

**TOWN OF TIMNATH, COLORADO
 ORDINANCE NO. 9, SERIES 2016**

**AN ORDINANCE 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 of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006 and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, The Timnath Planning commission held a regularly scheduled meeting on August 16, 2016 and recommended approval to Town Council unanimously by 5-0 vote; and

WHEREAS, The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

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

SECTION 1 – AMENDMENTS

1. Chapter 16, Land Use Code, Article 2, Administration, Section 9, Procedures, Sub Section 10, Subdivision, Number 11, shall read as follows: Block Diversity Plan Matrix review criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's Block Diversity Plan Matrix:
 - a. All lots have been approved through the Final Plat Process
 - b. All applicable technical standards have been met
2. Chapter 16, Land Use Code, Article 5, Development Standards, Table 5.3, Design Standards, Sub Section 4, Building Form and Materials, Number 4, Block Diversity, shall read as follows:

• Required	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I
Each residential block face shall contain at least 4 residential models that have significant variation. The same residential model with the same architectural style shall not be placed adjacent to each other or directly across the street from one		*	*	*	*	*							

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 Town of Timnath
 4800 Goodman Street
 Timnath, CO 80547

<p>another (Across the street shall mean 50% or more overlap). Residential architecture along arterial streets shall be 4 sided. Corner lots shall be required to wrap architectural treatments as shown on the front elevation along the side elevation facing the street. Model and block diversity will be reviewed by the Town as part of a Block Diversity Plan Matrix and approved based upon variation in each of the following building elements:</p> <ul style="list-style-type: none"> a. Massing; b. Porches and front entries; c. Color palette; d. Exterior materials (walls, trim, roof); and e. Garage size, orientation and point of access. 															
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3. Chapter 16, Land Use Code, Table 4.1, Residential Structures shall read as follows: Dwelling, multi-family. Change table from a Conditional Use (C) to Permitted with Conditions (PC) in the R4 zoning column.
4. Chapter 16, Land Use Code, Article 5, Development Standards, Section 7, Standards of Design, Sub Section 5, Sidewalks, Multi-use Pathways, and Trails, Number 2, General Provision, Letter J, shall read as follows: Trails. Trails shall be provided within open space areas and be designed to connect to other open space areas and in locations as required by the Parks, Recreation, Open Space and Trails Plan. Neighborhood trails shall be a minimum of 8 feet in width and Regional/Community Trails shall be 10 feet in width. A trail may be flanked on one side, or both, by a soft surface path a minimum of 2 feet in width.
5. Chapter 16, Land Use Code, Article 5, Development Standards, Section 2, Dimensional Standards, Sub Section 1, Additional Dimensional Standards Requirements for Standard Districts, Number 4, shall read as follows: Air Conditioning Units shall be placed in the rear or side yard setback, but must not be closer than 2 feet to the property line on lots with 7 foot side yard setbacks, and not be closer than 1 foot to the property line on lots with 5 foot side yard setbacks.
6. Chapter 16, Land Use Code, Article 5, Development Standards, Section 7, Standards of Design, Sub Section 8, Landscape Design Standards, Number 1, Landscaping within the Right of Way and required common open space, Letter D, shall read as follows: Landscaping for required common open space – including pocket parks, neighborhood parks and trails. Landscaping shall be appropriate to the use and function of the area and include trees, shrubs, ground cover, irrigation (where necessary) and paving. Bluegrass may be used in active high traffic areas.
7. Chapter 16, Land Use Code, Article 5, Development Standards, Table 5.3, Design Standards, Sub Section 1, Parking and Traffic Circulation, Number 2, Parking lot and Driveway Entrances, Letter B, shall read as follows: Residential drives for 2 car garages shall not be greater than 24 feet in width and have a minimum of 12 feet. Driveways serving 3 car garage faces shall have a maximum drive approach width of 34 feet. A circular drive which is constructed as an integral part of the overall design of the single family residence may be considered as a single driveway access if all accesses combined total no greater than 30 feet, and in no case shall one drive be less than 10 feet in width. No more than 40 percent of the street frontage of a lot shall be occupied with driveways. In cases of cul-de-sacs or pie shape lots, exceptions shall be allowed subject to staff approval.
8. Chapter 16, Land Use Code, Article 4, Use Regulations, Table 4.1 Standard District Table of Permitted Uses, Business/Commercial/Retail Uses, shall add the following:

Business/Commercial/ Retail Uses	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I
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Event Facility: Wedding or group type events, with or without lodging.	C	C	C	C	C	C	C	C	C	C	C	C	C
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9. Chapter 16, Land Use Code, Article 4, Use Regulations, Section 4, Conditions for Uses Permitted with Conditions, Sub Section 1, Accessory Buildings and Accessory Uses Including Accessory Dwellings, Number 8, Accessory buildings and structures, shall read as follows:
 - A. Accessory buildings with a floor area of 120sf and greater require a building permit.
 - B. Accessory buildings with a floor area under 120sf per the 2012 IBC 105.2 (1.) do not require a building permit, but do require administrative approval through a plot plan submittal review with the building department.
 - C. Accessory buildings and structures must meet setback and other design standard requirements in each zone district.
 - D. Greenhouses and gardens which are incidental to a residential use and conducted on a non-commercial basis only shall be permitted provided that no greenhouse heating plant shall be located within 60 feet from any front property line or within 30 feet of any other property line.

SECTION 2 – 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 3 – 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.

ARTICLE 4 – EFFECTIVE DATE

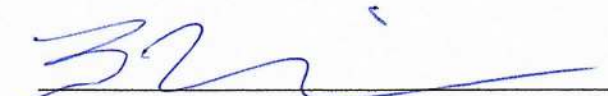
This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON AUGUST 23, 2016, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON SEPTEMBER 13, 2016 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH


5
COLORADO AND ORDERED PUBLISHED BY TITLE THIS 23RD DAY OF AUGUST 2016.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON SEPTEMBER 13, 2016.

TOWN OF TIMNATH, COLORADO


Bryan Voronin, Mayor Pro Tem

ATTEST:


Milissa Peters, CMC
Town Clerk

