

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 13, SERIES 2022**

**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 and Public Hearing on August 2, 2022 and recommended approval of the Land Use Code Amendment No. 12 to Town Council unanimously by 5-0 vote; and

WHEREAS, The Timnath Town Council held a regularly scheduled meeting and Public Hearing on August 23, 2022 and upon hearing the statements of staff and the public, 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or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.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 AUGUST 9, 2022, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON AUGUST 23, 2022 AT THE TIMNATH ADMINISTRATION BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 23RD DAY OF AUGUST 2022.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 23, 2022.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A
Land Use Code Amendments
(see attached)

Land Use Code Amendment 12

(All page and section numbers are subject to change with the inclusion of these amendments)

4.4 Conditions for Uses Permitted with Conditions (page 67)

4.4.8 Care Center; Care Home.

Summary: A State of Colorado House Bill (HB 21-1222) was passed to reduce excessive regulations enforced by local municipalities on Family Child Care Homes standards. Effectively, this act requires local regulatory entities to treat family child care homes as residences for regulatory purposes such as zoning, fire, life safety, and building codes. Staff recognizes there is a need for child care services in Northern Colorado and believes this will increase affordable child care options for Timnath residents. In keeping with HB 21-1222, Timnath can no longer regulate this use based on the number of care recipients or Certificates of Occupancy (CO) issued within a subdivision. This proposal will remove these conditions pre-empted by the House Bill that apply to the Town of Timnath's Care Home requirements.

4.4.8 Care Center; Care Home.

Existing

4.4.8.1 Outdoor play and recreation areas shall be located behind the front building line in the rear yard or side yard only.

4.4.8.2 All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.

4.4.8.3 Outdoor activities are limited to the fenced area between 8:00 a.m. and 9:00 p.m.

4.4.8.4 Care of a person shall not exceed 24 hours.

4.4.8.5 A care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

4.4.8.6 A care home shall be staffed by persons residing in the dwelling in which the care is located except that up to one non-resident may report to work at the home.

4.4.8.7 A care home shall be located in a structure originally constructed as and designed for a single-family dwelling which shall remain the principal use on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

4.4.8.8 The owner of the care home shall reside on premises.

4.4.8.9 Childcare centers, as defined in § 26-6-102(1.5), C.R.S., are classified as care centers under this code.

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 The total number of Care Homes in a subdivision will be determined by the number of certificate of occupancies (COs). There shall be no care homes immediately adjacent to or across the street from an existing care home.

4.4.8.16 Each subdivision will be allowed up to 1% of the total number of COs issued.

- A. Detached Single Family and Two-Family units are allowed 1% of the total number of COs issued.
- B. All fee simple Attached Multi-Family units of 3 or more units will be allowed .5% of the total number of COs issued.
- C. Care homes are not permitted in condominium and apartment multi-family units.

4.4.8.16.1 The number of permits available based on COs will be as follows:

- a. 1-100 COs = 1 permit
- b. 101-200 COs = 2 permits
- c. 201-300 COs = 3 permits
- d. 301-400 COs = 4 permits
- e. 401-500 COs = 5 permits

f. 501-600 COs = 6 permits

g. 601-700 COs = 7 permits

h. 701-800 COs = 8 permits

i. 801-900 COs = 9 permits

j. 901-1,000 COs = 10 permits

4.4.8.17 In the Harmony Corridor Overlay District, a care center may not front Harmony Road.

Proposed

NO CHANGE - 4.4.8.1 Outdoor play and recreation areas shall be located behind the front building line in the rear yard or side yard only.

NO CHANGE - 4.4.8.2 All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.

NO CHANGE - 4.4.8.3 Outdoor activities are limited to the fenced area between 8:00 a.m. and 9:00 p.m.

NO CHANGE - 4.4.8.4 Care of a person shall not exceed 24 hours.

NO CHANGE - 4.4.8.5 A care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

NO CHANGE - 4.4.8.6 A care home shall be staffed by persons residing in the dwelling in which the care is located except that up to one non-resident may report to work at the home.

NO CHANGE - 4.4.8.7 A care home shall be located in a structure originally constructed as and designed for a single-family dwelling which shall remain the principal use on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

NO CHANGE - 4.4.8.8 The owner of the care home shall reside on premises.

NO CHANGE - 4.4.8.9 Childcare centers, as defined in § 26-6-102(1.5), C.R.S., are classified as care centers under this code.

~~REMOVED - 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.~~

~~REMOVED - 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.~~

NO CHANGE - 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.

~~REMOVED - B. The maximum number of vehicle trips per day for clients which may visit the home occupation per day is 32.~~

~~CHANGED~~ - C. An inspection of the home is required to ensure the home is in compliance with the ~~amended Appendix M of Town's adopted International Residential Code (IRC).~~

~~REMOVED - 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.~~

CHANGED - 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. **However, the homeowners association or metropolitan district shall not restrict the number or location of child care homes.**

~~REMOVED - 4.4.8.15 The total number of Care Homes in a subdivision will be determined by the number of certificate of occupancies (COs). There shall be no care homes immediately adjacent to or across the street from an existing care home.~~

~~REMOVED - 4.4.8.16 Each subdivision will be allowed up to 1% of the total number of COs issued.~~

~~A. Detached Single Family and Two-Family units are allowed 1% of the total number of COs issued.~~

~~B. All fee simple Attached Multi-Family units of 3 or more units will be allowed .5% of the total number of COs issued.~~

~~C. Care homes are not permitted in condominium and apartment multi-family units.~~

~~4.4.8.16.1 The number of permits available based on COs will be as follows:~~

~~a. 1-100 COs = 1 permit~~

~~b. 101-200 COs = 2 permits~~

~~c. 201-300 COs = 3 permits~~

~~d. 301-400 COs = 4 permits~~

~~e. 401-500 COs = 5 permits~~

~~f. 501-600 COs = 6 permits~~

~~g. 601-700 COs = 7 permits~~

~~h. 701-800 COs = 8 permits~~

~~i. 801-900 COs = 9 permits~~

~~j. 901-1,000 COs = 10 permits~~

NO CHANGE - 4.4.8.17 In the Harmony Corridor Overlay District, a care center may not front Harmony Road

4.4 Conditions for Uses Permitted with Conditions (page 64)

4.4.1.8 Accessory buildings and structures.

Summary: Similarly to Family Child Care Homes, staff is recommending adding language to the Land Use Code to align with State of Colorado House Bill (HB 08-1270) that limits “unreasonable” restrictions on renewable energy generation devices enforced by local municipalities and special districts. Based on the latitude provided by this statute, staff is proposing conditions for these alternative energy systems that would enhance safety and limit potential impacts on neighboring properties.

Existing

4.4.1 Accessory Building and Accessory Uses Including Accessory Dwelling.

4.4.1.8 Accessory buildings and structures.

An accessory building or structure shall include, but not be limited to, storage sheds and detached garages in residential zoning districts.

A. Accessory buildings with a floor area of 120sf and greater require a building permit.

B. Accessory buildings with a floor area under 120sf per the 2012 IBC 105.2 (1.) do not require a building permit, but do require administrative approval through a plot plan submittal review with the building department.

C. Accessory buildings and structures must meet setback and other design standard requirements in each zone district.

D. Greenhouses and gardens which are incidental to a residential use and conducted on a non-commercial basis only shall be permitted provided that no greenhouse heating plant shall be located within 60 feet from any front property line or within 30 feet of any other property line

4.4.1 Accessory Building and Accessory Uses Including Accessory Dwelling.

4.4.1.8 Accessory buildings and structures.

An accessory building or structure shall include, but not be limited to, storage sheds and detached garages in residential zoning districts.

NO CHANGE - A. Accessory buildings with a floor area of 120sf and greater require a building permit.

