

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 4, SERIES 2016**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH
ADOPTING BY REFERENCE AMENDMENTS OF THE LAND USE ORDINANCES OF
THE TOWN OF A GENERAL AND PERMANENT NATURE, ENTITLED THE
"TIMNATH LAND USE CODE, 2015 EDITION" TO BECOME CHAPTER 16 OF THE
TIMNATH MUNICIPAL CODE;**

WHEREAS, the Town Council of the Town of Timnath ("Town") pursuant to C.R.S. § 31-15-103 has the power to make and publish Ordinances; and

WHEREAS, the Timnath Planning commission held a regularly scheduled meeting on February 16, 2016 and recommended approval to Town Council unanimously by 4-0 vote; and

WHEREAS, in order to ensure the Land Use Code reflects the desires of the Town and includes provisions which are fair to all in enforcement and applicability, the Town Council desires to amend certain provisions of that Article.

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO,
ORDAINS:**

Section 1. Amendments

1. Chapter 16, Land Use Code, Article 4, Use Regulations and Conditions, Section 4, Conditions for Uses Permitted with Conditions, Sub Section 14, Mini-Warehouses and Self-Storage Facilities, Number 4, shall read as follows: Parking areas for the storage of boats, recreational vehicles, or similar vehicles shall be designated on the site plan and be approved by Planning Commission.
2. Chapter 16, Land Use Code, Article 5, Development Standards, Section 7, Standards of Design, Sub Section 9, Utilities and Easements shall read as follows: Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. All existing and proposed overhead utilities within the property or in road ROW adjacent to property, including but not limited to electric or telecommunication lines and cables shall be relocated underground at the time of development or redevelopment at the expense of the developer/property owner. Transformers, switching boxes, meter

cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing of above ground utilities is required to the satisfaction of the Council. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. It is at the discretion of the Town Engineer to determine if the undergrounding of said utilities is viable on the property or road ROW.

3. Chapter 16, Land Use Code, Article 5, Development Standards, Table 5.6 shall change the parking requirements for restaurants to read as follows: Restaurants – Standard 1/125 sf = 1/200 for outdoor seating. Restaurants – Fast Food with and without drive-thru 1/100 sf + 1/200 for outdoor seating.
4. Chapter 16, Land Use Code, Article 5, Development Standards, Section 8, Parking Requirements, Sub Section 9, Number of Spaces Required, Number 1 shall read as follows: For multi-tenant buildings the overall parking count may be reduced by up to 20%. Reduction will only be allowed at Staff's discretion with adequate information to justify the reduction in the form of a parking memo and/ or other exhibits required by staff
5. Chapter 16, Land Use Code, Article 6, Land Subdivision, Section 7, Development Agreement, Sub Section 2, Completion Security for Public Improvements, shall read as follows: Completion Security for Public Improvements.
 - a. To assure the construction, installation, and completion of the Public Improvements in all Phases of the Property, Developer shall, prior to commencing any work within a particular Phase of the Property, furnish to the Town Engineer an irrevocable sight draft letter of credit or other security reasonably acceptable to the Town Engineer ("**Completion Security**") to secure the completion of Public Improvements required for the applicable Phase of the development. The Town of Timnath shall be designated as the beneficiary of the Completion Security. The Completion Security shall be provided Phase by Phase and shall be in the amount equal to one hundred percent (100%) of the estimated costs of the Public Improvements to be completed within a Phase. The amount of the Completion Security shall not include the portion of the Public Improvements which are to be constructed for the water improvements managed by the Water

District or the sanitary sewer improvements managed by the Sewer District, nor shall it include any costs of improvements for gas, electric, telephone, or cable TV.

