

CHAPTER 16 – TIMNATH LAND USE CODE

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16.2.1 General provisions

- A. **Applicability.** All development applications shall comply with the applicable principles and standards contained in this Article.
- B. **Relation to zone district standards.** In the event of a conflict between a standard or requirement contained in the Density and Dimensional Chart in Article 3 and text in Article 2, the standard in the chart in Article 3 shall prevail.
- C. **Relationship to Construction Specifications.** This Article is intended to present the design principles for the Town of Timnath. For specific construction standards applicable within Timnath, see the Town of Timnath Design Criteria Manual and Construction Specifications for Public Improvements (Construction Manual).

16.2.2 Vision and intent

The intention of the Town in enacting this Article is to clearly describe the Town's vision for its physical development and to create a vital, cohesive, well-designed community in order to preserve and enhance its small-town character and further the goals identified in the Town of Timnath Comprehensive Plan. Application of this Article should promote the following qualities:

- A. Walkable and pedestrian oriented.
- B. Variety of housing types and architecture.
- C. Orderly, grid-pattern, tree-lined streets in and around the historic core of Timnath and throughout the community where feasible and appropriate.
- D. Safe and secure.
- E. Houses face the streets with garages less prominent or in the back or side-loaded.
- F. One and two-story buildings.
- G. Friendly with an opportunity to know one's neighbors.
- H. Rural, unique natural setting with mountain views.
- I. No excessive traffic on local streets.
- J. Quiet, slower paced environment.
- K. Town-wide activities.
- L. Preserve visual separation between Timnath and its neighboring communities.

16.2.3 Application of community design principles

The Planning Commission and the Board will evaluate each proposal based on these principles and the context within which each project is located. The principles are intended to be specific enough to guide development, but not so specific as to preclude creative design solutions in most cases. Applicants must substantially conform to the design principles in this Section unless it can be demonstrated that an acceptable alternative meets one or more of the following conditions:

1. The alternative better achieves the stated intent;
2. The intent cannot be achieved by application of the principle in this circumstance;
3. The effect of other principles will be improved by not applying a particular principle;
4. Strict application or unique site features make the principle impractical.

16.2.4 Design elements

1. **Neighborhood design.** Applicants should strive to create neighborhoods rather than residential subdivisions that are adjacent to one another. Neighborhoods should be organized around a strong center which may include elements such as common open space, civic and commercial or mixed uses. Strong consideration should be given to pedestrian movement, the character of streets and sidewalks as an inviting public space, and the interconnectedness of the streets both within the neighborhood and as they connect to the rest of the community. In addition, new neighborhoods should have a variety of housing sizes and types that help to create a distinct identity. Developers should avoid the monotonous repetition of a few housing styles.
2. **Streets and sidewalks.** Streets should be tree-lined where appropriate and interconnected in order to create a comprehensive transportation network that facilitates the movement of pedestrians, cars and bicycles. Where feasible and appropriate, streets should continue Timnath's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and any environmental considerations.
3. **Parks and open space.** Use natural open spaces and developed public space (such as parks and plazas) to organize and focus lots, blocks and circulation patterns, protect natural areas and quality agricultural land, and create an identity for each neighborhood.
4. **Site design, architecture and landscaping.** Encourage innovative, quality site design, architecture, and landscaping in order to create new places that can be integrated with the existing community. Promote the use of native species and xeriscaping in landscaping, revegetation and reclamation.
5. **Environment.** Sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas to promote the use of native species in landscaping, revegetation and reclamation.
6. **Water Conservation.** Encourage the use of raw or non-potable water of sufficient quality to not cause illness for irrigation. Incorporate water-saving measures in building

design and landscaping. Developments are required to use storm water management techniques that address both water quality and quantity.

16.2.5 Urban growth area

- A. Intent.** The goal of the Town is to direct growth within the established Growth Management Area. No development shall be approved unless it is located within the established Growth Management Area and is consistent with the Town Comprehensive Plan. The implementation of this policy will accomplish several goals including:
 - 1. Improving air quality by reducing vehicle miles traveled and by promoting alternative modes of transportation;
 - 2. Preserving natural areas and features including at the edges of the GMA;
 - 3. Making possible the efficient use of infrastructure and cost effective extensions of new services;
 - 4. Encouraging in-fill development and reinvestment in built-up areas of the Town; and
 - 5. Promoting physical separation from neighboring communities to help each maintain its individual identity and character.

- B. General Provision.**
 - 1. **Town Structure.** Town growth will occur through the design of interconnected full-service neighborhoods, as opposed to the creation of single use residential subdivisions disconnected from each other. The original downtown area will be revitalized by compatible commercial and mixed use development within its immediate vicinity.

16.2.6 Neighborhood design principles

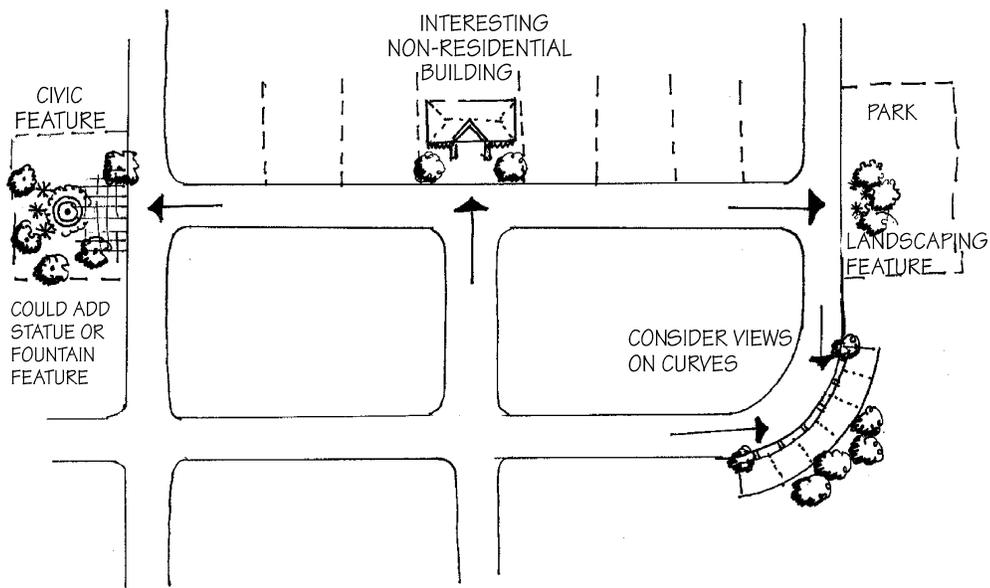
- A. Intent.** These principles encourage the creation of viable neighborhoods that connect with each other and the integration of new projects into the older areas of town. Neighborhood layout should consider the street, lot and block pattern as well as solar orientation, topography, wildlife and vegetation, drainage patterns, and environmental and regional climate issues.

- B. Neighborhood Structure.** Elements to consider integrating into new neighborhoods include:
 - 1. Street, sidewalk, bikeway, path and trail connections within new neighborhoods that connect to adjacent existing neighborhoods and strengthen the connection to the existing town.
 - 2. Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting, building architecture, etc.

3. A mixed use neighborhood center located for easy access.
4. A variety of housing types, sizes, densities and price ranges.
5. A variety of land uses that include a transition of intensity. Non-residential uses, larger buildings and attached multi-family housing should be encouraged near commercial centers with a transition to smaller buildings closer to lower density neighborhoods.
6. Pedestrian and bike connections throughout residential neighborhoods that are linked to neighborhood commercial or civic centers and open space systems.
7. Parks, open space and public plazas that are well-integrated into the neighborhood and connect to regional trails and open space.
8. Tree lawns shall include trees placed in new developments at regular intervals of 30 to 40 feet or in natural groupings where appropriate.
9. Architectural, landscaping and site design elements as outlined in this Article.

C. General Provisions. The following 10 principles contribute to Timnath’s small town character. New projects will be evaluated on how well they meet the general provisions below within the context of each project.

1. Each neighborhood has a center. It is important that each neighborhood has an activity center to draw people together. While natural and man-made features such as a drainage ways, major roadways, and ditches help define neighborhoods, they should not be used to create hard edges or boundaries between neighborhoods. Buildings or other features located at the gateways to a neighborhood shall mark the transition into and out of the neighborhood in a distinct fashion through the use of massing, additional height, contrasting materials, and/or architectural embellishments to obtain this effect.
2. Mix of types of dwelling units. A mix of dwelling unit types and price ranges shall be distributed throughout the development.
3. Downtown and commercial focal points. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments, or other distinguishing features, as well as landscape features.