NO CHANGE - B. Accessory buildings with a floor area under 120sf per the 2012 IBC 105.2 (1.) do not require a building permit, but do require administrative approval through a plot plan submittal review with the building department.

NO CHANGE - C. Accessory buildings and structures must meet setback and other design standard requirements in each zone district.

NO CHANGE - D. Greenhouses and gardens which are incidental to a residential use and conducted on a non-commercial basis only shall be permitted provided that no greenhouse heating plant shall be located within 60 feet from any front property line or within 30 feet of any other property line.

ADDED – E. Structures built for the sole purpose of capturing wind energy as a source of electrical power shall be permitted with the following conditions.

- 1. The fall zone distance must equal the turbine's total height from all structures, overhead utility lines, public roads, and Right-Of-Way with at least an additional 5 feet clearance from all property boundary lines.**
- 2. Must be white or neutral color (beige, taupe, grey, cream).**
- 3. Must not emanate noise more than 10 decibels above ambient noise levels.**

5.7 Standards of Design (page 103)

5.7.6.4 Open Space Requirements

Summary: Staff is proposing to modify the open space requirements and provide open space reduction incentives for the Neighborhood Commercial (NC), Industrial (I), Residential Mixed Use (RMU), and Commercial Mixed Use (CMU) zoning districts to align with the requirements for residential uses when incorporated into each zoning district. These changes also provide an incentive to developers to incorporate shared parking for their users within their proposals by allowing an overall reduction in open space. The use of shared parking prioritizes connectivity and pedestrian safety between and among developments.

Existing

5.7.6.4 Open space requirements

3. Commercial and industrial development plats. There are 3 levels of dedication required depending upon the size of the development. In association with a site development plan submittal, the developer shall provide:
 - a. For regional commercial, office and industrial developments generally corresponding to the uses listed in the CC: Community Commercial and RC: Regional Commercial zoning districts: 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
 - b. For neighborhood commercial, office and industrial developments generally corresponding to the uses listed in the NC: Neighborhood Commercial, or the I: Industrial districts: 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
 - c. For downtown commercial developments generally corresponding to the uses listed in the RMU, CMU, and B districts: 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.
 - d. Open space in commercial, office and industrial developments should be used as a buffer from adjoining uses wherever possible.
 - e. An internal trail system and any trails as designated on the Town Parks, Recreation, Open Space and Trails Plan.

5.7.6.4 Open space requirements

3. Commercial and industrial development plats. There are 3 levels of dedication required depending upon the size of the development. In association with a site development plan submittal, the developer shall provide:

NO CHANGE - a. For regional commercial, office and industrial developments generally corresponding to the uses listed in the CC: Community Commercial and RC: Regional Commercial zoning districts:

1. **NO CHANGE** - 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
2. **ADDED** - Developments utilizing shared parking with adjacent users may be granted an open space requirement reduction from 25% to 20% of the gross land being subdivided as functional open space as defined in subsection a.1 above, at the Town Planner's discretion.

NO CHANGE - b. For neighborhood commercial, office and industrial developments generally corresponding to the uses listed in the NC: Neighborhood Commercial, or the I: Industrial districts:

1. **CHANGED** - A minimum of ~~15%~~ 20% 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
2. **ADDED** - Developments utilizing shared parking with adjacent users may be granted an open space requirement reduction from 20% to 15% of the gross land being subdivided as functional open space as defined in subsection b.1 above, at the Town Planner's discretion.

CHANGED - c. For downtown commercial developments generally corresponding to the uses listed in the RMU: Residential Mixed Use, CMU: Commercial Mixed Use, and B:

Business districts: ~~REMOVED - 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.~~

1. **ADDED** - For developments where the primary use is residential, a minimum of 25% of the gross land being subdivided as open space with 50% of that being USABLE OPEN SPACE (see definition of *usable open space*).
2. **ADDED** - For developments where the primary use is commercial, a minimum of 20% of the gross land being subdivided as functional open space which may include: plazas, trails, landscaped areas, natural areas and other public/civic areas.
 - 2.1 Developments utilizing shared parking with adjacent users may be granted an open space requirement reduction from 20% to 15% of

the gross land being subdivided as functional open space as defined in subsection c.2 above, at the Town Planner's discretion.

3. **ADDED** Existing zero-lot-line developments or redevelopment proposals within the B: Business zoning district are not required to provide dedicated open space.

NO CHANGE - d. Open space in commercial, office and industrial developments should be used as a buffer from adjoining uses wherever possible.

NO CHANGE - e. An internal trail system and any trails as designated on the Town Parks, Recreation, Open Space and Trails Plan.

5.2 Dimensional Standards (page 83)

Table 5.1 Dimensional Standards – Lot area, width, and coverage

Table 5.2 Dimensional Standards – Setbacks and height

Summary: Staff is proposing minor, non-substantive, changes to tables 5.1 and 5.2 Dimensional Standards to create a more legible document that should provide clarity. The most significant change comes to the minimum lot frontage for the R3 - Mixed Residential and R4 - Multi-Family Residential zoning districts. As it currently reads, the minimum lot frontage for R3 is greater than the minimum lot width, which could not be applied in practice. Lot width is defined as the distance parallel to the front lot line, measured at the front building setback. Lot frontage is the minimum length for the front property line dividing the front of the lot from a street. Additional clarity is being added for the different use types.

Existing

Table 5.1 Dimensional Standards – Lot Area, Width and Coverage

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Lot Frontage	Maximum Impervious Surface Lot Coverage	Maximum Density (per Gross Acre)
A - Agriculture	2.5 acres	NA	NA	NA	1 Unit per Acre
RE - Estate Residential	0.5 acre	140'	50'	25%	1 Unit per Acre
R1 - Old Town Residential	2,500 sf	25'	25'	70%	N/A
R2 - Single-Family Residential	6,000 sf	54'	35'	60%	4 DU/AC
R3 - Mixed Residential	1,800 sf	Attached SF 20' Multifamily 60'	18'	75%	8 DU/AC
R4 - Multi-Family Residential	Attached SF 1,800 sf	Attached SF 20' Multifamily 60'	35'	75%	24 DU/AC
RMU - Residential Mixed-Use	12,000 sf***	100'****	80'****	60%****	FAR 1.5 16 DU/AC
CMU - Commercial Mixed-Use	NA	NA	NA	80%	FAR 2 16 DU/AC
B - Business	NA	25	NA	100%	FAR 2
NC - Neighborhood Commercial	NA	NA	NA	75%	FAR .5
CC - Community Commercial	NA	NA	NA	80%	FAR 1
RC - Regional Commercial	NA	NA	NA	70%	FAR .5
I - Industrial	NA	NA	NA	80%	FAR .25

