

TOWN OF TIMNATH

ORDINANCE NO. 45 - 2008

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY KNOWN AS BUILDING ENVELOPES (BLDG ENV) #1 - 8 LOT 1, BUILDING ENVELOPES (BLDG ENV) #1 - 8 LOT 2, BUILDING ENVELOPES (BLDG ENV) #1 - 8 LOT 3 & BUILDING ENVELOPES (BLDG ENV) #1 - 8 LOT 4, BLOCK 23, WILDWING SUBDIVISION FILING NO. 1 AMENDMENT NO. 1.

WHEREAS, the Town Council of the Town of Timnath desires to amend the Zoning Map of the Town to accommodate additional types of housing in the Timnath South Subdivision; and

WHEREAS, the Town Council finds the location of the zoning to be appropriate and in conformance with the Town Comprehensive Plan; and

WHEREAS, the Town Council further finds and determines that the zoning designation should be changed to R-2, Single-Family Residential District with a PD - Planned Development Overlay.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:

**Section 1. Property Zoned.** That Article 3 of the Timnath Land Use Codes and the map referred to therein as the "Official Zoning Map of the Town of Timnath", said map being part of said Zoning Codes and showing the boundaries of the districts specified, shall be and the same is hereby amended in the following particulars, to wit:

R-2 - Single Family Residential with a PD - Planned Development Overlay - See, attached **Exhibit A**

**Section 2. Overlay Regulations.** That the affected property shall be governed by the language of the PD - Planned Development Overlay as provided in **Exhibit B**.

**Section 3. Public Hearing.** The Town Council held a public hearing on December 17, 2008 regarding the Rezoning of the property.



**Section 4. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact than any one or parts be declared unconstitutional or invalid.


**Section 5. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 6. Effective Date.** This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON NOVEMBER 19, 2008, AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON DECEMBER 3, 2008, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH, COLORADO, AND ORDERED PUBLISHED THIS 19<sup>TH</sup> DAY OF NOVEMBER, 2008.**

**MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 10<sup>th</sup> DAY OF December, 2008.**

**TOWN OF TIMNATH**

By:   
Donna Benson, Mayor

ATTEST:

  
Milissa McGuire, Town Clerk

**EXHIBIT A**  
**Legal Description of Property being Rezoned to**  
**include PD – Planned Development Overlay**

Building Envelopes (BLDG ENV) # 1 – 8 Lot 1, Building Envelopes (BLDG ENV) # 1 – 8 Lot 2, Building Envelopes (BLDG ENV) # 1 – 8 Lot 3 and Building Envelopes (BLDG ENV) # 1 – 8 Lot 4, Block 23, WildWing Subdivision Filing No. 1, Amendment No. 1, as recorded November 30, 2007 as Reception No. 20070089387 in the records of the Larimer County Clerk & Recorder, and being located in the South ½ of Section twenty-four (24), Township Seven North (T.7N.), Range Sixty-eight West (R.68W., Town of Timnath, County of Larimer, State of Colorado.

Said parcel contains 6.10 acres or 265,887 square feet, more or less.

**EXHIBIT B**  
**PD Overlay Regulations**

**Written PD Description**

**Building Envelopes (BLDG ENV) # 1 – 8 Lot 1, Building Envelopes (BLDG ENV) # 1 – 8 Lot 2, Building Envelopes (BLDG ENV) # 1 – 8 Lot 3 and Building Envelopes (BLDG ENV) # 1 – 8 Lot 4, Block 23, WildWing Subdivision Filing No. 1, Amendment No. 1**

All of the above described real property shall comply with all regulations described under Chapter 13, Article 3, Section 4.E R-2 Single-Family Residential District except for the following amendment(s):

- 1) No patio or patio wall shall be constructed closer than 0.5' from the property line.
- 2) No portable or nonportable gas, wood, charcoal, or other combustible material grill, stove, heater, or unit of any type shall be allowed on any patio between two homes.
- 3) Dimensional Requirements are altered as written below (NOTE: If a requirement is not mentioned in the table, the R-2 zoning requirement is still applicable):

<b>Dimensional Requirement</b>	<b>R-2 / SFA</b>	<b>Lots 1 – 4, Block 23</b>
Minimum Lot Area	5,000 Sq Ft	3950 Sq Ft
Minimum Lot Width	40'	N/A
Minimum Lot Frontage	35'	N/A
Maximum Lot Coverage	30%	91%
Front Yard Setback	15'	1.5'
Side Yard Setback	5'	1.5'
Rear Yard Setback	20'	1.5'

# AMENDED PLAT OF LOTS 1, 2, 3, AND 4, BLOCK 23 OF THE FINAL PLAT OF WILDWING SUBDIVISION FILING NO. 1 AMENDMENT NO. 1

A parcel of land being part of the South 1/2 of Section 24, Township 7 North (T.7N.),  
Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), Town of Timnath, County of Larimer, State of Colorado.

