead in this. It would draw people from surrounding communities.

Harrison and McKinley Avenues are RESIDENTIAL areas. It is also one of the most historical areas of the entire town. It is where Wellington was founded. Nor do I believe there should be big apartment or townhome units installed. Totally wrong for this area of town. Times have changed and many people work from home, so I can understand an in-home office. However, I am against homes being converted into retail space, coffee shops, salons, brew pubs, etc. People LIVE THEIR LIVES HERE. Any new retail areas should consider you the area west of the railroad tracks on Cleveland, potential retail space near the new new high school, or the Ridley's area ,the 6th Street business corridor which extends down the frontage road almost to the next overpass. Also the 1 st Street business corridor. But the core area, from the east side of 1st and Harrison to the west side of 6th Street and Harrison should REMAIN RESIDENTIAL, as it should for the east side of 1st Street and McKinley to the west side

Please tell us a little more about yourself so we can better understand who we are hearing from. (Select all that apply).



Value		Percent	Responses
I live in the Downtown Neighborhood zone district		20.8%	15
I live outside the Downtown Neighborhood zone district but within Wellington Town Limits		66.7%	48
I live in the County outside Wellington Town Limits		5.6%	4
I own a business in Wellington		6.9%	5
I work in Wellington		13.9%	10
I prefer not to say		6.9%	5
Other - Write In (Required)		1.4%	1

Other - Write In (Required)	Count
My family helped build this town and helped build the community and friendships that still exist today. Please do not take away the very thing that has always made Wellington so special.	1
Totals	1



Planning Commission Meeting

Date: January 10, 2022
Submitted By: Patty Lundy, Development Coordinator
Subject: Meeting Minutes of December 6, 2021

EXECUTIVE SUMMARY

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

Approve the work session minutes and regular meeting minutes of December 6, 2021, as presented.

ATTACHMENTS

1. Minutes of December 6, 2021



**TOWN OF WELLINGTON
PLANNING COMMISSION
December 6, 2021**

**MINUTES
WORK SESSION – 5:30pm**

1. WORK SESSION – 5:30pm

The Planning Commission for the Town of Wellington, Colorado, met on December 6, 2021, at the Wilson Leeper Center, 3800 Wilson Avenue, Wellington, Colorado at 5:30 p.m. in a work session to discuss draft language relating to updates to the Town's land use code.

Town staff and consultants Logan Simpson and White Smith, LLC, Planning and Law Group presented information on regulatory strategies for several specialized land uses, including telecommunication facilities, accessory dwelling units, short term rentals, adult entertainment establishments, and others. Methodologies for defining use standards (requirements such as setbacks, size, parking, screening, outdoor storage, operational requirements, and others) were introduced and discussed.

Discussion about parking regulations was also started. Initial comparisons to other nearby communities parking standards were identified. Common regulatory strategies used to address parking needs were also discussed.

No action was taken during the work session. The work session adjourned at 6:30pm.



**TOWN OF WELLINGTON
PLANNING COMMISSION
November 1, 2021**

**MINUTES
REGULAR MEETING – 6:30pm**

2. CALL REGULAR MEETING TO ORDER – 6:30pm

The Planning Commission for the Town of Wellington, Colorado, met on November 1, 2021, at the Wilson Leeper Center, 3800 Wilson Avenue, Wellington, Colorado at 6:30 p.m.

3. ROLL CALL

Commissioners Present: Bert McCaffrey, Chairperson
Tim Whitehouse
Rebekka Kinney
Eric Sartor
Troy Hamman
Linda Knaack
Barry Friedrichs

Absent:

Town Staff Present: Cody Bird, Planning Director
Patty Lundy, Development Coordinator

4. ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

5. PUBLIC FORUM

Christine Gaiter commented that the last meeting minutes did not identify which Commissioners voted yea and nay. She also commented on the work session presentation regarding zoning options for religious land uses.

Russ Brewer, resident and pastor of Wellington Community Church shared comments about how a pastor might consider different properties when identifying a new site. High traffic thoroughfares are a significant factor, and other factors such as ease of access, high visibility, signage and others may also be considered.

6. CONSIDERATION OF MINUTES

A. Meeting Minutes of November 1, 2021

Moved by Commissioner Whitehouse, seconded by Commissioner Friedrichs to approve the minutes as presented.

Yeas – McCaffrey, Friedrichs, Sartor, Knaack, Hamman, Whitehouse, Kinney

Nays – None

Motion carried.

7.

8. NEW BUSINESS

A. Vacate 20-foot Platted Access Easement on Lot 1, Wellington Manor Minor Subdivision

Cody Bird, Planning Director, presented the staff report. Staff recommended approval of vacating the 20-foot access easement. No conditions of approval were identified.

Chairman McCaffrey opened the public hearing for comments to which there was none.

Moved by Commissioner Knaack to forward a recommendation to the Board of Trustees to adopt an ordinance vacating the platted 20-foot access easement on Lot 1, Wellington Manor Minor Subdivision; seconded by Commissioner Sartor.

Yeas – McCaffrey, Friedrichs, Sartor, Knaack, Hamman, Whitehouse, Kinney

Nays – None

Motion carried.

9. ANNOUNCEMENTS

Bird announced that Planner II, Liz Young Winne is no longer working for the Town because she has accepted an opportunity to work with the Colorado Department of Health and Environment. The Town will be looking to fill the vacant Planner II position.

