

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 8, SERIES 2023**

**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 February 21, 2023 and recommended approval of the Land Use Code Amendment No. 13 to Town Council unanimously by x-x vote; and

WHEREAS, The Timnath Town Council held a regularly scheduled meeting and Public Hearing on March 14, 2023 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. The Town Council hereby adopts the amendments to the Land Use Code 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or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby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, ADOPTED AND ORDERED PUBLISHED BY TITLE BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING FEBRUARY 28, 2023, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MARCH 14, 2023 AT THE TIMNATH ADMINISTRATION BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON MARCH 14, 2023.

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 Amendments 13

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

5.7.7 Landscaping, Plant Standards, and Buffers (page 106)

Summary: Xeriscape design's best management practices should be utilized to adapt to the climate conditions found in Larimer County. By identifying the basic design principles and working to create an abundance of materials to reduce water consumption.

5.7.7.1 Landscape Design 3. Environmental considerations.

Existing

5.7.7.1 Landscape design

3. Environmental considerations.

a. Landscapes shall use the following xeriscape design principles to facilitate water conservation:

- 1) 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
- 2) Well-planned planting schemes that include an efficient irrigation system, proper maintenance and an appropriate watering schedule.

Proposed

5.7.7.1 Landscape design

3. Environmental considerations.

CHANGED a. Landscapes shall use the following **industry best management practices Xeriscape™** design principles to facilitate water conservation:

- ~~1) REMOVED - 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~~
- ~~2) REMOVED - Well-planned planting schemes that include an efficient irrigation system, proper maintenance and an appropriate watering schedule.~~
- 1) **ADDED - Plan and Design.** A thoughtful design that plans how people use and interact with the landscape. Landscape materials should be organized and grouped by their water and light requirements.
- 2) **ADDED - Appropriate Use of Turf.** Limit high water-use turf to high-traffic areas where it is the most functional.
- 3) **ADDED - Efficient Irrigation.** Select, design, operate and maintain an efficient irrigation system tailored to the watering requirements of the selected plant materials. Water deeply with appropriate soak cycles to develop greater drought tolerance.
- 4) **ADDED - Soil Improvements.** Amend the soil appropriately to support the chosen plant material.
- 5) **ADDED - Mulches.** Maintain a minimum depth of three inches in planting beds to conserve soil moisture and control weeds.
- 6) **ADDED - Appropriate plant selection.** Selected plants must be well-adapted to the Northern Colorado climate and site conditions.
- 7) **ADDED - Maintenance.** Provide regular upkeep of planting beds, including but not limited to weeding, pruning, mowing, deadheading, replacing dead plant material, and maintaining mulch surfaces.

5.7.8 Landscape Design Standards (pages 112-113)

Summary: To further the principles identified previously in section 5.7.7.1. Additional opportunities for Xeriscape landscapes are provided herein. These changes allow opportunities for turf grass replacement with lower water using plants within the tree lawn.

5.7.8.1 Landscaping within the Right of Way and required common space.

Existing

5.7.8.1 Landscaping within the Right of Way and required common open space.

- A. Tree Lawns – an average of at least 1 deciduous or ornamental tree for every 40 linear feet of block frontage or portion thereof. Trees shall be planted within the tree lawn with adequate spacing to allow for the mature spread of the trees. Within zones R-E, and A, street trees shall be planted in irregular clusters within front yard setbacks. At Town discretion, groupings of trees may be allowed in other districts as appropriate
- B. Collector and local streets - live groundcover including a combination of grass, trees, flowers, grass or shrubs. In commercial areas this area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.
- 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 active high traffic areas.
- E. A mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping must be created.

Proposed

5.7.8.1 Landscaping within the Right of Way and required common open space.

ADDED - A. Tree Lawns – an average of at least 1 deciduous ~~shade or ornamental~~ tree for every 40 linear feet of block frontage or portion thereof. Trees shall be planted within the tree lawn with adequate spacing to allow for the mature spread of the trees. Within zones R-E, and A, street trees shall be planted in irregular clusters within front yard setbacks. At Town discretion, groupings of trees may be allowed in other districts as appropriate **(See section 5.7.8.1 F. below)**.

