

**TOWN OF TIMNATH, COLORADO  
ORDINANCE NO. 1, SERIES 2023**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH  
APPROVING THE PLANNED DEVELOPMENT OVERLAY AMENDMENT FOR THE  
HARMONY SUBDIVISION, GENERALLY LOCATED WEST OF AND ADJACENT TO  
LATHAM PARKWAY, AND NORTH OF AND ADJACENT TO HARMONY ROAD**

**WHEREAS**, Harmony, LLC (the “Developer”) has submitted a Planned Development Overlay Amendment for the Harmony Subdivision, more particularly described in **Exhibit A** (legal description) and **Exhibit B** (Planned Development Overlay) and attached hereto and incorporated herein by this reference (the “Property”); and

**WHEREAS**, a properly noticed public hearing was held on November 15, 2022, and the above described Planned Development Overlay Amendment was recommended for approval to the Town Council by the Town of Timnath Planning Commission by a unanimous vote (5-0); and

**WHEREAS**, a properly noticed public hearing with the Town Council was held on January 10, 2023 and upon hearing the statements of staff, the applicant(s) and giving consideration to the recommendations, the Town Council determines as provided below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF TIMNATH, COLORADO:**

**Section 1. Property Zoned**

That Article 3 of the Timnath Land Use Codes and the map referred to therein as the "Official Zoning Map of the Town of Timnath", said map being part of said Zoning Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

The existing R-E, R-3, and CMU zoning is amended with the addition of a Planned Development Overlay – See attached **Exhibits A&B**

**Section 2. Conditions**

Allow staff to continue to work with applicant to address all unresolved non-substantive technical comments to the satisfaction of Town Staff and Referral Agencies.

**Section 3. Public Hearing**

The Town Council held a public hearing on Tuesday, January 10, 2022 regarding the zoning of the property.

**Section 4. Severability**

If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The 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.

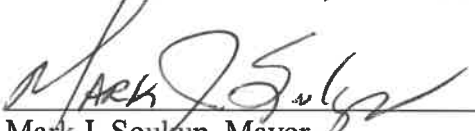
**Section 5. Effective Date**

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.


**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON DECEMBER 13, 2022, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON JANUARY 10, 2023 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 13<sup>TH</sup> DAY OF DECEMBER, 2022.**

**MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 10, 2023.**

**TOWN OF TIMNATH, COLORADO**

  
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Mark J. Soukup, Mayor

**ATTEST:**

  
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Milissa Peters-Garcia, CMC  
Town Clerk



## **EXHIBIT A**

### **Legal Description of Property Proposed for Amended Planned Development Overlay**

ALL OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST, 6TH P.M.

SAID DESCRIBED TRACT CONTAINS 642.93 ACRES (28,005,993 SQUARE FEET), MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY NOW ON RECORD OR EXISTING.

**EXHIBIT B**

**Amended Planned Development Overlay**

[attached]