Bird reminded the Commission that the next meeting will be January 10th, 2022 and a work session beginning at 5:30pm. There are no applications submitted for action at the January meeting.

10. ADJOURNMENT

Chairman McCaffrey adjourned the meeting at 7:06 PM.

Approved this _____ day of _____, 2022

Recording Secretary

Planning Commission Meeting

Date: January 10, 2022
Submitted By: Cody Bird, Planning Director
Subject: Election of Officers

EXECUTIVE SUMMARY

The Municipal Code requires the Planning Commission to elect a Chair and Vice-Chair during the first regular meeting of each calendar year. The Chair and Vice-Chair must be elected from the appointed members of the Planning Commission. Town Trustees serving as ex officio members are not eligible to hold office on the Planning Commission. The Chair presides at all meetings of the Planning Commission. The Vice-Chair will preside in the absence of the Chair. A member of Town staff is appointed to serve as the Secretary of the Commission, and therefore, an election for that office is not required.

BACKGROUND / DISCUSSION

The process for election of Chair and Vice-Chair should be as follows:

- The floor is opened for nominations. Nominations (with seconds) are received. The floor is closed, and nominees are then voted on publicly.
- A majority vote of the Commissioners present and voting is required to elect the officers.
- The term for each office is one year.
- Officers shall take office at the next regular meeting.

STAFF RECOMMENDATION

Conduct an election for Chair and Vice-Chair of the Wellington Planning Commission.

ATTACHMENTS

None

Planning Commission Meeting

Date: January 10, 2022
Submitted By: Dan Sapienza
Subject: Presentation: Possible Updates to Commission Membership

EXECUTIVE SUMMARY

The Town of Wellington Board of Trustees has directed staff to modify the makeup of various boards and commissions. The intent of these changes is to make various parts of the Town Code more uniform, to ensure that members of the Town's vital governing bodies represent the needs of the Town, and to reduce potential conflicts of interest.

BACKGROUND / DISCUSSION

In late Summer/early Fall, the Town Board held a work session looking at all of the various boards and commissions of the Town, with a goal of standardizing membership requirements, language about meetings, and vacancies/appointments. Of particular importance was the goal of removing Trustees from voting roles on all boards and commissions, in order to remove potential conflicts in their various roles.

In the attached draft ordinance, there are a number of changes to the Town Code that won't create any significant changes to the operations of the Planning Commission. There are two notable changes, however:

- Membership – 7 members, who must be residents of the Town of Wellington, none of whom are Trustees.
- Co-membership – This ordinance allows members of the Planning Commission to serve simultaneously on the Board of Adjustments. Overlap is not required, but this would allow the Town to explore the option of having the same membership on both boards, in order that the members' expertise could be best utilized.

Before taking this proposed draft ordinance to the Board of Trustees, Town staff wishes to receive feedback and suggestions from the existing Planning Commission.

STAFF RECOMMENDATION

ATTACHMENTS

1. Draft Planning Commission Ordinance

ARTICLE 10 - Planning Commission

Sec. 2-10-10. - Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town.

Sec. 2-10-20. - Purpose.

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to it in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

Sec. 2-10-30. – Membership; terms; qualifications; vacancies

- (a) The Planning Commission shall consist of seven (7) members who shall be residents of the Town and who shall serve without pay.
- (b) The members of the Planning Commission shall be appointed as members at large by the Mayor and confirmed by a majority vote of the Board of Trustees. Members shall be appointed to serve staggered terms of four (4) years.
- (c) Members of the Planning Commission may be removed from office for inefficiency, neglect of duty or malfeasance, upon written notice and after public hearing held during a regular or special Board of Trustees meeting. The removal of any Planning Commission member shall require the affirmative vote of a majority of the Board of Trustees members participating in the public hearing.
- (d) No voting member of the Planning Commission shall be eligible to serve on any other board or commission of the Town during that member's tenure on the Planning Commission, except members of the Planning Commission may serve on the Board of Adjustments.
- (e) The Mayor, with confirmation by majority vote of the Board of Trustees, shall make such appointments as necessary to fill the unexpired terms of vacancies which may occur on the Planning Commission.

Sec. 2-10-40. - Duties and powers.

- (a) The Planning Commission shall prepare plans and conduct hearings and shall be governed by and have the responsibilities as provided for in Sections 31-23-201 et seq., C.R.S., 31-23-301 et seq., C.R.S., and other applicable statutes and ordinances.
- (b) Members of the Planning Commission shall have the power to vote on matters brought before the Planning Commission.

Sec. 2-10-70. - Officers.

At the first regular meeting of the Planning Commission each calendar year, the Planning Commission shall select a Chair and a Vice Chair for the year. The Chair shall preside at all meetings. The Vice-Chair shall preside in the absence of the Chair.

Sec. 2-10-80. - Meetings.

- (a) The Planning Commission shall hold a minimum of one (1) regular meeting each month, unless cancelled at the request of the Planning Commission Chair
- (b) Special meetings of the Planning Commission may be called by the mayor, or the chairperson of the Planning Commission with proper notice posted and given to all Planning Commission members.
- (c) The Planning Commission shall adopt bylaws and rules for transaction of business, and the Town Clerk shall keep a public record of its resolutions, transactions, findings and determinations.