1. Upon provision of such Completion Security to the Town in a manner acceptable to the Town Engineer for the applicable Phase, authorization to proceed with construction may be issued by the Town Engineer within such Phase.
 2. Upon completion of fifty percent (50%) or more of the improvements within a Phase, as verified by the Town Engineer, Developer may request that the one hundred percent (100%) Completion Security be reduced to fifty percent (50%) of the initial Completion Security pending Town approval and at the sole discretion of the Town Engineer.
 3. Upon issuance of a Letter of Initial Acceptance of 100% of the required improvements by the Town Engineer in accordance with the provisions herein, the Completion Security will be reduced to twenty percent (20%) of the initial Completion Security to be held as Warranty Security or released once replaced by Warranty Security as described below. This requirement for a Completion Security also applies to earthwork performed under a separate "Early Grading Permit" if so applied for and issued by the Town with the exception that no Warranty Security will be held upon completion of the Early Grading Permit for the grading improvements.
- b. Warranty Security. Developer shall warrant any and all Public Improvements for a period of two (2) years from the date Town issues a letter of Initial Acceptance for the applicable Phase that has been constructed. As a condition of issuance of any letter of Initial Acceptance of any Public Improvements, Developer shall provide to Town a warranty bond or other security in a form satisfactory to the Town Engineer ("**Warranty Security**"), and in the amount of the remaining Completion Security set forth in paragraph above, to ensure

that Public Improvements for which Initial Acceptance has occurred will attain Final Acceptance by the Town during the Warranty Period, which Warranty Security will be satisfied by either retention or replacement of the remaining Completion Security.

1. If prior to the issuance of a letter of Final Acceptance, any significant warranty work is required in connection with Public Improvements for which a letter of Initial Acceptance has been issued by the Town Engineer, the Town may require Warranty Security for up to two (2) years from the date of completion of said significant warranty work, provided that the two (2) year period for the remainder of the Public Improvements in such Phase shall not be extended. In such event, the Town Engineer shall issue a supplemental letter of Initial Acceptance specifying the Warranty Security required by Town and the work to be completed by Developer prior to a letter of Final Acceptance for such Public Improvements.
6. Chapter 16, Land Use Code, Article 6, Land Subdivision, Section 8, Contribution for Public School Sites, shall read as follows: Contribution for Public School Sites
- a. To meet the increased need for schools as a result of new housing, the subdivider shall dedicate land areas or sites suitable for school purposes in the amount specified for every dwelling unit, or portion thereof, which may be constructed within the subdivision to serve the elementary, middle, and high school public school needs of the residents of such dwelling units. The Town may elect that public school sites may be transferred and conveyed to the Town or school district pursuant to stipulations in intergovernmental agreements between the Town and school district or the Town may elect to impose a cash in lieu fee to the subdivider based on either the below calculations or a number from the intergovernmental agreements between the Town and school district. The use of these funds will be at the discretion of the Town Council. The value of the land will be established by fair market value.
 1. For single family dwelling units, the amount of land shall be 1.84 acres per 100 dwelling units;

2. For duplex or triplex dwelling units, the amount of land shall be 1.40 acres per 100 dwelling units;
3. For multi-family dwelling units, other than duplex or triplex units, the amount of land shall be 0.64 acres per 100 dwelling units;
4. For condominium and town home units, the amount of land shall be 0.82 acres per 100 dwelling units; and
5. For mobile homes, the amount of land shall be 1.10 acres per 100 dwelling units.

Section 2. Code Revision

There are no code revisions at this time.

Section 3. 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 Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

Section 4. Repeal.

Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date

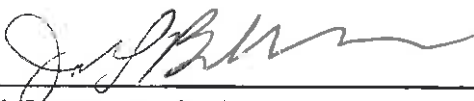
This Ordinance shall take effect March 8th, 2016, as provided by Section 3.5.5 of the Charter. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON FEBRUARY 23RD, 2016, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MARCH 8TH, 2016 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH

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COLORADO AND ORDERED PUBLISHED BY TITLE THIS 23RD DAY OF
FEBRUARY, 2016.


MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING
FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON MARCH
8TH, 2016.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, CMC
Town Clerk