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4. Downtown and commercial public space as development framework. Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space must be functional and easily accessible and shall be designed to organize the placement of buildings to create an identity for each neighborhood. Commercial and public buildings should face public open space.
 5. Design streets as public spaces. Buildings shall define streets through the use of relatively uniform setbacks along each block. The streetscape shall also be reinforced by lines of shade trees planted in the tree lawn area and may be further reinforced by walls, hedges, landscaping or fences which define front yards.

On a lot with multiple buildings, those located on the interior of the site shall relate to one another both functionally and visually. A building complex may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity and incidental social interaction. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.
 6. Access. “Gated” neighborhoods or developments that restrict public access shall not be permitted.
 7. Use relative proportion. Downtown and commercial buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings.
 8. Encourage walking and bicycling. Sites shall be designed to minimize conflict between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to make it safe and easy to travel on foot and by bicycle.
 9. Developments shall have a mix of amenities available rather than a purely residential land use. Neighborhood residents shall have convenient access to parks, schools, open space, trails and services. The optimum size of a neighborhood to support travel on foot by residents is one-quarter mile from center to edge.
 10. Fit within the environment rather than on top of it. New developments shall be designed to respond to the topography, fit into the setting and protect scenic view corridors, historic landscapes, wildlife and ecosystems.

16.2.7 Lots and blocks

A. Intent. The intent of the block and lot standards is to promote development of block patterns that compatible with site-specific environmental conditions.

B. General Provisions.

1. Blocks. Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views, and other design features.

The length, width and shape of blocks shall be determined with due regard to the following:

- a. Provision of adequate building sites suitable to type of use contemplated.
- b. Convenient access, control and safety of vehicular and pedestrian traffic.
- c. Limitations and opportunities of the topography.

2. Lot dimension and configuration.

- a. *Lot size, width, depth, shape, and orientation and minimum building setback lines* shall conform to this Chapter and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.
- b. *Depth and width* of properties shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated.
- c. *Lot frontage.* All lots shall have frontage that is either adjacent to, or directly accessible from, a street. Street frontage shall typically not be less than 25% of the lot depth. Flag lots are prohibited unless otherwise approved by the Board.
- d. *Corner lots.* Corner lots for residential use shall have extra width to accommodate the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is generally defined as the side having the shortest street frontage. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback.
- e. *Double frontage.* Residential lots that front on two streets (double frontage) are not permitted
- f. *Side lot lines.* Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.

- g. *Residential lots adjacent to arterial streets.* Back yards of residential lots shall not be permitted adjacent to arterial streets unless no design alternative exists. In limited circumstances where residential lots are adjacent to, and the houses do not face, an arterial street, the setback to the rear of the house shall be a minimum of 75 feet.
- h. *Residential lot access to adjacent street.*
 - i. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one driveway curb-cut or driveway access of no greater than 20 feet in width. 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 each access is less than 10 feet in width and separated by at least 30 feet.

16.2.8 Streets

- A. **Intent.** The intent of these street policies is to establish a safe, efficient and attractive transportation system that promotes all modes of transportation and is sensitive to the environment.
- B. **General Provisions.** The local street system of any proposed development shall be designed to be safe, efficient, convenient, attractive, and consider all modes of transportation that will utilize the system. Streets should be inviting public spaces and an integral part of community design. Local streets shall provide for both intra- and inter-neighborhood connections to knit developments together. All streets should create a comprehensive network of public areas to allow free movement of cars, bicycles and pedestrians.
 - 1. Street connections. All streets shall be aligned to join with planned or existing streets consistent with the Town Comprehensive Plan. All streets shall be designed to bear a logical relationship to the topography of the land.
 - 2. Tree-lined streets. All streets shall be lined with trees on both sides with the exception of rural roads and alleys. Groupings of trees along streets may be allowed in specific circumstances.
 - 3. Street layout. The street layout shall form an interconnected system of streets where feasible, primarily in a grid or modified grid pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. The street layout shall emphasize neighborhood focal points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic calming features within and adjacent to residential areas shall be utilized when appropriate.
 - 4. Controlling street access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.

5. Visibility at intersections. No shrubs, ground cover, berms, fences, structures, or other materials or items greater than 24 inches in height shall be planted, created or maintained at street intersections within the sight distance triangle. Trees shall not be planted in the sight distance triangle.
6. Pedestrian crossings at street intersections and mid-block. Pedestrian crossings shall be accessible to limited mobility individuals and mid-block crossings may be required at the direction of the Town.
7. Street right-of-way dedication. The full width of right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town.
8. Perimeter streets. When a street is dedicated which ends at the edge of a plat, the street right-of-way must be dedicated to the outside boundary of the plat.
9. Street names. Names of new streets shall follow the adopted Timnath Street Naming Policy and must be reserved within the Larimer County Street Inventory System by Town Staff.

C. Type of street, location and adjacent land uses. The Timnath street network will conform to the following policies.

1. Arterial streets.
 - a. Arterials shall be at a minimum of 1 mile intervals in both north-south and east-west directions and be designed to accommodate present and future transportation requirements. Arterial streets shall align and connect across intersecting arterials to distribute traffic and provide continuity.
 - b. Typical adjacent land uses
 - i. Business parks.
 - ii. Community commercial.
 - iii. District and community parks.
 - iv. High density residential.
 - v. Industrial developments.
2. Collector streets.
 - a. Within each 1 mile arterial segment, collector streets shall divide the north-south and east-west arterials at approximately the half mile point. Intersections of collector streets and arterial streets shall be aligned to distribute traffic and provide continuity for bike routes.
 - b. Typical adjacent land uses

- i.** Agriculture.
- ii.** Business parks.
- iii.** Community parks.
- iv.** Industrial.
- v.** Low, medium and high density residential.
- vi.** Middle and high schools.
- vii.** Neighborhood commercial.

3. Local streets.

- a.** Where practical, local streets shall generally follow a modified grid pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. These streets shall generally parallel the arterial and collector street system, provide a variety of route options, interconnect to allow traffic to disperse in an equitable manner and be as narrow as possible without sacrificing the ability to accommodate expected traffic and services.
- b.** Local streets must provide for both intra- and inter-neighborhood connections to knit developments together.
- c.** Typical adjacent land uses
 - i.** Business parks.
 - ii.** Elementary schools.
 - iii.** Pocket parks.
 - iv.** Neighborhood parks.
 - v.** Residential.

4. Rural local street.

- a.** Rural local streets are intended to serve rural locations as approved by the Board.
- b.** A driveway access crossing the borrow ditch of a rural local street shall contain a culvert of sufficient size to safely pass the designed stormwater drainage flows. A portion of the borrow ditch may fall outside of the rural local street right-of-way in order to obtain a borrow ditch cross-section sufficient to contain the designed storm water flows and/or to be sufficient in depth for the driveway access culvert.
- c.** Typical adjacent land uses

- i. Agriculture.
- ii. Estate subdivisions.

5. Alleys.

- a. Alleys shall be treated as public ways, and any lot having access from an alley shall also front upon a public street. Garages, accessory dwellings above garages and rear yards may access the collector and local street system via an alley.
- b. Typical adjacent land uses
 - i. Accessory units above garages.
 - ii. Garages.
 - iii. Parking lots with landscaped edges.
 - iv. Rear yards.

16.2.9 Parking

A. Intent. The intent of this section is to provide general direction regarding parking for motor vehicles while minimizing the visual impact of parking lots and structures. For specific parking standards see the Construction Manual.

B. General Provisions.

In all zone districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.

- 1. Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials.
- 2. Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian or bicycle routes, or negatively impact surrounding neighborhoods.
- 3. Location. Parking lots in commercial and business zone districts shall be located to the rear or side of buildings or in the interior of a block whenever possible.
- 4. Landscaping. Parking lots shall be landscaped, screened and buffered as provided in this Chapter and the Construction Manual.
- 5. Shared-access. Where feasible, and in order to reduce traffic and vehicle turn movements on major streets, parking lots shall share access drives and cross-access easements with adjacent property having similar land uses.
- 6. Off-street parking design. Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is

available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, or extend onto, public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility or other structure.

7. Circulation area design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.
8. Lighting. All parking area lighting shall be full cutoff type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to aim the light away from nearby residential properties and not interfere with the vision of passing motorists. All lighting shall be compatible with provision of wireless internet (wi-fi) services.
9. Shared off-street parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.
10. Adjacent on-street parking in B, C-1 & Mixed Use districts. In order to promote a pedestrian scale and encourage a perception of safety in the B Business, C-1 Neighborhood Commercial and Mixed Use Districts, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

C. Paved off-street parking.

1. Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage. Parking shall be located at the rear and sides of buildings to the greatest extent possible and screened from the view of streets as provided in this Article. Required parking in the B district can be met with on-street and shared parking.
2. The location of required off-street parking facilities for other than residential uses shall be within 400 feet of the building they are intended to serve when measured from the nearest point of the building or structure.