Table 5.2 Dimensional Standards – Setbacks and Height

Zoning District	<u>Front Yard Setback</u>	Garage Front Yard Setback	Maximum Front Yard Set- back	<u>Side Yard Setback</u>	<u>Rear Yard Set- back Principal Building</u>	Rear Yard Setback Ac- cessory Struc- ture	Height
A - Agriculture	35'	NA	NA	20'	20'	20'	Resi- dence 35' Agri- cultural building 50'
RE – Estate Residential	30'	NA	NA	20'	20'	5'	35'
R1 – Old Town Residential	15'	22'	NA	5'/0'**	20'	5'	35'
R2 – Single - Fami- ly Residential	15'	22'	NA	7'	20'	5'	35'
R3 – Mixed Residential	15'	22'	NA	5'/0'**	15'	5'	35'***
R4 – Multi-Family Residential	15'	22'	NA	5'/0'**	15'	5'	35'***
RMU – Residential Mixed-Use	15'****	NA****	NA****	10'**** 25' adjacent to RE and R2	5'**** 25' adjacent to RE and R2	5'**** 25' adjacent to RE and R2	40'****
CMU – Commercial Mixed-Use	0'	NA	10'	10' 35' adjacent to RE, R1, R2, and R3	5' 35' adjacent to RE, R1, R2, and R3	5' 35' adjacent to RE, R1, R2, and R3	50'
B – Business	0' *	NA	10'	0' 10' adjacent to existing Single Family	0' 10' adjacent to existing Single Family	0' 10' adjacent to existing Single Family	40'
NC - Neighbor- hood Commercial	20'	NA	NA	20' 35' adjacent to RE, R1, R2, and R3	20' 35' adjacent to RE, R1, R2, and R3	20' 35' adjacent to RE, R1, R2, and R3	30'
CC – Community Commercial	20'	NA	NA	7' 35' adjacent to RE, R1, R2, and R3	5' 25' adjacent to RE, R1, and R2	5' 25' adjacent to RE, R1, and R2	35'***
RC – Regional Commercial	20'	NA	NA	20' 35' adjacent to RE, R1, R2, and R3	20' 35' adjacent to RE, R1, R2, and R3	20' 35' adjacent to RE, R1, R2, and R3	40'***
I – Industrial	25'	NA	NA	20' 35' adjacent to RE, R1, R2, R3, R4, and RMU	20' 35' adjacent to RE, R1, R2, R3, R4, and RMU	20' 35' adjacent to RE, R1, R2, R3, R4, and RMU	50'

***If setbacks are provided, these areas shall only be used for landscaping and active pedestrian areas (e.g., plazas, outdoor dining)**

**** Attached residential units and zero lot line development are permitted.**

***** A height exception can be applied for at site plan per section 2.9.9.10**

****** In the RMU District, for Single Family Detached, refer to the R-2 Dimensional Standards. For Single-Family Attached, refer to the R-3 Dimensional Standards. For Multi-Family refer to the R-4 Dimensional Standards**

Proposed

Tables 5.1 & 5.2 Dimensional Standards – Lot Area, Width and Coverage – Setbacks and Height

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Lot Frontage	Maximum Impervious Surface Lot Coverage
A - Agriculture	2.5 acres	NA	NA	NA
RE - Estate Residential	0.5 acre	140'	50'	25%
R1 - Old Town Residential	2,500 sf	25'	25'	70%
R2 - Single-Family Residential	6,000 sf	54'	35'	60%
R3 - Mixed Residential	1,800 sf	Attached SF 20' Multifamily 60'	Attached SF 18' Multifamily 35'	75%
R4 - Multi-Family Residential	Attached SF 1,800 sf	Attached SF 20' Multifamily 60'	Attached SF 18' Multifamily 35'	75%
RMU - Residential Mixed Use	12,000 sf (4)	100' (4)	80' (4)	60% (4)
CMU - Commercial Mixed Use	NA	NA	NA	80%
B - Business	NA	25'	NA	100%
NC - Neighborhood Commercial	NA	NA	NA	75%
CC - Community Commercial	NA	NA	NA	80%
RC - Regional Commercial	NA	NA	NA	70%
I - Industrial	NA	NA	NA	80%

Zoning District	Front Yard Setback	Garage Front Yard Setback	Maximum Front Yard Setback	Side Yard Setback	Rear Yard Setback Principal Building	Rear Yard Accessory Structure	Height
A - Agriculture	35'	NA	NA	20'	20'	20'	Residence 35' Agricultural building 50'
RE - Estate Residential	30'	NA	NA	20'	20'	5'	35'
R1 - Old Town Residential	15'	22'	NA	5' 0' (2)	20'	5'	35'
R2 - Single-Family Residential	15'	22'	NA	7'	20'	5'	35'
R3 - Mixed Residential	15'	22'	NA	5' 0' (2)	15'	5'	35' (3)
R4 - Multi-Family Residential	15'	22'	NA	5' 0' (2)	15'	5'	35' (3)
RMU - Residential Mixed Use	15' (4)	NA (4)	NA (4)	10' (5) 35'-adjacent to RE, R1, and R2	5' (5) 35'-adjacent to RE, R1, and R2	5' (5) 35'-adjacent to RE, R1, and R2	40' (3)
CMU - Commercial Mixed Use	0'	NA	NA	10' (5) 35'-adjacent to RE, R1, R2, and R3	5' (5) 35'-adjacent to RE, R1, R2, and R3	5' (5) 35'-adjacent to RE, R1, R2, and R3	50'
B - Business	0' (1)	NA	NA	0' (5) 10'-adjacent to existing Single-Family	0' (5) 10'-adjacent to existing Single-Family	0' (5) 10'-adjacent to existing Single-Family	40'
NC - Neighborhood Commercial	20'	NA	NA	20' (5) 35'-adjacent to RE, R1, R2, and R3	20' (5) 35'-adjacent to RE, R1, R2, and R3	20' (5) 35'-adjacent to RE, R1, R2, and R3	30'
CC - Community Commercial	20'	NA	NA	7' (5) 35'-adjacent to RE, R1, R2, and R3	5' (5) 35'-adjacent to RE, R1, R2, and R3	5' (5) 35'-adjacent to RE, R1, R2, and R3	35' (3)
RC - Regional Commercial	20'	NA	NA	20' (5) 35'-adjacent to RE, R1, R2, and R3	20' (5) 35'-adjacent to RE, R1, R2, and R3	20' (5) 35'-adjacent to RE, R1, R2, and R3	40' (3)
I - Industrial	25'	NA	NA	20' (5) 35'-adjacent to RE, R1, R2, R3, R4, and RMU	20' (5) 35'-adjacent to RE, R1, R2, R3, R4, and RMU	20' (5) 35'-adjacent to RE, R1, R2, R3, R4, and RMU	50'

REPLACING - " WITH - (1) If setbacks are provided, these areas shall only be used for landscaping and active pedestrian areas (e.g., plazas, outdoor dining)

REPLACING - " WITH - (2) Attached residential units and zero lot line developments are permitted.

REPLACING - " WITH - (3) A height exception can be applied for a site plan per section 2.9.9.10

REPLACING - " WITH - (4) In the RMU district, for Single Family Detached, refer to the R-2 Dimensional Standards. For Single-Family Attached, refer to the R-3 Dimensional Standards.

For Multi-Family refer to R-4 Dimensional Standards

ADDING - (5) See Table 5.5 Buffer Yard Requirements for additional setback requirements from adjacent land uses.

5.7 Standards of Design (page 110)

5.7.7.3 Table of buffer yard requirements

Summary: Upon further evaluation of the Town's buffering standards and their application to previous developments, staff determined that modifications are necessary. Additional clarity has been provided to each buffer yard type. The proposed changes provide uniform lengths of the buffer yard and include a deciduous and coniferous tree option (or a combination thereof). Staff is proposing at least a minimum buffer yard between uses, in return creating landscaped transitions between zoning districts and the ability to create more usable open space between disparate or like uses.

Existing

5.7.7.3 Table of buffer yard requirements

F. Buffers

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 staggered spacing) and one small ornamental tree for every 75 lineal feet of buffer yard.
2. Buffer type 20 shall consist of a landscaped area a minimum of 25 feet in width, landscaped as a barrier. One large deciduous tree (ultimate height 50± feet) and two small ornamental deciduous trees spaced 30 feet on center for every 60 lineal feet of buffer yard.
3. Buffer type 30 shall consist of a landscaped area a minimum of 30 feet in width, landscaped as a barrier, one large deciduous tree for every 60 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 15 lineal feet of buffer yard.
4. Buffer type 40 shall consist of a landscaped area a minimum of 35 feet in width, landscaped as a barrier, as required by this Article and one large deciduous and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and one medium evergreen tree (planted on a triangular staggered spacing) for every 15 lineal feet of buffer yard.
5. Buffer type 50 shall consist of a landscaped area a minimum of 50 feet in width, landscaped as a barrier with one large deciduous tree and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.
6. Buffer type 60 shall consist of a landscaped area a minimum of 60 feet in width, landscaped as a barrier and 1 large deciduous tree and one small ornamental deciduous tree for every 50 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.

