TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 3, SERIES 2019

AN ORDINANCE ADOPTING BY REFERENCE AMENDMENTS OF THE LAND USE
ORDINANCES OF THE TOWN OF A GENERAL AND PERMANENT NATURE,
ENTITLED THE “TIMNATH LAND USE CODE, 2015 EDITION”

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

WHEREAS, The Timnath Planning Commission held a regularly scheduled meeting on January
15, 2019 and recommended approval of the Land Use Code Amendment No.7 to Town Council
unanimously by 3-0 vote; and

WHEREAS, The Timnath Town Council held a regularly scheduled meeting on February 12,
2019 and upon hearing the statements of staff, and giving consideration to the recommendations;
and

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

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

SECTION 1 – AMENDMENTS
1. Set forth as Exhibit A

SECTION 2 – SEVERABILITY
If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be
unconstitutional or invalid for any reason, such decision shall not affect the validity or
constitutionality of the remaining portions of this Ordinance. The Council hereby declares that it
would have passed this Ordinance and each part or parts hereof irrespective of the fact that any
one or parts be declared unconstitutional or invalid.

SECTION 3 – REPEAL
Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the
extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any
such ordinance or code or part thereof shall not revive any other section or part of any ordinance
or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution
or punishment of any person for any act done or committed in violation of any ordinance hereby
repealed prior to the effective date of this Ordinance.
ARTICLE 4 – EFFECTIVE DATE
This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JANUARY 22, 2019, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON FEBRUARY 12, 2019 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 22ND DAY OF JANUARY 2019.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON FEBRUARY 12, 2019.

TOWN OF TIMNATH, COLORADO

[Signature]
Jill Grossman-Belisle, Mayor

ATTEST:

[Signature]
Milissa Peters-Garcia, CMC
Town Clerk
EXHIBIT A
Land Use Code Amendments
(see attached)
<table>
<thead>
<tr>
<th>Section</th>
<th>Amendment (Deletion or Addition):</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.2</td>
<td>Definitions.</td>
</tr>
</tbody>
</table>

**Care Home:** means a home wherein care is given to up to four persons eight care recipients with a maximum number of nine occupants located in the primary residence of the care giver. A Care Home is a home occupation.

4.4.8.10  A care home shall be in compliance with Appendix M of the International Residential Code (IRC) for care of 5 or more care recipients.

4.4.8.11  Due to the nature of the business being located in the home, there is hereby an exception of allowing one additional incidental home occupant (above the occupancy limit of 9) on an occasional/periodic basis that does not require care from the care giver while the care is being conducted therein.

4.4.8.12  A care home is considered a home occupation and must abide by the requirements therein with the following exceptions:
   a. The maximum square footage dedicated to the care home is not applicable.
   b. The maximum number of vehicle trips per day for clients which may visit the home occupation per day is 32.
   c. An inspection of the home is required to ensure the home is in compliance with the amended Appendix M of the IRC.

4.4.8.13  A care home provider seeking a "Family Child Care Home License" with the State of Colorado, and thereby exceeding the exceptions provided therein, shall provide a copy of said license to the Town prior to being issued a business license for the home occupation.

4.4.8.14  A Child Care Home provider must also comply with their homeowners association or metropolitan district requirements. In the case where the homeowners association or metropolitan district requirements are more stringent than those imposed by the Town, the care provider must demonstrate to the Town, with appropriate documentation (including the covenant language), how those requirements are being satisfied.

4.4.8.15  There shall be no more than one Child Care Home located within 500 feet, as measured from the property line, of an existing licensed Family Child Care Home facility provider as found on the Colorado Department of Human Services website or approved by the Town of Timnath.

2.9.4.2  Neighborhood Meeting:
   a. Neighborhood meetings are to engage the public in the development review process. These are required only for comprehensive plan amendment, sketch plan, rezoning, preliminary plat, or site plans of two buildings or more or multi-family applications as required below or as deemed necessary by the Community Development Director. The meeting shall be conducted with citizens and organizations in the neighborhood or surrounding areas affected by the proposal.
b. **Neighborhood Meeting Notice.** Neighborhood meeting notices shall be mailed at least 15 days prior to the meeting date to each owner of estates, rights, or interests in the subject property identified in the title information submitted with the application, and to each property owner within 500 feet of the subject property boundary, per the Larimer County Assessor’s Office, and to appropriate referral agencies.

A copy of the notice shall be submitted to the Community Development Department for review and approval prior to mailing and the notice shall include the following items:

1. Name of proposal;
2. Name of owner of the subject property with contact information;
3. The street address or, if the street address is unavailable, the legal description by metes and bounds from the property deed;
4. Vicinity map of the subject property;
5. Size of property;
6. The current zoning classification;
7. The type of development approval requested and a brief description of the proposed development, including density or building intensity, revised zoning classification (if any), and uses requested;
8. Any maps, illustrations, exhibits, depicting the proposal.
9. If applicable, show previously approved plan for subject area.

c. **In addition to the mailing required above,** the applicant shall provide at least one additional form of notice for the meeting. Examples include: Metropolitan District/Homeowners Association email distribution, posting to the Town’s website, neighborhood sign posting. The second form of posting shall be reviewed and approved by the Community Development Director prior to distribution.

d. **The neighborhood meeting shall be held within 30 days of the initial submittal for Sketch Plan and Site applications.** The applicant shall have the neighborhood meeting after the initial submittal, and not later than 30 days prior to the first public hearing for Comprehensive Plan Amendment, Preliminary Plat, and Rezoning applications. For applications that are submitted at the same time to be reviewed concurrently, one neighborhood meeting for all applications will be acceptable.

e. **The Community Development Director may require additional neighborhood meetings should it be determined that proposals have substantially changed during the review process, thereby necessitating additional public input, or where other circumstances unique to the proposal require additional neighborhood meetings.**

f. **The applicant shall provide a sign in sheet so that attendees may enter their name and address. Copies of the sign in sheets shall be submitted to the Community Development Department at least 10 days prior any public hearing.**

g. **The applicant is responsible for conducting the neighborhood meeting. A representative from the Town shall attend the neighborhood meeting and the**
applicant shall document comments from the public in a meeting observation report. The meeting observation report shall be submitted to the Community Development Department at least 10 days prior to any public hearing.

5.7.7.1.A.3.d. Minimum Tree Species Diversity - To help prevent insect or disease, susceptibility and eventual uniform loss of trees on a development site or in the adjacent area, species diversity is required. Extensive tree monocultures are prohibited. No more than twelve (12) trees shall be used consecutively, and frequent alternation of different species is necessary. Existing trees may be included when determining species diversity. The following minimum requirements shall apply to any development plan (the following table shall be included on final landscape plan):

<table>
<thead>
<tr>
<th>Number of Trees on Site</th>
<th>Maximum Percentage of any one Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-19</td>
<td>50%</td>
</tr>
<tr>
<td>20-39</td>
<td>33%</td>
</tr>
<tr>
<td>40-59</td>
<td>25%</td>
</tr>
<tr>
<td>60 or more</td>
<td>15%</td>
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</tbody>
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5.7.7.3.F.1. Buffer type 10 shall consist of a landscaped area a minimum of 10 feet in width, landscaped with one large deciduous, three medium evergreen trees (planted on a 26-feet triangular staggered spacing) and one small ornamental tree for every 75 lineal feet of buffer yard.