D. Location of spaces for residential uses.

1. Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.

2. Required off-street parking in residential zones shall not lie within the front yard setback nor within any required side yard setback adjacent to a street. (Driveway spaces within these setbacks cannot be counted for required off-street parking.)
 - a. Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements.
 - b. Garages or required off-street parking spaces shall be set back not less than 22 feet from the back of the sidewalk or edge of right-of-way, whichever is more restrictive.

E. Handicap Parking Spaces.

1. Handicap accessible parking spaces shall be required for all retail, office, business, industrial, institutional uses, as well as multi-family units.
2. Handicap accessible parking spaces shall be designated with painted symbols and standard identification signs.
3. Handicap accessible parking spaces shall be located as close as possible to the nearest accessible building entrance.

F. Bicycle parking spaces. Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:

1. A minimum number of bicycle parking spaces shall be provided, equal in number to 2% of the total number of automobile parking spaces provided by the development, but not less than 1 space.
2. For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces may be utilized as directed by the Town.
3. Bicycle parking facilities shall be designed to allow the bicycle frame and a wheel to be securely locked to a parking structure which is permanently attached to the pavement.
4. Bicycle parking facilities shall be located so as not to interfere with pedestrian traffic or access to buildings.

16.2.10 Sidewalks, multi-use pathways and trails

A. Intent. The intent of the standards for sidewalks, multi-use pathways and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles, equestrians and pedestrians.

B. General provisions.

1. Interconnected network. A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Sidewalks shall be separate and distinct from motor vehicle circulation routes to the greatest extent possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.
2. Sidewalks required. In all zone districts, except for the R-E and A districts, sidewalks are required along both sides of a street. Within the R-E district, sidewalks are required along one side of the street unless the development is served by rural streets. Trails may be substituted for sidewalks as appropriate, at the discretion of the Town.
3. Sidewalk location. Sidewalks shall be located within the right-of-way unless otherwise authorized by the Town.
4. Sidewalk materials. Sidewalks shall be constructed of concrete, brick, slate, colored/textured concrete pavers, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings. Asphalt shall not be used for sidewalks.
5. Sidewalk installation. Sidewalks and related improvements shall be installed or constructed by the subdivider in accordance with plans and specifications approved by the Town and shall be subject to inspection and approval by the Town.
6. Accessibility. Sidewalks and plazas shall be accessible to disabled individuals as required by this Code and the Americans with Disabilities Act.
7. Walkways. Walkways through a subdivision block shall be not less than 8 feet in width, shall be within a dedicated right-of-way not less than 20 feet in width, and shall be flanked with appropriate landscaping. Walkways along buildings and within parking lots shall be raised and curbed, where suitable. A direct pedestrian connection to building entries, public space and parking areas shall be provided from public sidewalks. Walkways shall be constructed of the same materials as sidewalks; except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color or texture or paint striping.
8. Lighting. All sidewalks and other pedestrian walkways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development. All lighting shall be compatible with provision of wireless internet (wi-fi) services.
9. Multi-use pathways (Bikeways). Multi-use pathways shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community. Multi-use pathway routes shall be designated between residential areas and commercial and employment centers and schools. Multi-use pathways on local streets may be delineated by painted “bicycle only” lanes. Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. All other multi-use pathways shall be a minimum of 8 feet wide and shall be of concrete construction or where approved by the Town, compressed gravel (crusher fines). Asphalt

paving of multi-use pathways is only allowed through specific approval of the Town. Bike racks shall be provided at the entry to internal and peripheral open space areas.

- 10.** Trails. Trails shall be provided within open space areas and be designed to connect to other open space areas. Trails shall be a minimum of 10 feet in width, unless otherwise authorized by the Town. A trail may be flanked on one side by a soft surface path a minimum of 4 feet in width. The soft surface path shall be constructed with a minimum depth of 8 inches of compressed gravel, and crowned and compacted with edging to contain the trail material.

16.2.11 Easements and utilities

- A. Multiple installations within easements.** 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.
- B. Underground utilities.** Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this Section, and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such underground facilities. 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 is required to the satisfaction of the Board. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Upon approval of the Town, such facilities shall be placed within easements or rights-of-way provided for particular facilities.

16.2.12 Parks and open space

- A. Intent.** To ensure that a comprehensive, integrated network of parks and open space is developed, preserved and maintained as the community grows.
- B. Types of parks and open space.**
- 1. Plazas.** A plaza is typically located in a commercial or industrial area to serve as a gathering place. A plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza.
- 2. Pocket parks.** Every residential development of more than 50 dwelling units shall provide and develop one or more pocket parks in accordance with the requirements of this Chapter. A pocket park shall be at least one-half acre and include playground equipment and sprinklered landscaping and be maintained by a homeowner's association or district.

3. Neighborhood parks. Every residential development of over 200 dwelling units shall provide land for a neighborhood park and develop such park that will serve the neighborhood in accordance with the requirements set forth in this Chapter. Land dedicated for park purposes may be credited toward the open space land dedication required at the time of subdivision. A neighborhood park shall be at least 5 acres and include active play areas and sprinklered landscaping
4. Community park. Community parks serve the residents of several neighborhoods. Community parks are to be located on or near arterial streets at the edge of residential areas or in non-residential areas to minimize the impact of organized recreational activities such as lighted ball fields. The developer shall dedicate land for, or make a cash in lieu contribution for land and improvements in accordance with the requirements of this Chapter. A community park shall be at least 20 acres and include an active play area, ballfields, and sprinklered landscaping.
5. Trails. A trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities. Developers must provide trails in all areas designated on the Town Trails Plan Map as well as connections to any portion of the Town's trail system and other destinations within neighborhoods.
6. Regional open space. Timnath's regional open space system includes: Town drainage ways, floodplains, natural areas, natural area buffer zones, wetlands, agriculture preservation areas and lands of archeological or historic significance. Access is generally limited to trails and similar improvements.
7. Storm drainage facilities. Storm drainage facilities, including stormwater detention and stormwater retention ponds, may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately. Credit toward the open space dedication requirements will be considered on a case by case basis by the Town at the time of platting.

C. General provisions.

1. Open space should serve as the neighborhood focus. Open space, such as the Town drainage ways and developed parks and plazas, shall be used to organize and focus lot, block and circulation patterns and to enhance surrounding development. Street, block, lot and building patterns shall respond to the views, landscape and recreational opportunities provided by the open space.
2. Public access. Areas designated as public open space shall be both visibly and physically accessible to the entire community. Adequate public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists.
3. Buffering. Appropriate buffering and setbacks shall be used between environmental resources and proposed development to ensure that the proposed development does not degrade the existing habitat. Developers shall provide an open space buffer zone around all natural areas unless otherwise authorized by the Town. The size of the buffer zone

shall be in accordance with studies prepared by the Colorado Division of Wildlife or a qualified wetland/wildlife ecologist contracted for by the Town and paid for by the developer.

4. Open space uses. Uses designated within the open space shall be appropriate to the context and character of the site and the intensity of the proposed development.
5. Ownership and maintenance of open space. Ownership and maintenance of public open space shall be determined by the Town on a case by case basis during the review process.
 - a. Generally, the Town shall own and maintain neighborhood parks, community parks and public trails.
 - b. Pocket parks, landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners' association, district or the landowner.
 - c. Environmentally sensitive, archaeological and historic resources may be dedicated to and maintained by the Town, if approved by the Board.
 - d. Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners' association, district, or landowner, unless otherwise approved by the Town.
 - e. Areas designated as open space shall be maintained according the designated function of the area. Applicants shall work with the Natural Resources Conservation Service to develop a management plan which addresses: irrigation, revegetation, erosion control, and weed management. If the area is to remain in private ownership, a mechanism to ensure maintenance will be funded in perpetuity must be in place at the time of final plat.
6. Open space protection. Areas designated as open space shall be protected by conveyance to the Town as provided on the plat and by this Chapter, deed restriction or other appropriate methods to ensure that they remain open in perpetuity and cannot be subdivided or developed in the future without approval of the Town.