**STATE OF COLORADO, COUNTY OF LARIMER**  
I, \_\_\_\_\_, of the County of Larimer, State of Colorado, do hereby certify that the foregoing plat of \_\_\_\_\_, of the County of Larimer, State of Colorado, was duly filed for record in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that the same is a true and correct copy of the original as filed with me.

**NOTARY PUBLIC**  
My commission expires on \_\_\_\_\_, 19\_\_\_\_.

**WITNESSETH**  
I, \_\_\_\_\_, of the County of Larimer, State of Colorado, do hereby certify that the foregoing plat of \_\_\_\_\_, of the County of Larimer, State of Colorado, was duly filed for record in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that the same is a true and correct copy of the original as filed with me.

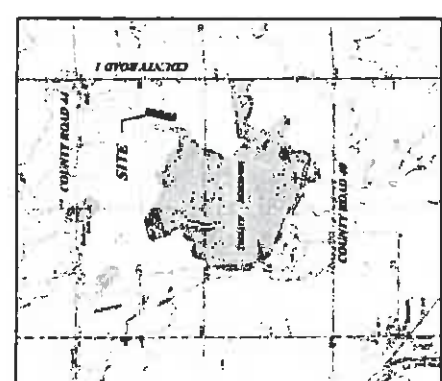
**NOTARY PUBLIC**  
My commission expires on \_\_\_\_\_, 19\_\_\_\_.

**WARRANT**  
I, \_\_\_\_\_, of the County of Larimer, State of Colorado, do hereby certify that the foregoing plat of \_\_\_\_\_, of the County of Larimer, State of Colorado, was duly filed for record in my office on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that the same is a true and correct copy of the original as filed with me.

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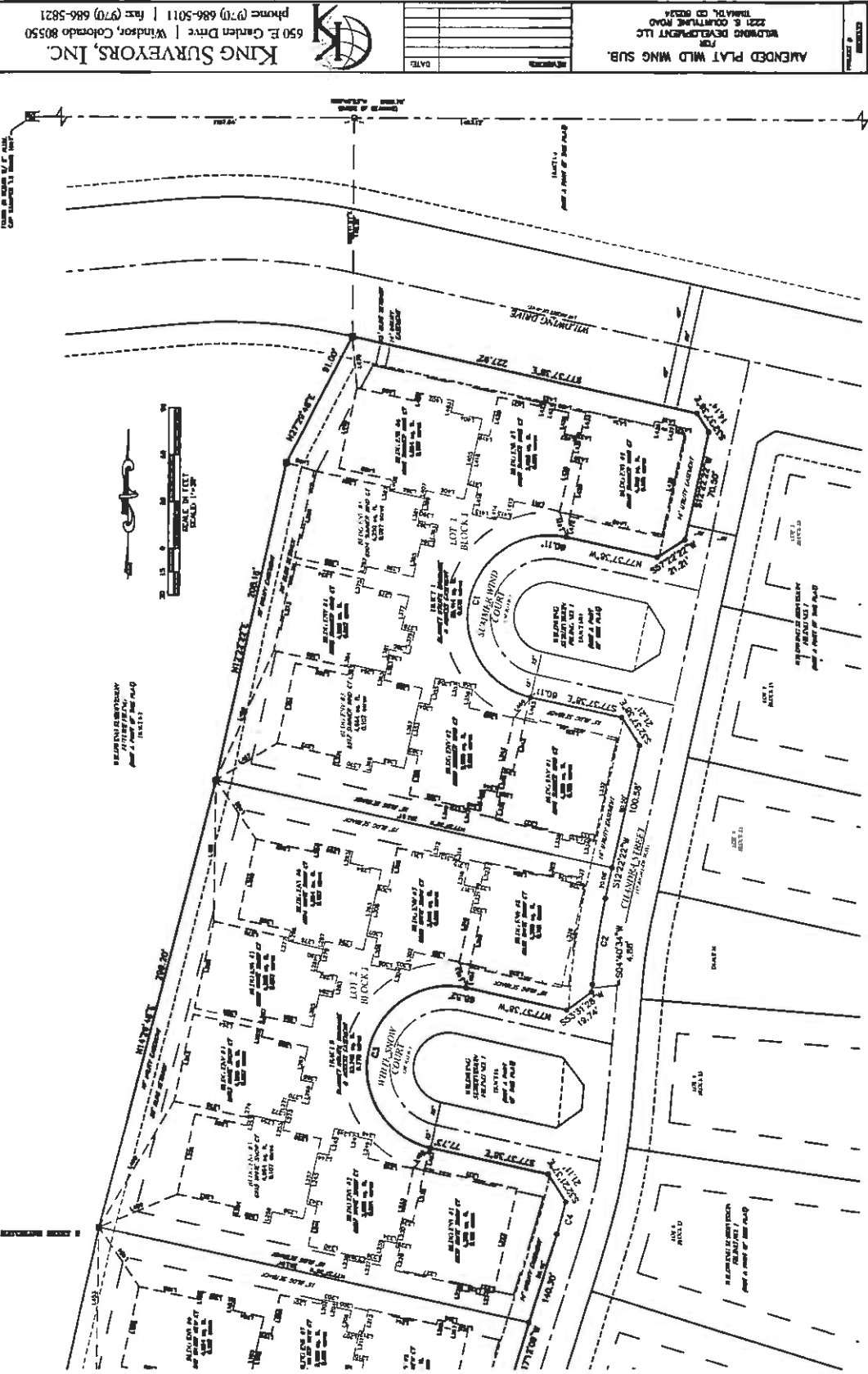
VICINITY MAP  
NOT TO SCALE