Existing

Table 5.5 Buffer Yard Requirements

	Existing Zoning												
	Zones	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	RC	RC
Proposed Zoning	R4	10	10	10	10	10							
	RMU	20	20	20	20	10	10	10					
	CMU	30	30	20	30	20	20	10					
	B	60	60	10	10	20	20	10					
	NC	40	40	20	30	20	20	10	10	10			
	RC	60	60	50	50	50	50	30	20	20			
	CC	60	60	50	50	50	50	30	20	20			
	I	60	60	60	60	60	60	60	60	60	60	60	60

5.7.7.3 Table of buffer yard requirements

F. Buffers

~~**REMOVED** - 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 staggered spacing) and one small ornamental tree for every 75 lineal feet of buffer yard.~~

~~**REMOVED** - 2. Buffer type 20 shall consist of a landscaped area a minimum of 25 feet in width, landscaped as a barrier. One large deciduous tree (ultimate height 50± feet) and two small ornamental deciduous trees spaced 30 feet on center for every 60 lineal feet of buffer yard.~~

~~**REMOVED** - 3. Buffer type 30 shall consist of a landscaped area a minimum of 30 feet in width, landscaped as a barrier, one large deciduous tree for every 60 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 15 lineal feet of buffer yard.~~

~~**REMOVED** - 4. Buffer type 40 shall consist of a landscaped area a minimum of 35 feet in width, landscaped as a barrier, as required by this Article and one large deciduous and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and one medium evergreen tree (planted on a triangular staggered spacing) for every 15 lineal feet of buffer yard.~~

~~**REMOVED** - 5. Buffer type 50 shall consist of a landscaped area a minimum of 50 feet in width, landscaped as a barrier with one large deciduous tree and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.~~

~~**REMOVED** - 6. Buffer type 60 shall consist of a landscaped area a minimum of 60 feet in width, landscaped as a barrier and 1 large deciduous tree and one small ornamental deciduous tree for every 50 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.~~

1. ADDED - General Buffer Notes:

- a. All landscaped areas to be covered with live or organic ground cover.
- b. All evergreens, used in buffers, to be placed in planting beds and irrigated with drip irrigation only. No overhead irrigation may be used in conjunction with evergreen trees.
- c. Tree placements shall be appropriate to the landscape and buffer use and or function appropriate for the designed area.

2. **ADDED - Plan Requirements for Buffers**

- a. All buffer areas shall be clearly outlined and labeled on all landscape plan sheets.
- b. Landscape plans shall include a buffer yard table showing buffer yard requirements, buffer yard plantings provided and calculations illustrating buffer yard compliance.
- c. Fractional planting amounts shall be rounded up to the nearest whole number.

3. **CHANGED - Buffer Descriptions**

- a. Buffer yard 10 shall consist of a landscaped area a minimum of 10 feet in width x 100 lineal feet of buffer yard as a landscape barrier with (2) possible tree schedules:

BUFFER YARD 10-OPTION 1

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
3	CONIFER-SMALL	10'-15'	15'-20'
1	ORNAMENTAL	15'-25'	20'-35'
1	SHADE	35'+	35'-50'+

BUFFER YARD 10-OPTION 2

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
3	ORNAMENTAL	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+

- b. Buffer yard 20 shall consist of a landscaped area a minimum of 20 feet in width x 100 lineal feet of buffer yard as a landscape barrier with (2) possible tree schedules: **BUFFER YARD 20-OPTION 1**

BUFFER YARD 20-OPTION 1

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
4	CONIFER SMALL	10'-15'	15'-20'
2	SHADE	35'+	35'-50'+

BUFFER YARD 20-OPTION 2

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
4	ORNAMENTAL	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+

- c. Buffer yard 30 shall consist of a landscaped area a minimum of 30 feet in width x 100 lineal feet of buffer yard as a landscape barrier with (2) possible tree schedules:

BUFFER YARD 30-OPTION 1

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
4	CONIFER-SMALL	10'-15'	15'-20'
2	CONIFER-MEDIUM	15'-25'	20'-35'
1	SHADE	35'+	35'-50'+

BUFFER YARD 30-OPTION 2

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
5	ORNAMENTAL	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+

- d. Buffer yard 40 shall consist of a landscaped area a minimum of 40 feet in width x 100 lineal feet of buffer yard as a landscape barrier with (2) possible tree schedules:

BUFFER YARD 40-OPTION 1

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
6	CONIFER-MEDIUM	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+

BUFFER YARD 40-OPTION 2

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
4	ORNAMENTAL	15'-25'	20'-35'
4	SHADE	35'+	35'-50'+

- e. Buffer yard 50 shall consist of a landscaped area a minimum of 50 feet in width x 100 lineal feet of buffer yard as a landscape barrier with (2) possible tree schedules:

BUFFER YARD 50-OPTION 1

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
1	CONIFER-LARGE	25'-40'+	35'-50'+
4	CONIFER-MEDIUM	15'-25'	20'-35'
1	SHADE	35'+	35'-50'+

BUFFER YARD 50-OPTION 2

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
1	CONIFER-LARGE	25'-40'+	35'-50'+
4	CONIFER-MEDIUM	15'-25'	20'-35'
1	SHADE	35'+	35'-50'+

- f. Buffer yard 60 shall consist of a landscaped area a minimum of 60 feet in width x 100 lineal feet of buffer yard as a landscape barrier with (2) possible tree schedules:

BUFFER YARD 60-OPTION 1

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
2	CONIFER-LARGE	25'-40'+	35'-50'+
3	CONIFER-MEDIUM	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+

BUFFER YARD 60-OPTION 2

QUANTITY	TREE TYPE	MATURE SPREAD	MATURE HEIGHT
2	CONIFER-LARGE	25'-40'+	35'-50'+
3	CONIFER-MEDIUM	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+

CHANGED – Table 5.5 Buffer Yard Requirements (see next page)

Proposed Zoning	Existing Zoning (1)													
	Zoning District	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I1
	A	NR	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)	NR (2)
	RE	10 (3)	NR	NR	NR	NR	10 (3)	10 (3)	10 (3)	10 (3)	10 (3)	10 (3)	10 (3)	10 (3)
	R1	10	NR	NR	NR	NR	10	10	10	10 (4)	10	10	10	10
	R2	10	NR	NR	NR	NR	10	10	10	10	10	10	10	10
	R3	10	NR	NR	NR	NR	10	10	10	10	10	10	10	10
	R4	10	20	20	20	10	NR	10	10	10	10	10	10	10
	RMU	20	20	20	20	10	10	NR	10	10	10	10	10	10
	CMU	20	20	20	20	10	10	10	NR	10	10	10	10	10
	B	20	NR	NR	10	NR	NR	NR	NR	NR	NR	NR	NR	NR
	NC	20	20	20	20	10	10	10	10	NR	NR	NR	NR	10
	CC	40	40	40	40	40	40	30	20	30	20	NR	NR	10
	RC	50	50	50	50	40	40	40	30	40	20	20	NR	10
	I1	60 (5)	60 (5)	60 (5)	60 (5)	60 (5)	60 (5)	60 (5)	60	60 (5)	60	60	50	NR