D. Open space requirements.

1. Functional open space may include:
 - a. Areas within the community designated for the common use of the residents of an individual development and/or the community at large;
 - b. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas;
 - c. Areas designated for agricultural preservation;

- d. Areas of archeological and historic significance; and
 - e. Areas of critical or important habitat as defined by the Colorado Division of Wildlife.
2. Required open space shall not include the following:
- a. Required setback areas around oil and gas production facilities;
 - b. Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional open space or preserve environmental resources, unless approved by the Board;
 - c. Private yards;
 - d. Tree lawns; or
 - e. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/industrial projects.
3. Amount of open space required. The amount of functional open space required in each development will be based on the density of the development, the recreational requirements of the anticipated users and the anticipated opportunities for public recreation within walking distance of the site (¼ mile). In addition to the streets, all residential subdivisions shall dedicate to the Town a minimum of 20% of the gross land area for public parks, trails and functional open space at the time of subdivision.
- a. *All residential developments.* For such residential developments, the developer shall provide:
 - i. A minimum of 20% of the gross land being subdivided for use as functional open space including: pocket or neighborhood parks, plazas, trails, recreational amenities, homeowner association owned landscaped areas (excluding parking lots), natural areas and amenities for residents or other civic purposes;
 - ii. The land for 1 pocket park for every 50 dwelling units or portion thereof which shall be constructed in the subdivision.
 - iii. The land for 1 neighborhood park for every 200 dwelling units or portion thereof which shall be constructed in the subdivision within one-quarter (¼) mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development;

- iv. Land for 1 community park, or the fair-share, cash-in-lieu contribution for the cost of any regional community park for every dwelling unit which shall be constructed in the subdivision; and
 - v. An internal trail system and trails as designated in the Town Trails Plan.
- b. *Commercial and industrial developments.* There are 3 levels of dedication required depending upon the size of the development. The developer shall provide:
- i. For regional commercial, office and industrial developments generally corresponding to the uses listed in the C-2: Community Commercial zone district: A minimum of 25% of the gross land being subdivided as functional open space which may include: plazas, trails, landscaped areas, natural areas and other public/civic areas; and
 - ii. For neighborhood commercial, office and industrial developments generally corresponding to the uses listed in the C-1: Neighborhood Commercial zone district: A minimum of 15% of the gross land being subdivided as functional open space which may include: plazas, trails, landscaped areas, natural areas and other public/civic areas; and
 - iii. For downtown commercial developments generally corresponding to the uses listed in the B: Downtown Business zone district: A minimum of 5% of the gross land being subdivided as functional open space which may include: plazas, trails, landscaped areas, natural areas and other public/civic areas.
 - iv. Open space in commercial, office and industrial developments should be used as a buffer from adjoining uses wherever possible.
 - v. An internal trail system and any trails as designated on the Town Trails Plan.

16.2.13 Contribution for public school sites

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.

- 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.

16.2.14 Public sites and dedication requirements
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A. The developer of residential properties shall dedicate public sites for open space, parks, schools, or other civic purposes in accordance with the requirements of this Section to serve the proposed subdivision and future residents thereof.

1. **Land dedication.** Payments and dedications made under the requirements of this Section shall be made payable or dedicated to the Town. Dedication of such sites and land areas to the Town shall be free and clear of all liens and encumbrances. The applicant shall provide for the installation of the streets adjacent to the park and school sites, the installation of water, sewer and other public utilities to the park and school sites, and overlot grading of the park and school sites.
2. **Fee-in-lieu of dedication.** If there is not sufficient property on the plat to provide land for the entire school or park facility required, with the approval of the Board of Trustees, the subdivider may, in lieu of dedication of all or part of the land requirements, pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are based upon the contribution ratios found in Section 16.2.13 above and will be calculated in the following manner:
 - a. Fees shall be calculated based on the full market value of the land assuming the plat has been approved and proper zoning exists.
 - b. Full market value shall be determined by mutual agreement between the subdivider and the Board of Trustees. In the event of inability of any of the above parties to agree on the value of the subject land, the subdivider shall submit to the Town a written appraisal from a qualified appraiser meeting the value requirements set forth herein. Said appraisal shall be made by an individual or entity that does not have a financial interest in the subdivision and shall be a member of the Appraisal Institute (MAI), a member of the Society of Real Estate Appraisers (SRA), or such other qualified person mutually agreeable to the Administrator and the applicant. The applicant shall pay the cost of said appraisal.
 - c. Such appraisal may be submitted during the review period of the final plat. If the Board of Trustees believes that the appraised value is not accurate, it may obtain its own appraisal from a qualified appraiser, or determine the fair market value by such procedure as the Board of Trustees deems appropriate. The applicant shall pay the cost of said appraisal.
 - d. All fees-in-lieu of dedications are to be paid at issuance of any building permit.

- e. For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods to be devised by the Board of Trustees realizing that by virtue of developing one (1) phase, the value of the undeveloped adjacent phase will increase. The subdivider has the option of paying the fees for all phases upon the due date of fees for the first phase.

B. Unacceptable land for dedication. Unless otherwise determined by the Board of Trustees in its sole discretion, land areas that are not acceptable in determining the fulfillment of the requirements for the provision of land areas for public purpose facility sites shall include the following:

1. Natural drainage ways, streams, gullies and rivers including all lands within the 100 year floodplain.
2. Rights-of-way and/or easements for irrigation ditches and aqueducts.
3. Steep, rugged and hazardous geological land areas, and such other areas as are not conducive for use as the intended park or school site.

16.2.15 Landscape design

A. Intent. To preserve the Town’s character and integrate and enhance new development by promoting quality landscape design that:

1. Reinforces the identity of the community and each neighborhood;
2. Provides tree-lined streets in urban areas;
3. Anchors new buildings in the landscape;
4. Provides tree canopies within paved areas; and
5. Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species (when appropriate), and enhances valuable habitat.

B. General provisions. All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations.

1. Tree lawns. Landscape improvements in urban settings shall create an orderly, irrigated, managed landscape. All urban neighborhoods shall have tree-lined streets. Trees in tree lawns shall include a mix of species, be aligned in straight rows, and shall be placed within the right-of-way tree lawn. Where right-of-way and expanded tree lawns allow, trees may be grouped into clustered plantings. Spacing of trees shall allow for their mature spread. Trees installed along streets that will be widened in the future shall be planted so that they will not be disturbed during future construction.

Landscape improvements in environmentally sensitive areas and lower density rural developments shall be informal. Trees along rural streets shall be planted to create irregular clusters of trees to reinforce the design and character of each project and frame views.

2. Site landscape design. Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to enhance the character of neighborhoods and shall follow these guidelines:

- a.** Configured to maximize connections within the site to natural areas and to landscaped areas in adjacent developments. Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.
- b.** Consistent with the character of the proposed development and the surrounding area to reinforce neighborhood identity.
- c.** Enhance natural features, drainage ways and environmental resources.
- d.** Designed for mature landscapes that will provide appropriate visibility for cars and pedestrians.
- e.** Preserve and frame views both into and out of the neighborhood.
- f.** Incorporate the elements of gateway, path and destination into the design of landscapes. Gateways are entries that provide transitions from one space to another. Pathways are routes that lead to a destination. Destinations are focal points that can include anything from a garden bench at the end of a path to a civic building at the end of a street.
- g.** No more than 24 inches high when located within a sight distance triangle.

4. Environmental considerations.

- a.** Landscapes shall use the following *xeriscape* design principles to facilitate water conservation:
 - i.** Appropriate turf selection to minimize the use of bluegrass, use of mulch to maintain soil moisture and reduce evaporation, zoning of plant materials according to their microclimatic needs and water requirements, and improvement of the soil with organic matter if needed; and
 - ii.** Well-planned planting schemes that include an efficient irrigation system, proper maintenance and an appropriate watering schedule.
- b.** All landscapes shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.

- c. Landscapes shall consist of a variety of species to enhance biodiversity. No one species may make up more than 35% of the total non-grass plant materials on the site.
- d. Lots, buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.
- e. A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat from developed areas.
- f. Weed control will be practiced on all areas disturbed by construction and those areas shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for revegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas. Weed control shall be a continual responsibility of the owner during all phases of land clearing and construction. Every effort shall be made to prevent the spread of noxious weeds.
- g. All automatic irrigation systems must be installed with moisture sensors

5. New buildings and paved areas.

- a. Anchor structures in the landscape through the use of trees, shrubs and groundcover. The size and intensity of plantings shall be appropriate to the size and context of the improvements.
- b. Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used.
- c. Use landscaping to provide a transition from developed, managed landscape to more natural vegetation.
- d. Landscaping in the front yard setbacks of residential properties must be installed within one (1) year of issuance of certificate of occupancy.
- e. Provide a tree canopy by installing shade trees within and adjacent to paved areas.
- f. Landscaped areas in commercial parking lots are limited to drip irrigation for trees and shrubs and no impact or spray heads shall be permitted. For grass areas, only drought tolerant grasses shall be permitted.