ADDED - B. Collector and local streets - **shall have a minimum of 75%** live groundcover, including a combination of **turf** grass, trees, flowers, **ornamental grasses, grass** or shrubs. In commercial areas, this area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site. **Artificial turf similar in appearance to live turf grass may be allowed on a case-by-case basis with review and approval by the Community Development Director (See section 5.7.8.1 F. below).**

NO CHANGE - 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.

NO CHANGE - 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 active high traffic areas.

NO CHANGE - E. A mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping must be created.

ADDED - F. **Right of Way Landscaping Amendment. Amendments to Right of Way landscaping from any approved development plan must be submitted to the Town for review and thereby may be approved, approved with conditions, or denied administratively by the Community Development Director. A public hearing is not required for a Right of Way landscaping amendment. Such amendments may be authorized by the Director as long as the development plan continues to comply with the intent of this Code.**

Article 4 – Use Regulations and Conditions (page 60)

Summary: This amendment is for Seasonal and Holiday Sales type uses. This use is currently not specifically called out in the Land Use Code. Therefore, it would be reviewed against the ‘Retail establishment not otherwise listed’ use. Since the requirements for the sale of seasonal and holiday products vary from that of other general retail establishments, Staff recommends adding the use to Table 4.1 with the following permissions and additional conditions.

ADDITION – Seasonal and Holiday Sales

A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I	HC
PC	*	*	*	*	*	*	PC	PC	PC	PC	PC	PC	PC

Conditions for Use Permitted with Conditions

ADDITION – 4.4.39 Seasonal and Holiday Sales

4.4.39.1 The term of the temporary use permit shall not exceed 60 days per calendar year.

4.4.39.2 Temporary seasonal and holiday sales shall not include the sale of bulk household goods, such as furniture, carpets, artwork/paintings, or similar items. In addition, they shall not include retail sales of prepared or processed food products.

4.4.39.3 Any trailer or structure utilized as a sales office must meet applicable setbacks per the zoning district and any building code requirements.

4.4.39.4 Lighting shall be limited to hours of operation.

4.4.39.5 Hours shall be limited to 8:00 a.m. to 8:00 p.m.

4.4.39.6 Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

4.4.39.7 In the Harmony Corridor, the sale of seasonal and holiday products shall not front Harmony Road.

ADDED – Definition: Seasonal and Holiday Sales – Sales of goods and items tied to a seasonal event during the year (such as Christmas Trees, Pumpkins, Wreaths, etc.). The sale of fireworks is prohibited.

5.8 Parking Requirements (page 123)

Summary: Electric Vehicle Charging Station requirements have been expanded to reflect the growing demand and ensure developments meet consumer needs and demands in all types of developments.

Existing

5.8.18 Electric Vehicle Parking & Charging Requirements

5.8.18.1 All new commercial, mixed-use, business and industrial developments exceeding 75 parking spaces shall provide designated parking spaces and wiring to provide for the charging of electric vehicles. There are three different levels of charging: Level 1 – 120V charging, provides 2-5 miles of range per hour of charging, Level 2 – 240V or 208V charging provides 10-20 miles of range per hour of charging, Level 3 – Also known as “DC Fast Charging” 208/480V AC three-phase input charging provides 50-70 miles of range per 20 minutes of charging.

A. Level 1 and 2 charging stations shall be permitted in the R-E, R-1, R-2, R-3, R-4, B, NC, CC, RC, RMU, CMU, and I zoning districts. Level 3 charging stations shall only be permitted in the CC, RC, CMU, and I zoning districts.

B. Any master planned commercial, mixed-use, and industrial development shall provide 1 charging station per every 75 parking spaces.

C. Any existing commercial, mixed-use, business, and industrial developments wishing to convert parking spaces to electric vehicle charging stations can do so.

D. Parking stalls shall be signed and striped as a designated parking space for the exclusive use of charging electric vehicles. No person shall park in that space any nonelectric vehicle, or electric vehicle that is not connected to the electric vehicle charging station, electric vehicle that is not charging, or electric vehicle that has been charging for more than four hours.

