

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 7, SERIES 2016**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH APPROVING THE
AMENDED PLANNED DEVELOPMENT OVERLAY FOR HARMONY SUBDIVISION,
GENERALLY LOCATED WEST OF AND ADJACENT TO LATHAM PARKWAY, AND NORTH
OF AND ADJACENT TO HARMONY ROAD**

WHEREAS, Harmony, LLC (the "Developer") has submitted a Amended Planned Development Overlay for the Harmony Subdivision, more particularly described in **Exhibit A** (legal description) and **Exhibit B** (Amended Planned Development Overlay) and attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, a properly noticed public hearing was held on March 15, 2016, and the above described Final Planned Development Overlay was recommended for approval to the Town Council by the Town of Timnath Planning Commission with the following conditions:

1. Allow staff to continue to work with applicant to address all unresolved non-substantive technical comments to the satisfaction of Town Staff and Referral Agencies

WHEREAS, a properly noticed public hearing with the Town Council was held on April 12, 2016 and upon hearing the statements of staff, the applicant(s) and giving consideration to the recommendations, the Town Council determines as provided below.

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 Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

The existing R-E, R-3, and MU zoning is amended with the addition of a Planned Development Overlay – See attached **Exhibits A&B**

Section 2. Conditions

1. Allow staff to continue to work with applicant to address all unresolved non-substantive technical comments to the satisfaction of Town Staff and Referral Agencies

Section 3. Public Hearing

The Town Council held a public hearing on Tuesday, April 12, 2016 regarding the zoning 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 Council hereby declares that it

RECEPTION#: 20160022254, 04/13/2016 at
10:34:42 AM, 1 OF 5, R \$31.00 TD Pgs: 0
Angela Myers, Clerk & Recorder, Larimer
County, CO

Please Return to:
✓ Town of Timnath
4800 Goodman Street
Timnath, CO 80547

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 5. Effective Date

This Ordinance shall take effect upon adoption at second reading, 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 Ordinance 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 MARCH 22, 2016, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON APRIL 12, 2016 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 12 DAY OF APRIL, 2016.

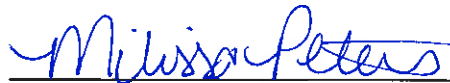
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON APRIL 12, 2016.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Amended Planned Development Overlay

ALL OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST, 6TH P.M.

SAID DESCRIBED TRACT CONTAINS 642.93 ACRES (28,005,993 SQUARE FEET), MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY NOW ON RECORD OR EXISTING.

EXHIBIT B

Amended Planned Development Overlay

[attached]