6. Plant materials.

- a. The minimum planting sizes on all required landscaping shall be 2 inch caliper deciduous trees, 1½ inch caliper ornamental trees, 6 foot tall evergreen trees and 5 gallon shrubs.

- c. *Arterial streets* – live groundcover as appropriate to the use and function of the area, including a combination of grass, trees, flowers, paving and 1 shrub for every 150 square feet of landscape area clustered into planting beds. Developer shall also install an automatic irrigation system for all landscaping within rights-of-way.
- d. *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, groundcover, irrigation (where necessary) and paving. Bluegrass may be used in these areas.
- e. *A mechanism for long-term maintenance* of common open space and arterial and collector street right-of-way landscaping must be created.

2. Business/commercial and industrial development landscaping standards.

- a. Landscape improvements shall be designed to enhance the overall appearance of the development and to integrate the project with adjacent land uses and into the surrounding neighborhood. See Section 16.2.12.D.3.b. (i. – v.) for the amount of landscaped areas required per type of development.
- b. Guarantee of installation. Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy (C.O.) for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping.
- c. The developer or assigns shall provide:
 - i. *Site trees* – plant a minimum of 1 tree per 1,000 square feet of landscaped area along roadways, alleys and within parking areas. In open space areas, the tree canopy shall provide shade for 25% of the gross open space area at maturity. Trees acceptable for planting in commercial and industrial landscapes include: Autumn purple ash, Mancana ash, Coralburst dwarf crabapple, Spring snow crabapple, Honeylocust (any variety), Capital pear, Chanticleer pear, Krauter’s vesuvius plum, Snow mantle dogwood, Red dragon maple, Emperor I maple, Gambel oak.
 - ii. *Shrubs* – plant a minimum of 1 shrub per 150 square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to ½ of the required shrubs at the rate of 1 tree for 6 shrubs.
 - iii. *Groundcover* – establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active

recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of 8 inches except for ornamental grasses as appropriate. There shall be a minimum of 75% live material between the building and the street unless approved by the Town. For active recreation areas a turf type tall fescue or a brome/fescue mix will be used.

iv. *Landscape setback to parking lots* – 30 feet from arterials or 25 feet from other streets. This setback may be reduced to 15 feet if used in combination with a three to four foot masonry or stone decorative wall. Signage may be included in this setback.

v. *Screen loading areas* – screen loading areas (including vehicle being loaded), service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture or by landscaping. Chain link fencing with slats, tires, or used building materials are unacceptable screening materials.

d. The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way in accordance with Town regulations.

3. Downtown landscaping standards. Downtown landscaping is intended to provide an attractive environment for people to walk, relax and shop.

a. The developer or assigns shall provide:

i. *Streetscape improvements* – a combination of window boxes, planters, trees, benches, artwork and other public amenities as appropriate to enhance building entries and the overall downtown streetscape.

4. Parking lot landscaping standards. Parking lot landscaping is intended break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project. All parking lots with 10 spaces or more shall be subject to these requirements. The developer or assigns shall provide:

a. *Site trees* – a minimum of 1 tree per 5 parking spaces. Group trees together in islands which are a minimum of 10 feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.

b. *Shrubs* – a minimum of 1 shrub per 150 square feet of landscaped area. Group plantings in landscape islands.

c. *Groundcover* – limit areas of irrigated turf. Grass is discouraged in areas less than 10 feet wide. Install a grass buffer (native grass where possible) around the

perimeter to filter runoff and improve water quality.

- d. *Landscape setback to parking lots* – 30 feet from arterials or 25 feet from other streets. The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street. This setback may be reduced to 15 feet if used in combination with a three to four foot articulated masonry or stone decorative wall with trees and shrubs on both the street and parking lot sides of the wall to soften its appearance. Signage may be included in this setback.
- e. *Provide a mechanism for long-term maintenance of landscaping* – all landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.

C. Storm drainage facilities.

- 1. Intent. To promote innovative and effective land and water management techniques that protect and enhance water quality.
- 2. General provisions.
 - a. Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.
 - b. It shall enhance the overall appearance of the project, prevent or minimize erosion and improve water quality of storm water runoff whenever possible.
 - c. Storm drainage facilities may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the Board.
 - d. The use of planting strips and shallow landscaped depressions (bio-swales) in parking lots and along roads is encouraged to help trap and remove pollutants from storm water runoff.
- 3. Applicability. All storm drainage facilities shall be appropriately landscaped.
- 4. Minimum landscape requirements.
 - a. All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and wildflowers. Developer is responsible for establishment of a complete, weed free stand of grass or plantings. Trail corridors may be seeded to native grasses if appropriately integrated with adjacent improvements. Areas to be used for active recreation

shall be seeded to a turf type tall fescue or brome/fescue mix or other drought tolerant grass acceptable to the Town and irrigated with a permanent irrigation system.

- b. Areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.
- c. Habitat and water quality enhancement including wetland plantings in low wet areas is encouraged.

5. Ownership and maintenance.

- a. All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the Town.

D. Submittal standards for landscape plans. All land development applications will be accompanied by the appropriate landscape plan. Information required on each plan is listed in the table which follows.

- 1. Conceptual landscape plan. (submit with sketch plan) Intent: to illustrate the overall design concept for landscaping and depict how it relates to the overall development.
 - a. Describe the design intention of the proposed landscape improvements.
 - b. This information should be included on the sketch plan map or combined with the conceptual open space plan if it can be clearly illustrated and the scale is not greater than 1"=200'.
- 2. Preliminary landscape plan. (submit with preliminary plat) Intent: to illustrate the master landscape plan for the development.
 - a. Describe the design intention and how the proposal is consistent with the purpose and intent of these regulations.
 - b. Landscaping should be included on the preliminary open space and ecological characterization plan if it can be clearly illustrated and the scale is not greater than 1" = 100'.
- 3. Final landscape plan. (submit with final plat) Intent: to ensure each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase.
 - a. Describe the design intention and how the proposal is consistent with the preliminary landscape plan.
 - b. The final landscape plan must be on a separate page from the final plat map and

should be included with the final open space plan. The scale shall not greater than 1"=50'.

INFORMATION REQUIRED	CONCEPT	PRELIM.	FINAL
Scale, north arrow, site boundary	Y	Y	Y
Existing and proposed streets		Y	Y
Existing and proposed utilities and easements		Y	Y
Existing contours (2' intervals), can be USGS for conceptual landscape plan	Y	Y	Y
General grading concepts for proposed improvements, typical cross-sections of streets and special treatment areas		Y	
Proposed contours (2' intervals)			Y
Description of the design intention	Y	Y	Y
Describe the general character and location of proposed landscaping and open space and how it meets the purpose of this Article	Y		
Illustrate how the open space network and pedestrian circulation system will function	Y		
Existing site features including ditches, trees, shrubs and groundcovers and any drainageways, wetlands or wildlife habitat present on the site. Indicate which plants will be preserved, the method of preservation and which will be removed.	Y	Y	Y
Proposed landscaping including: trees, shrubs, groundcover, walks, fences. Show which plantings are deciduous and evergreen		Y	
Indicate which areas will be irrigated and the method of irrigation		Y	Y
Typical detail drawings at 1"=20' to illustrate perimeter treatment, buffering, typical front yard for residential properties, and any special treatment areas on the site			Y
Define areas to be considered open space and if they will be public or private. Indicate how open space will be maintained including: erosion control, revegetation, and weed management both during and after construction.		Y	Y
Detailed planting plan indicating location, species, size and quantity of all proposed plantings and groundcover. Improvements shall be shown in their final location and			Y

mature size. Include a plant list in chart form and description of the type and location of groundcover, walks, fences, and mulches. Include a cost estimate for improvements on a separate sheet.			
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E. Prohibited plant materials list. The following trees shall not be planted in the Town:

1. Russian Olive, Lombardy Poplar, Siberian Elm, Boxelder Maple, Cotton-bearing Cottonwood, Salt Cedar or Tamarisk.
2. Existing Cotton-bearing Cottonwood will be considered on a case-by-case basis for restoration projects along riparian corridors.

16.2.16 Buffering and screening techniques

A. Intent. To integrate adjacent land uses and provide seamless transitions from one use to another through the use of building orientation, access, landscaping, appropriate architectural elements, and open areas.

B. General provisions.

1. Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the developer of the more intensive use to insure that the transition from one use to another is attractive, functional and minimizes conflict between the current and planned uses.
2. It is the responsibility of the developer of the higher intensity use to demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment, buffer areas, and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting and traffic.
3. Buffering of up to 100 feet of non-buildable area may be required between any development and adjacent natural or environmentally sensitive areas or different uses. The actual amount of any buffer area will be determined on a case by case basis.
4. Under no circumstances shall a fence be the only screening material used as a buffer between land uses.