ADDED - NR = Not Required

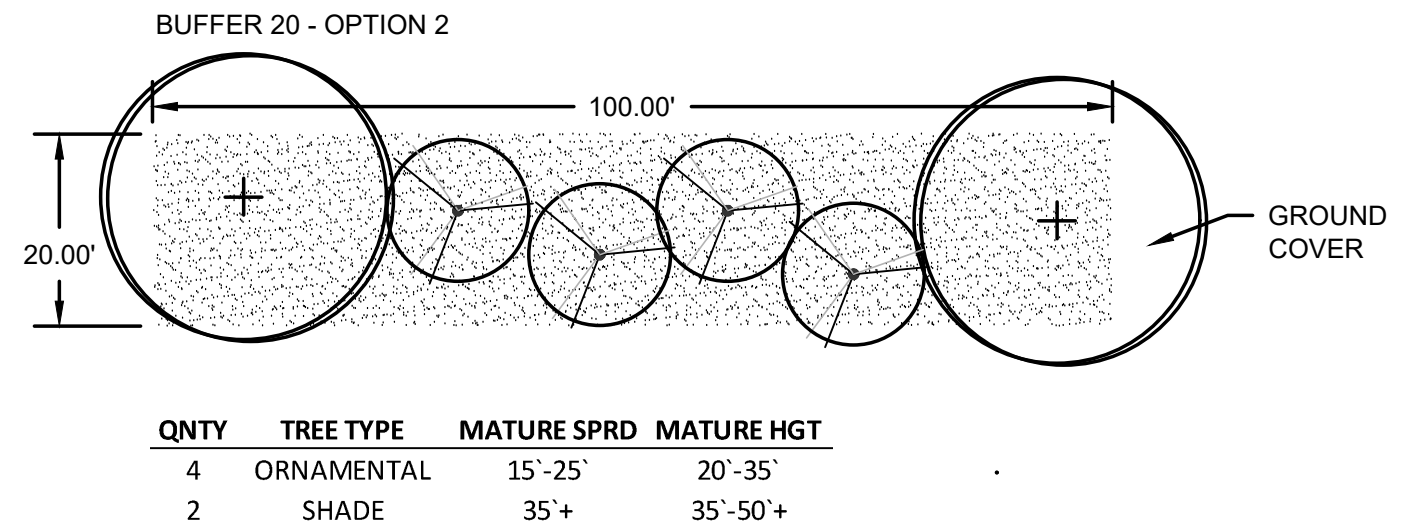
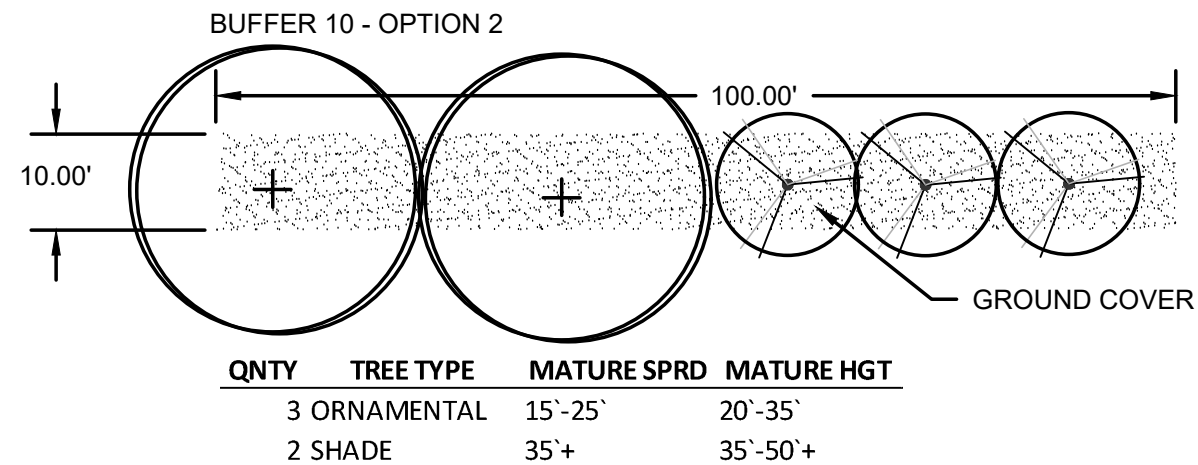
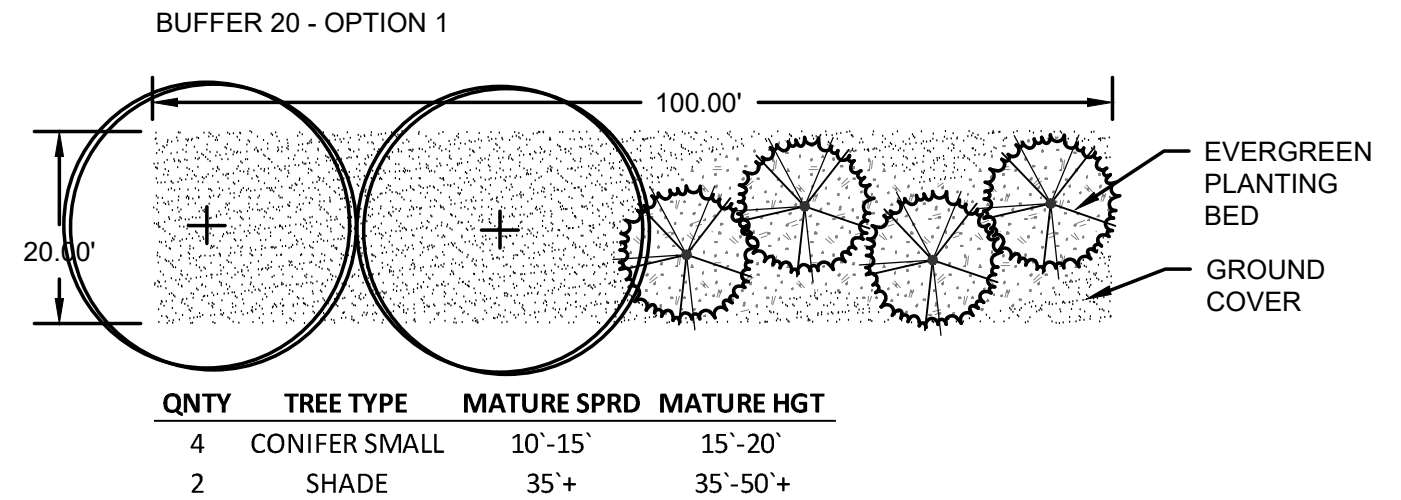
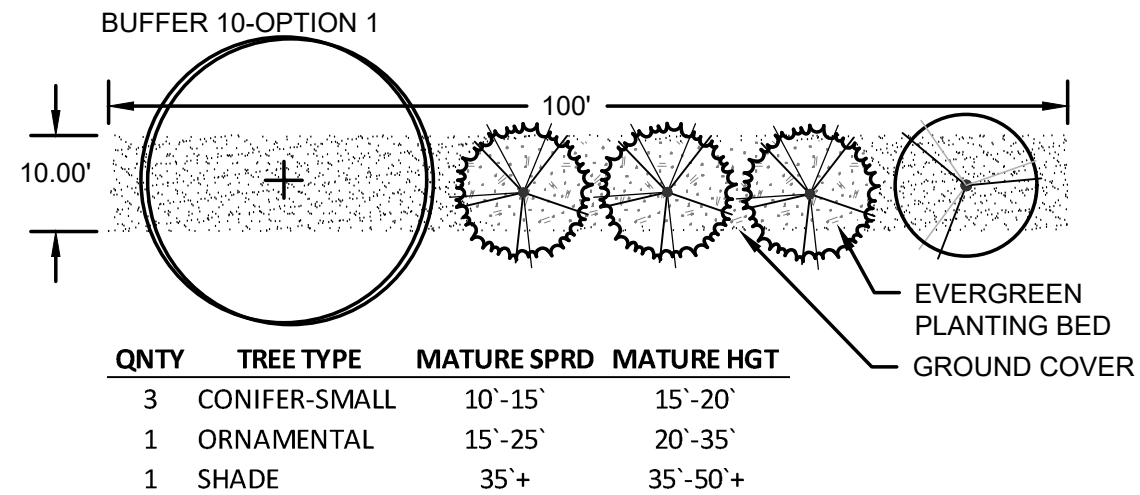
(1) Development proposals adjacent to a property within Larimer or Weld County should provide a buffer yard based on the existing USE of the County property.