**AMENDED PLAT**  
FOR  
BUILDING DEVELOPMENT LLC  
2221 N. CHAUNTRY ROAD  
THURMOUTH, CO 80554

SECTION	1
TOWNSHIP	7 N
RANGE	68 W
ACRES	1.12
DATE	10/10/2011

**AMENDED PLAT OF LOTS 1, 2, 3, AND 4, BLOCK 23  
OF THE FINAL PLAT OF WILDWING SUBDIVISION FILING NO. 1 AMENDMENT NO. 1**

A parcel of land being part of the South Half of Section 24, Township 7 North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), Town of Timnath, County of Larimer, State of Colorado.



**LEGEND**

--- (dashed line)	BOUNDARY LINE
- - - - - (long dashed line)	PROPOSED BOUNDARY LINE
- . - . - . (dash-dot line)	ADJACENT PROPERTY
--- (solid line)	PROPOSED DRIVEWAY
--- (solid line)	PROPOSED DRIVEWAY
--- (solid line)	PROPOSED DRIVEWAY
--- (solid line)	PROPOSED DRIVEWAY
--- (solid line)	PROPOSED DRIVEWAY
--- (solid line)	PROPOSED DRIVEWAY
--- (solid line)	PROPOSED DRIVEWAY
--- (solid line)	PROPOSED DRIVEWAY

THIS PLAT IS A PART OF THE FINAL PLAT OF THE WILDWING SUBDIVISION FILING NO. 1 AMENDMENT NO. 1.

**AMENDED PLAT WILD WING SUB.**  
FOR  
WILSON DEVELOPMENT LLC  
2221 S. COUNTY ROAD  
TIMNATH, CO 80550

**2**  
SHEET 2 OF 1

**KING SURVEYORS, INC.**  
650 E. Garden Drive | Windsor, Colorado 80550  
Phone (970) 686-5011 | Fax (970) 686-5821



## AMENDED PLAT OF LOTS 1, 2, 3, AND 4, BLOCK 23 OF THE FINAL PLAT OF WILDWING SUBDIVISION FILING NO. 1 AMENDMENT NO. 1

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Range Sixty-eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), Town of Timnath, County of Larimer, State of Colorado.

LINE NUMBER	LINE TABLE NUMBER	LINE NUMBER	LINE TABLE NUMBER	LINE NUMBER	LINE TABLE NUMBER	LINE NUMBER	LINE TABLE NUMBER	LINE NUMBER	LINE TABLE NUMBER
1	1	1	1	1	1	1	1	1	1
2	1	2	1	2	1	2	1	2	1
3	1	3	1	3	1	3	1	3	1
98	1	98	1	98	1	98	1	98	1

I, \_\_\_\_\_  
Surveyor

DATE		 <b>KING SURVEYORS, INC.</b> 650 E. Garden Drive   Windsor, Colorado 80550 Phone: (970) 686-5011   Fax: (970) 686-5821
PREPARED BY		
DRAWN BY		
CHECKED BY		
DATE		
SCALE		
TYPED BY		
FILED BY		
AMENDED PLAT WILD WING SUB. FOR WILDWING DEVELOPMENT LLC 2221 S. COUNTRYME ROAD DENVER, CO 80224		