C. Location and screening of required loading and service areas.

1. Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
2. Screening, buffering and landscaping shall be incorporated to prevent direct views of the

loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features, and landscaping; and shall be visually impervious. Recesses in the building or depressed access ramps may be used.

D. Dumpsters.

1. Every development using one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
 - a. Located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and
 - b. Constructed to allow for collection without damage to the development or the collection vehicle.
 - c. Provide an area for recycling as well as for the disposal of solid waste.
2. All dumpsters shall be screened to minimize visibility from:
 - a. Persons located within any dwelling unit on residential property other than that where the dumpster is located;
 - b. Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpster is located; and
 - c. Persons traveling on any public street, sidewalk or other public way.

16.2.17 Fences and walls

A. Intent. To ensure that walls and fences are attractive and in character with the neighborhood. The creation of fence “canyons” along streets, parks or other public areas is prohibited.

B. General provisions.

1. Compatibility. Walls and fences shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or through similar techniques. A fence or wall may not consist of a solid, unbroken expanse for more than 50 feet for every 75 feet of length, or portion thereof.

2. Materials.

Stone walls or brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls, and stone piers are encouraged. Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for landscaping or architectural purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall.

- a. Fences used in front yard areas between the front building line and the front property line shall be at least 50 percent open. Allowable fences are split rail, wrought iron, picket, or other standard residential fences of a similar nature approved by the Town building official or designee. (Ord. 23-2008)
- b. Solid fences shall be constructed to meet the wind design criteria of the adopted Building Code, using a basic wind speed of 80 miles per hour.
- c. Other materials may be incorporated in fences and walls as may be approved by the Town.

3. Prohibited materials. Contemporary security fencing such as concertina or razor wire, barbed wire, or electrically-charged fences are prohibited unless specifically permitted by the Town. Chain link fencing with or without slats shall not be used as a fencing material for screening purposes.

4. Retaining walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.

5. Height limitations. Fences or walls shall be:

- a. No more than 42 inches high between the front building line and the front property line. Walls shall not be solid except for retaining walls. (Ord. 23-2008)
- b. No more than 42 inches high if located on a side yard line in the front yard; such area defined as being between the front building line and front property line, except if required for demonstrated unique security purposes, satisfactory to the Town building official or designee. Fences and walls shall not be solid, except for retaining walls. (Ord. 23-2008)
- c. No more than 6 feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear or side yard, such area defined as being between the front building line and the rear property line. (Ord. 23-2008)
- d. No more than 6 feet high for opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.
- e. No more than 24 inches high when located within the site distance triangle and fences or walls within any site distance triangle shall not be of solid construction.

- f. In the Industrial (I) zone district, a chain link fence may be permitted so long as it is not higher than 6 feet anywhere on the premises and the visibility at the intersection and from public ways meet the requirements of this Chapter.
 - g. Fences around a recreation court (e.g. tennis, squash racket, squash tennis or badminton) or around a publicly-owned recreation area may exceed six (6) feet in height if the fence is at least 50% percent open.
6. Maintenance. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the Town. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the Town. Hedges shall not encroach upon sidewalks or street rights-of-way.
7. Permits for fences that encroach onto the public right-of-way shall be revocable at the discretion of the Town.

16.2.18 Residential architecture

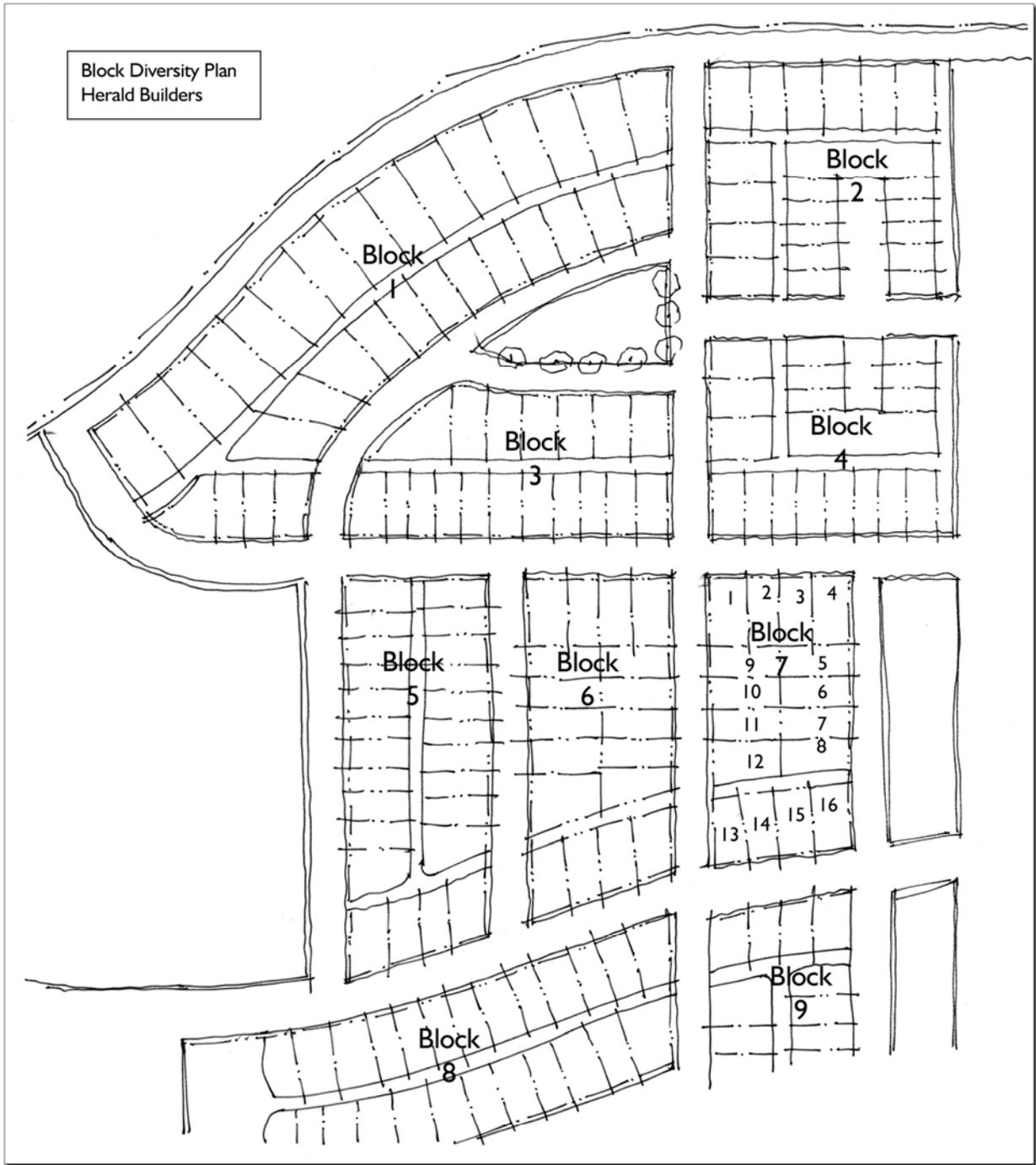
- A. **Intent.** Architecture plays an important part in developing an identity for neighborhoods. The Town of Timnath wants to build a strong architectural tradition yet allow for diversity of design expression. The Town also wants to encourage a variety of housing types, sizes and prices in each neighborhood to allow people to remain in their neighborhoods as their housing needs change over time.
- B. **Housing diversity.** Housing diversity is an important goal for new residential development in Town. In support of this, the integration of detached and attached single-family dwellings and multifamily dwellings, within neighborhoods, even in the same block, is encouraged.
- C. **Single-family detached and duplex dwellings.** The intent is to build a significant proportion of single-family detached and duplex dwellings with architectural designs that relate homes to the street, create diversity and variety along residential streets, include front porches and minimize the impact of garages on the streetscape. Architecture should reflect traditional regional styles as well as more contemporary designs. The policies below are intended to ensure that an adequate mix of models and styles are offered within a neighborhood and along each side of every residential block.
 - 1. Model and block diversity. 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 another. Residential architecture along arterial streets shall be 4 sided. Model and block diversity will be reviewed by the Town as part of a Block Diversity Plan and approved based upon variation in each of the following building elements:

- 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.
2. Roofs. In general, a simple dominant roof form should be used in combination with complementary secondary and minor roof forms and elements. The majority of roofs should be at least a 4:12 pitch, however, other roof pitches may be allowed as approved in a Block Diversity Plan.
3. Porches. Porch designs shall reflect the architectural style of the building.
4. Entries and front doors. Front doors shall be located to be visible from the street. The door style, scale, and trim shall be in scale with the architectural style of the building.
5. Allowable building extensions. Cornices, canopies, eaves or similar architectural features may extend from the building into a required setback not more than 2 feet. Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than 6 feet, excluding roof overhangs.
6. Garages. Homes, not garages, shall have the emphasis on residential streets. The intent is that garages not dominate the home façade and/or streetscape. Alley accessed garages are encouraged.
- a. *Requirements for garages with access from the street:*
 - i. Variety in garage orientation and placement is required to avoid a monotonous repetition of garages along a block face. Variations in garage placement include:
 - a. Deep recessed (over 10 feet behind front of residence)
 - b. Moderately recessed (over 5 feet behind front of residence)
 - c. Shallow recessed (over 18 inches behind front of residence)
 - d. 3 car split (swing-in side loaded & front facing combination)
 - e. 2 or 3 car swing in (side loaded)
 - f. 3 car tandem (one side of 2 stall garage is 2 spaces deep)
 - g. 3 or more stall front facing
 - ii. Garage door setback. Any street-facing garage doors shall be setback at least 22 feet from the back of the sidewalk or property line, whichever is more restrictive.
 - iii. Street facing garage doors shall make up less than 50% of the total home frontage. No more than 2 standard size garage doors are allowed in the same plane and at least an 18 inch setback/separation between garage door planes is required.
7. Patio homes. Where a series of patio-style homes are to be constructed and include yard maintenance by a homeowners association or other like entity, those patio homes may be designed and constructed within a common overall architectural theme. Applicants shall

demonstrate, however, how that common architectural theme includes changes in the elements listed in Section 16.2.18.C.1 above, that will create architectural interest and avoid a repetitive streetscape.

D. Block Diversity Plan. The Block Diversity Plan is an opportunity for applicants to provide the Town with visual and graphic images showing the type of residential architecture that is to be constructed on each block of the proposed development. Applicants shall provide the Town with exterior elevations of proposed residential structures with the location of each structure depicted on the Final Plat (examples of the Block Diversity Plan format follow).

1. Applicability. Every applicant for a Final Plat that would include 5 or more residential building permits must complete a Block Diversity Plan. The Block Diversity Plan will be submitted as part of a Final Plat submittal for the subdivision of land in the Town of Timnath. For custom residential developments, provisions of this Section will be enforced at building permit.
2. Review. Review of any Block Diversity Plan will be based upon conformance to the intent of the architectural and design policies found in this Section 16.2.18.
3. Approval. Approval of any Block Diversity Plan shall occur as part of the regular Planning Commission and Town Board of Trustees meetings where approval of a Final Plat that would include 5 or more residential building permits is under consideration.
4. Amendments. Amendments to any approved Block Diversity Plan to reflect minor changes to the architectural styles or residence locations may be approved as an administrative action by Town Staff.



Sample Block Diversity Map to be submitted by the Builder/ Developer, to illustrate housing mix.

E. Multi-family stacked units, including condominiums, town homes and apartments. The intent of this section is to foster the construction of multi-family stacked units that achieve a

balance between repetition and variety. Each multi-family dwelling containing more than 3 dwelling units shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics. The following specific standards shall apply to multi-family stacked units, including condominiums and apartments:

1. Individual building identity. For all developments of 3 or more multi-family stacked buildings, a floor plan may be repeated; however, identical building facades must not be replicated more than twice within the development. During the site plan approval process, the applicant shall illustrate how the development will comply with the requirements set forth in this section.
2. Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by a least 2 of any of the following elements within every 36 foot length of the facade:
 - a. Recesses, projections or significant offsets in the wall plane;
 - b. Distinct individualized entrances;
 - c. Chimneys that project from the wall plane;
 - d. Balconies and/or other outdoor living space; or
 - e. Bay or box windows.
3. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least 1 of the following elements:
 - a. Changes in plane and elevations;
 - b. Dormers, gables or clerestories; or
 - c. Transitions to secondary roofs over entrances, garages, porches, or bay windows.
4. Color. For all developments, there shall be no more than 2 similarly colored structures placed next to each other along a street or major walkway.
5. Garages. No street-facing facade shall contain more than 4 garage fronts. Resident garages or parking that is internal to the block is encouraged.

16.2.19 Commercial and industrial architecture

- A. **Intent.** The Town intends that distinctly different downtown, commercial, industrial and mixed-use developments be built within the community. It is anticipated that smaller scale downtown businesses and a transition from housing to service business uses occur along the current Main Street in the Downtown Business (B) zone district. The downtown business area will provide a diverse mix of uses that are balanced to ensure stability, viability and to provide a focal point of activity for the town during the day and into the evening. Community (regional) commercial uses are supported in the C-2 zone and other commercial, mixed-use and industrial zones should strive to develop a unique business community in Timnath.
- B. **General provisions.**

1. Connections. Developments must be linked with surrounding areas by extending city streets, sidewalks, and/or paths directly into and through the project and providing convenient, direct pedestrian, bicycle and vehicle access to and from all sides of the development.
2. Accessibility. Developments must be accessible to pedestrians and bicyclists as well as motorists. Site plans shall equally emphasize pedestrian access to the site and buildings; gathering areas for people; and auto access and parking lots. The emphasis must not be placed solely on parking and drive-through functions.
3. Walkways. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination and not be located and aligned solely based on the design of a parking lot that works against such direct pedestrian access.
4. On-street parking. Streets and other elements of the site plan should be designed so that on-street parking is a functional part of the development.
5. Building orientation. Buildings should be located to front and relate primarily to streets in the B and C-1 districts. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented street front. In the case of large buildings for employment, storage or auto-related uses where greater setbacks are needed, a minimum of 30% of the building shall be brought to the setback line. If a the building cannot be brought to the setback line, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
6. Thematic architectural styles. Standardized “corporate” or strongly thematic architectural styles associated with chain-type restaurants, big box retailers and service stores are not allowed unless they provide enhanced architectural elements including windows, wall articulations, canopies, cornices, entry features and other improvements to the standard corporate model constructed in other communities, unless otherwise approved by the Town.
7. Location of parking lots. Parking requirements shall be met to the greatest extent possible by spaces at the rear or sides of the building in the B and C-1 districts.
8. Blank walls and wall articulation.
 - a. Blank windowless walls are discouraged and walls shall not have an uninterrupted length exceeding 50 feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.
 - b. Blank wall or service area treatment of side and/or rear elevations visible from to the general public is not allowed unless the Town determines there are adequate building or landscape features to conceal the view of the blank wall.
 - c. All exterior elevations shall maintain the integrity of any adjacent properties architectural character and detailing.
 - d. Continuous cornice lines or eaves are encouraged between adjacent buildings.

- e. Buildings with flat roofs shall provide a parapet with an articulated cornice.
- 9. Facade treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building.
- 10. Windows. Windows shall be vertically proportioned wherever possible.
- 11. Awnings. Fixed or retractable awnings are permitted. Canvas is the preferred material, although other water proofed fabrics may be used; metal or aluminum awnings shall not be used unless otherwise approved by the Board.
- 12. Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes, other telecommunications receiving devices and any other apparatus placed on the roof of a building shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, and landscaping. In addition, all trash facilities, loading and parking areas shall be screened from public view by landscaping, building elements or approved fencing.

C. B - Business District architectural standards.

- 1. Setbacks. Buildings shall abut the front property line. Building facades may be recessed if an arcade or similar structure abuts the front setback. Architectural projections including cornices, balconies, canopies and entry features may encroach into public rights-of-way, subject to permits as required by Town Codes.
- 2. Multi-story, mixed-use structures. Commercial uses shall be contained in multi-story (two to three stories) mixed-use structures with commercial/retail uses on the ground level and above and/or apartment dwellings or offices on the upper levels.
- 3. Pedestrian scale. The establishment of buildings on isolated “pad sites” surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is not allowed.
- 4. Entries. Transparent entries and large store front windows are strongly encouraged. Recessed and other styles of window openings are desired.
- 5. Windows. Street-level storefront windows are strongly encouraged.
- 6. Awnings/canopies. Awnings or canopies, which provide a generally consistent cover along the pedestrian walk, are encouraged. Translucent awnings made of plastic, Teflon, or similar materials are not permitted in the B Zone District.
- 7. Historic buildings. Where feasible, historic structures shall be preserved and restored to allow for reuse as businesses. Restoration of any structures, if on the National Historic Register, shall comply with the Secretary of Interior Standards for Restoration.