(2) Buffering requirements for Agricultural uses that propose higher intensity than farming shall be subject to the discretion of the Town Planner and shall be relative to uses of similar types within the table above.

(3) Buffer may be located within the rear yard of the lot.

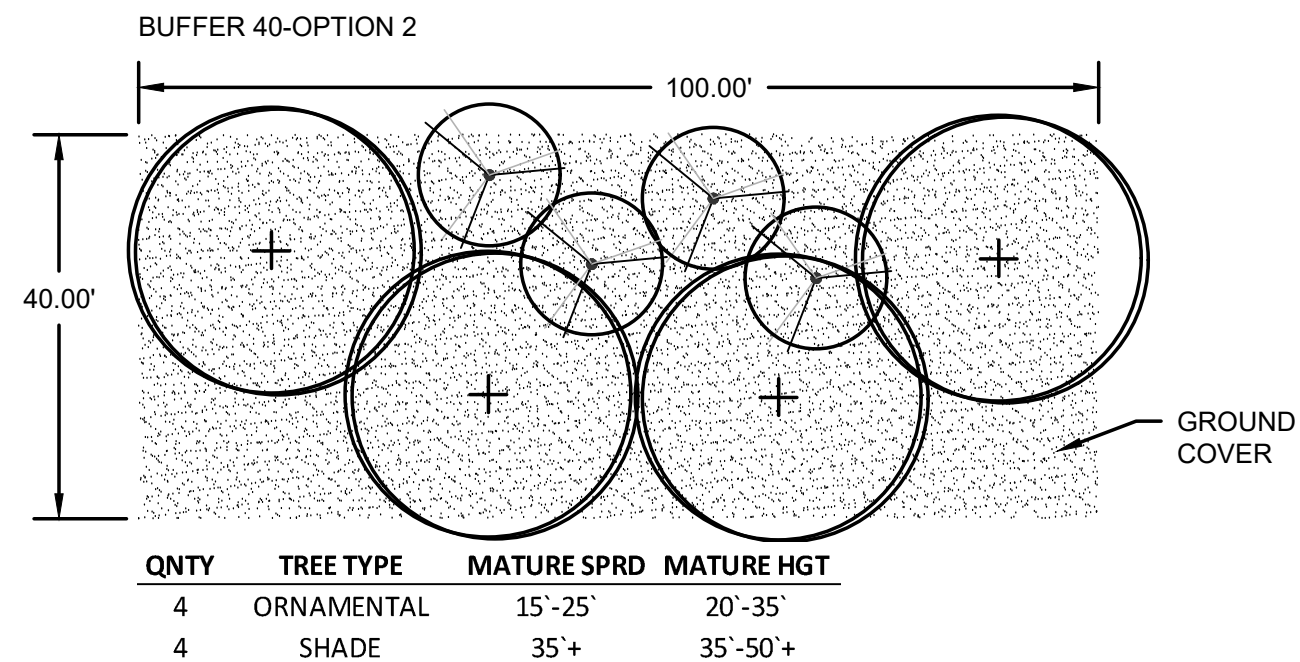
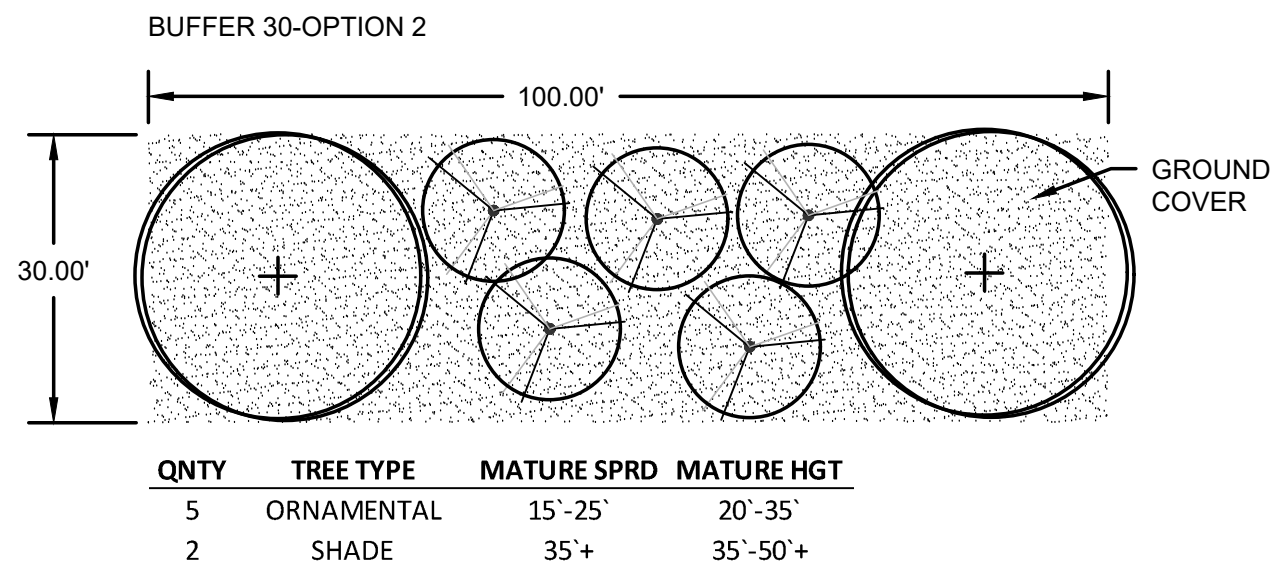
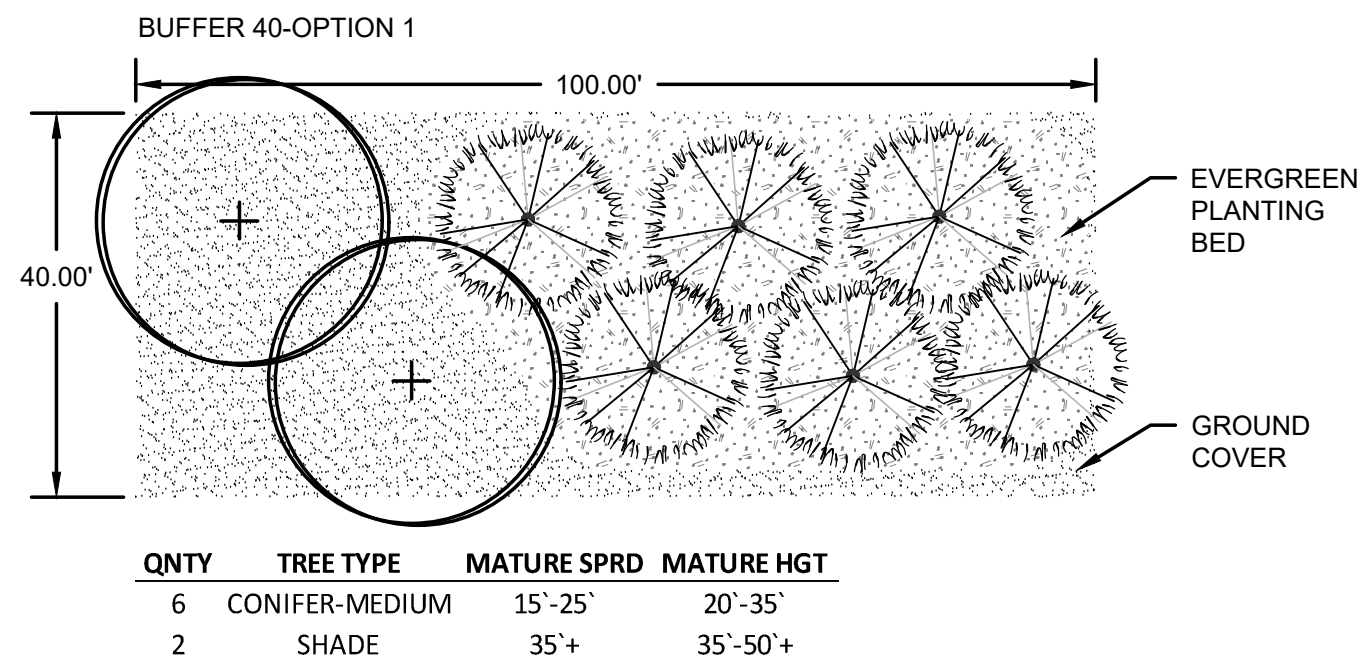
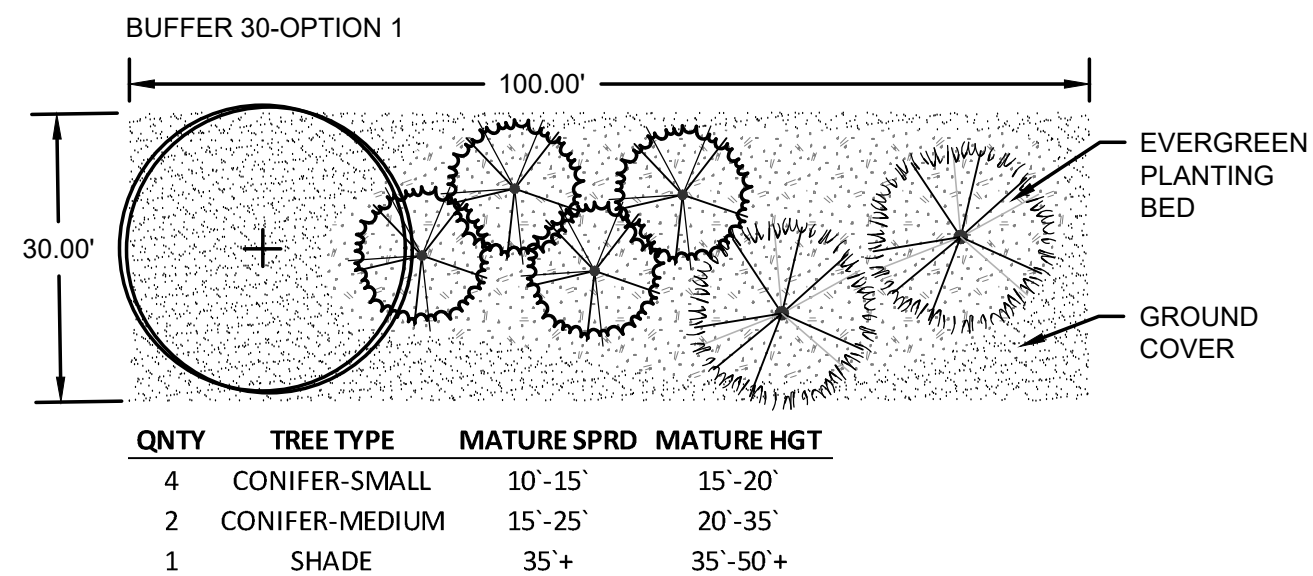
(4) Existing R1 zoning abutting B zoning does not require buffer yard. Proposed R1 zoning abutting B zoning requires buffer yard for new plats.

