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 All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.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


MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 10TH 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):

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

4
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 Pinellas, County of Larimer, State of Colorado.
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.
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| PAGE 4 |