D. C-1: Neighborhood Commercial District architectural standards.

1. Neighborhood center. The design of the commercial center needs to function as a focal point or activity center for the neighborhood. The design should include outdoor space for pedestrians such as a plaza, outdoor café or seating area.
2. Setbacks. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented street front. In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of 30% of the building shall be brought to the setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
3. Driveway crossings. Driveway crossings must place priority on the pedestrian access and the material and layout of the pedestrian access must be continuous as it crosses the driveways, with a break in the continuity of the driveway paving and not in the pedestrian access way. Continuous driveway aisles located directly in front of a building are discouraged.

E. C-2: Community Commercial District architectural standards.

1. Design of developments with internal orientation. In multiple-building developments, where setbacks are increased to accommodate independent development with internal orientation, all primary building entrances must face walkways, plazas, or courtyards that have direct, continuous linkage to the street without making people walk through parking lots. However, it may be necessary for such direct pedestrian access ways to cross drive aisles. Driveway crossings must place priority on the pedestrian access. Continuous driveway aisles located directly in front of a building are discouraged.
2. Connections. Where it is not possible or appropriate to extend a Town street or sidewalk directly into a development, or bring the building up to a Town sidewalk, buildings shall be shaped and designed to form pleasant, direct connections to adjacent land uses.
3. Requirement for four sided design. A building's special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property shall display a similar level of quality and architectural interest.
4. Building form. The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Buildings shall not contain unbroken flat walls of 50 feet or greater in length.
 - a. Buildings having single walls exceeding 50 feet in length shall incorporate one or more of the following for every 50 feet:
 - i. Changes in color, graphic patterning, changes in texture, or changes in material;
 - ii. Pilasters;

- ii. Projections, recesses and reveals;
 - iii. Windows and fenestration;
 - iv. Arcades and pergolas;
 - v. Towers;
 - vi. Gable projections;
 - vii. Horizontal/vertical breaks; or
 - viii. Other similar techniques.
5. Exterior building materials and colors. Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors, however, may be used as building accent colors.
 6. Roof materials. All sloping roof areas with a pitch of three in twelve (3:12) or greater, and visible from any public or private right-of-way, shall be surfaced with attractive and durable materials.
 7. Orientation of pedestrian entries. All office, hotel and motel structures shall be oriented so that pedestrian entries face the nearest adjacent street.

F. I-1: Business/Light Industrial and I-2: Industrial District architectural standards.

1. Intent. These districts provide the opportunity to develop quality light industrial, business park, service and commercial projects. The following standards shall apply:
 - a. The C-2: Community Commercial District architectural standards shall apply.
 - b. *Building massing and form:*
 - i. Office and entry spaces shall be distinguished from the building mass.
 - ii. Large, square, “box-like” structures are prohibited. Architectural elements with smaller forms stepping outwards and down are permissible.
 - iii. Loading areas shall not front any street or public right-of way.
 - iv. Parking requirements shall be provided to the extent possible at the rear or sides of the building.
 - c. *Wall articulation.* Walls shall not have an uninterrupted length exceeding 50 feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.
 - d. *Siting structures.*

- i. Structures shall be sited to avoid a “wall” affect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings.
- ii. Where multiple buildings are proposed on a development parcel, buildings shall be oriented to allow views into the project and shall preserve high quality views through the project (e.g. views of the mountains).

16.2.20 Lighting

A. Intent

- 1. To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.
- 2. To encourage exterior lighting that is functional, aesthetically pleasing, and complementary to the architectural style of buildings.

B. General Provisions.

- 1. Evaluation of exterior lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhoods. The degree to which exterior night lighting affects a property owner or neighborhood will be examined with consideration of the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.
- 2. Street lighting. Street lighting shall be installed as provided in this Code and as specified in the Construction Manual. Associated underground lighting supply circuits shall also be installed. All street lighting shall be wireless internet (wi-fi) compatible.
- 3. Light style. Street and other area lighting to be installed shall be consistent with styles chosen by the Town. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed. Alternative lighting styles may be installed subject to Town approval.
- 4. Concealed light source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property and not interfere with the vision of passing motorists. All lights shall be directed downward and the light source shall be equipped with “cut-off” devices so as to not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Accent and flagpole lighting shall be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed.

5. Hours of lighting operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within 1 hour after the end of business hours and remain extinguished until 1 hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.
6. Excessive illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standards set forth in this Section, if the light shines directly into a residence, or if the standards set forth in this Section could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
7. Exemption for outdoor recreational uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts, and other similar outdoor recreational uses (both public and private, unless otherwise restricted by the Board) shall be exempt from the general provisions of this section. However, exterior lighting for such uses shall be extinguished no later than 11:00 p.m. in residential areas.

16.2.21 Environmental considerations

A. Intent.

The intent of this section is to ensure that new development limits or mitigates its impact to wildlife and wildlife habitat and that it minimizes environmental impacts.

B. General Provisions.

1. Protection of wildlife and natural areas. To the maximum extent practical, development shall be designed to ensure that disturbances which occur to any natural area as a result of development shall be minimized through the use of natural buffer zones. If any development materially disturbs a natural area, the development project shall mitigate such lost natural resource either on- or off-site at a 2:1 rate on a kind-for-kind basis and the mitigation shall be located in Timnath. Any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance.
 - a. *Natural areas shall include:* floodplains and floodways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, remnant native prairie habitat, plains cottonwood galleries, and any jurisdictional wetland greater than ¼ acre in size, as identified on the 1975 National Wetland Inventory (whichever is more restrictive).
 - b. *The natural area buffer zone* shall be used between natural areas and proposed development to ensure that the proposed development does not degrade the natural area. The size of the buffer zone shall be determined in conjunction with the Colorado Division of Wildlife or a Town approved wetland or wildlife

ecologist. The Town may decrease this buffer when strict application of this subsection will impose an exceptional and undue hardship upon the property owner or developer.

- c.** *Exceptions.* The Board may allow disturbance or construction activity within the natural area or natural area buffer zone for the following limited purposes: mitigation of development activities, restoration of previously degraded areas, emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained within other nearby developed areas, construction of a trail that will provide public access for educational and/or recreational purposes, or for the enhancement of the habitat value and/or other resource values of a natural area.
- d.** *Ecological characterization.* If the Town determines that the site includes areas with wildlife, plant life, and/or other natural characteristics in need of protection, the Town may require the developer to provide a report prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report should be included on the open space plan and describe the following:

 - i.** The wildlife use of the natural area showing the species of the wildlife using the area, the times or seasons the areas is used by those species and the “value” (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - ii.** The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
 - iii.** Any prominent views from or across the site;
 - iv.** The pattern, species, and location of any significant native trees and other native site vegetation;
 - v.** The bank, shoreline and high water mark of any perennial stream or body of water on the site;
 - vi.** Wildlife travel corridors, and
 - vii.** The general ecological functions provided by the site and its features.
- e.** *Wildlife conflicts.* If wildlife that may create conflicts for the future occupants of the development (including, but not limited to, beaver, deer and rattlesnakes) are known to exist in areas adjacent to or on the development site, then the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms for landscaping and other site features to minimize conflicts that might otherwise exist between such wildlife and the

developed portion of the site. Any impacts to wildlife must be referred to the Colorado Division of Wildlife and, in the case of threatened or endangered species, United States Fish and Wildlife Service.

- C. **Green Builder guidelines.** The Green Builder program establishes environmental standards for the construction and operation of buildings. The intent of this program is to promote building practices which benefit the environment and the socio-economic well-being of current and future residents.
1. The resource areas addressed by the Green Builder standards include:
 - a. Water (quality and quantity), energy (quantity and type), building materials (life cycle impacts), solid waste (construction and operation impacts), and health and safety.
 2. Compliance. Compliance with the requirements of the Colorado Green Builder program¹ is strongly encouraged.

16.2.22 Sanitary sewer

All residential, commercial and industrial uses which include human occupancy shall have sanitary sewer. The sanitary sewer system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built. Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development. On a case-by-case basis, the Board may approve individual sewage disposal systems that comply with Larimer County Health Department standards. However, no new addition, upgrade or major repair to an individual sewage disposal system will be permitted if the property is located within four hundred (400) feet of a municipal or sanitation district collection line, measured through existing sewer easements or utility rights-of-way, except where such connection is not feasible or has been denied by the Town or district.

16.2.23 Potable water

All residential, commercial and industrial uses, which have human occupancy, shall have potable water served by the Town or appropriate water district. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built.

16.2.24 Non-potable water

Where appropriate, a non-potable (secondary) irrigation system will be installed for the irrigation of parks, open space, landscaped medians and residential properties.

¹Information is available from Green Builder program administration office at (303) 778-1400 or on the web at www.builtgreen.org.

16.2.25 Fire hydrants

The subdivider shall install fire hydrants at street intersections and at other points as per the requirements of the Poudre Fire Authority and the Construction Manual.