(5) Buffer yard Option 1 is required to increase screening to uses of lower intensity.

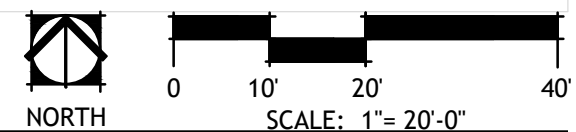


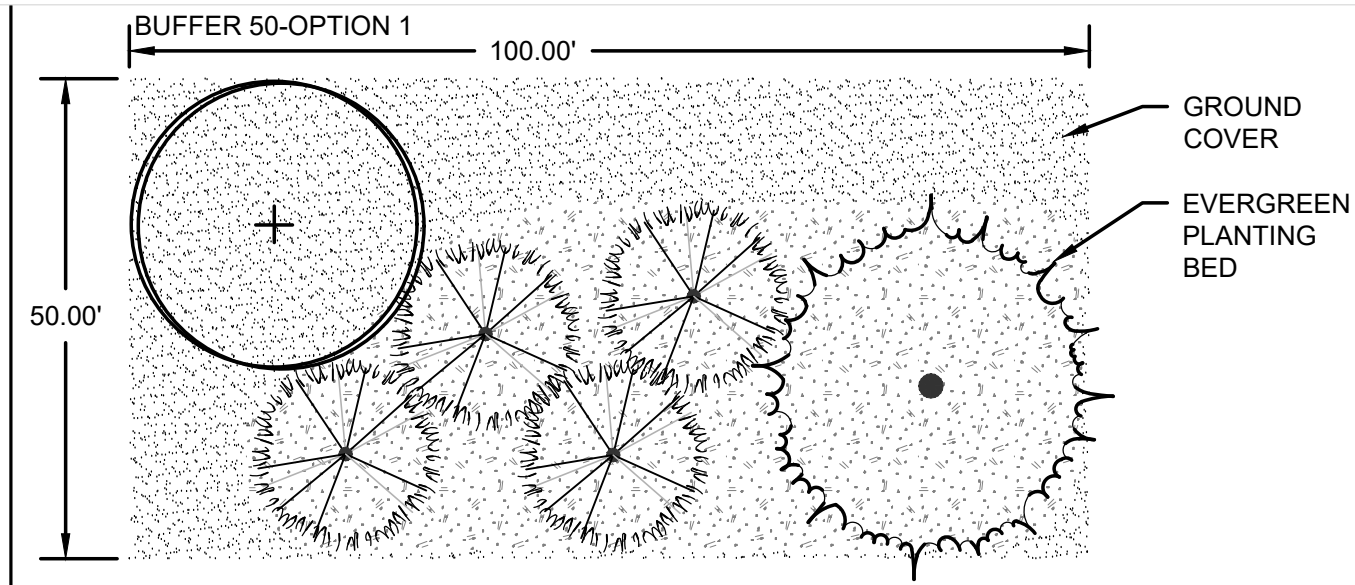
PLEASE NOTE: PLANT SYMBOLS ARE GRAPHIC IN NATURE AND IN NO WAY DENOTE DESIGN OR INTENT.



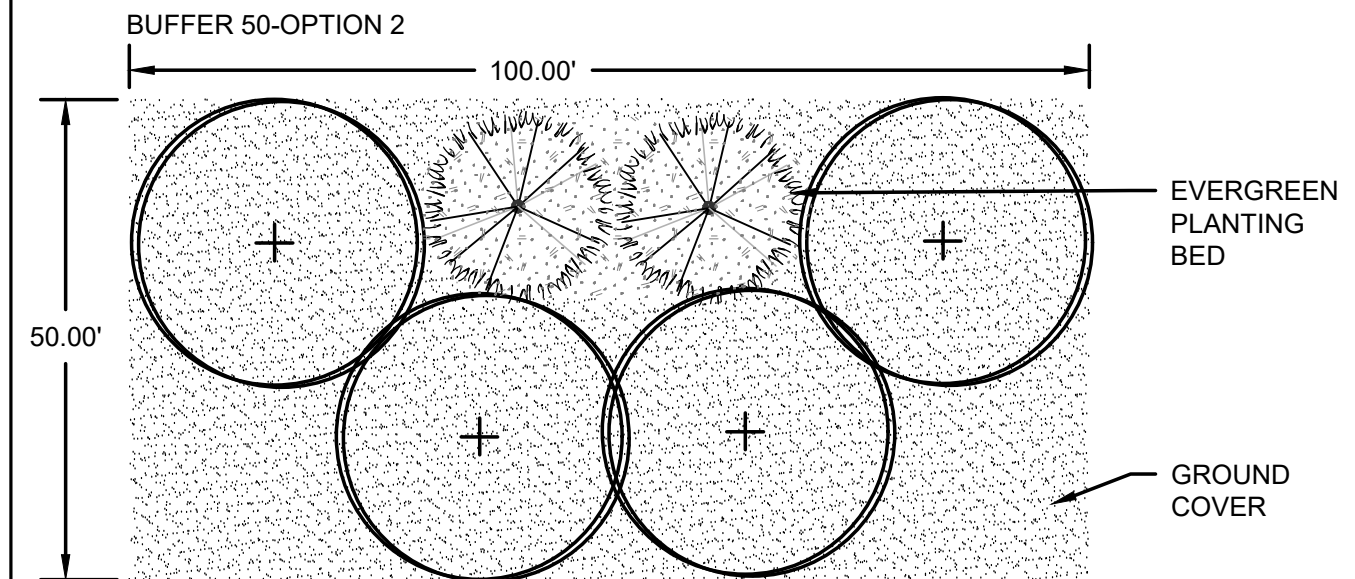


PLEASE NOTE: PLANT SYMBOLS ARE GRAPHIC IN NATURE AND IN NO WAY DENOTE DESIGN OR INTENT.

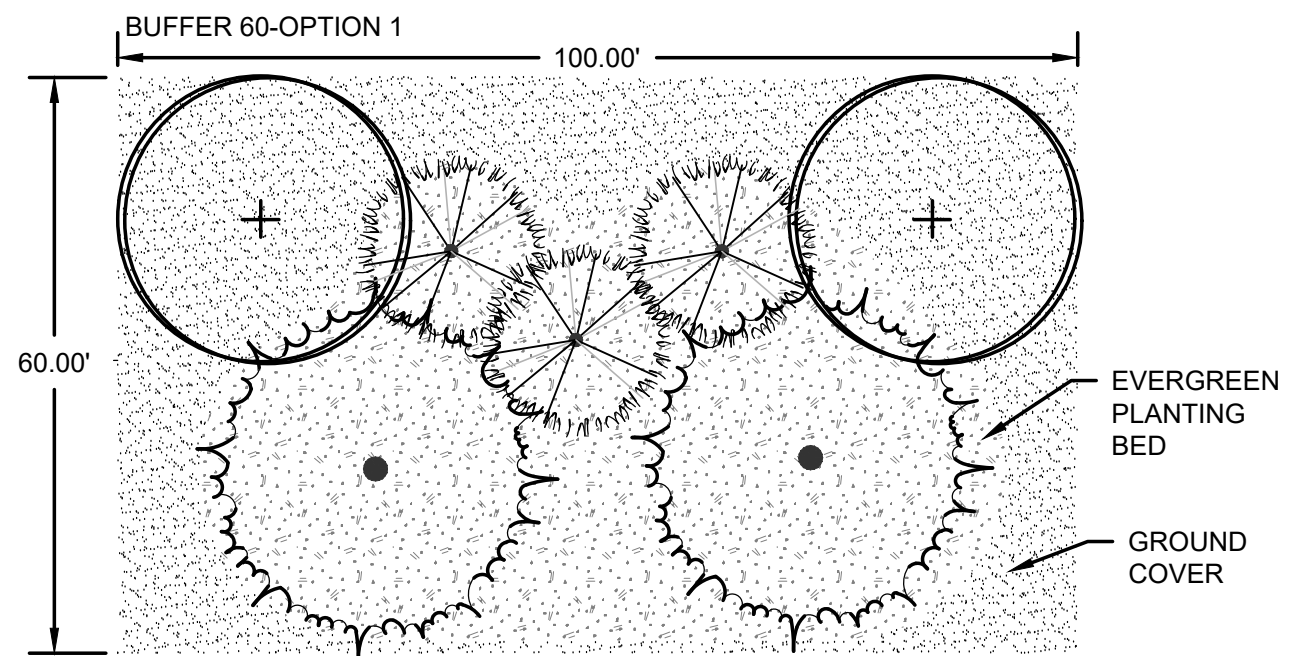




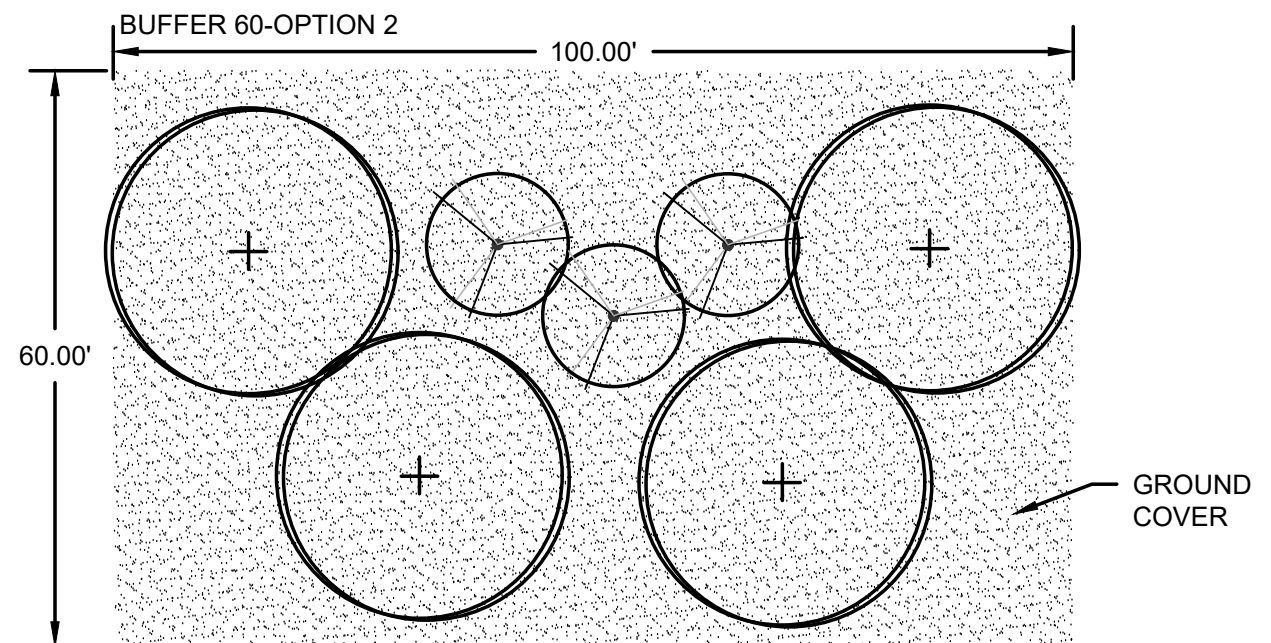
QNTY	TREE TYPE	MATURE SPRD	MATURE HGT
1	CONIFER-LARGE	25'-40'+	35'-50'+
4	CONIFER-MEDIUM	15'-25'	20'-35'
1	SHADE	35'+	35'-50'+



QNTY	TREE TYPE	MATURE SPRD	MATURE HGT
1	CONIFER-LARGE	25'-40'+	35'-50'+
4	CONIFER-MEDIUM	15'-25'	20'-35'
1	SHADE	35'+	35'-50'+



QNTY	TREE TYPE	MATURE SPRD	MATURE HGT
2	CONIFER-LARGE	25'-40'+	35'-50'+
3	CONIFER-MEDIUM	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+



QNTY	TREE TYPE	MATURE SPRD	MATURE HGT
2	CONIFER-LARGE	25'-40'+	35'-50'+
3	CONIFER-MEDIUM	15'-25'	20'-35'
2	SHADE	35'+	35'-50'+

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