Proposed

5.8.18 Electric Vehicle Parking & Charging Requirements

CHANGED - 5.8.18.1 All new commercial, mixed-use, business ~~and, industrial and multi-family developments exceeding 75 parking spaces~~ shall provide designated parking spaces ~~and wiring to provide~~ for the charging of electric vehicles. There are three different levels of charging: Level 1 – 120V charging, provides 2-5 miles of range per hour of charging, Level 2 – 240V or 208V charging provides 10-20 miles of range per hour of charging, Level 3 – Also known as “DC Fast Charging” 208/480V AC three-phase input charging provides 50-70 miles of range per 20 minutes of charging.

CHANGED - A. Level 1 ~~and 2~~ charging stations shall **only** be permitted in **the residential zoning districts** (R-E, R-1, R-2, R-3, R-4), ~~B, NC, CC, RC, RMU, CMU, and I zoning districts. Level 3 charging stations shall only be permitted in the CC, RC, CMU, and I zoning districts.~~

ADDED - B. Level 2 & Level 3 charging stations shall be permitted in R-E, R-1, R-2, R-3, R-4, B, NC, CC, RC, RMU, CMU, and I zoning districts.

ADDED - C. Any commercial, mixed-use, multi-family residential, and industrial development shall provide one Level 3 charging station for every 200 parking spaces in the R-4, CC, RC, CMU, and I zoning districts.

CHANGED - D. Any commercial, mixed-use, and industrial development shall provide at least one electric charging space and one additional electric vehicle charging space per every 75 parking spaces.

ADDED - E. Multi-family developments shall provide one electric vehicle charging space for every 50 parking spaces required. The electric vehicle spaces shall be in addition to the parking requirement for multi-family; therefore, they are not to be included in the parking requirement calculations for the use. Each space shall be designated for electric vehicle parking only.

CHANGED – ~~CF~~. Any existing commercial, mixed-use, business, and industrial developments wishing to convert parking spaces to electric vehicle charging stations can do so.

ADDED - G. A minimum of one accessible electric vehicle charging space is required in any parking facility that requires one electric vehicle charging station.

CHANGED- D-H. Parking stalls shall be signed and striped as a designated parking space for the exclusive use of charging electric vehicles. No person shall park in that space any nonelectric vehicle, or electric vehicle that is not

connected to the electric vehicle charging station, electric vehicle that is not charging, or electric vehicle that has been charging for more than four hours.

Site Lighting and Building Illumination (page 93)

Summary: This is a change to the design standards for parking lot and exterior lighting in the Mixed-Use, Business/Commercial, and Industrial zoning districts. Staff is proposing to include language geared to shared lighting to adjacent access ways to promote more efficient lighting to the overall development. In addition, relaxing the diminishing requirement within compatible zones would provide flexibility for smaller lots, while maintaining the intent of this code.

Existing

5.3.3.1 A. Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to zero at a site's boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.

Proposed

ADDED - 5.3.3.1 A. Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to ~~zero~~ **0.1** at a site's boundary **and to zero 10' ten feet beyond the site's boundary, unless immediately or directly adjacent to a residential lot then the foot-candles shall diminish to zero at the site's boundary.** Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance. **Lighting may be installed for projects utilizing shared private drives to illuminate the site and adjacent drives as a means to reduce the overall light fixture count and capitalize on shared lighting.**

10.9 Minor Annexation (page 203)

Summary: This amendment is to the application fee associated with a Minor Annexation to the Town of Timnath. Staff has applied the same fee requirement for all annexations, which is \$1,000 in administrative fees plus \$450 per the number of acres of the proposal, plus \$4,000 deposit for review time. The recommendation to remove the incorrect amount would eliminate confusion from property owners and applicants inquiring about the Town's process to annex in Timnath. Approval of this request will also include a change to the Town's Fee Schedule in the Timnath Municipal Code.

Existing

10.9.3 Petition Phase

10.9.3.1 Upon completion of the Preapplication Conference, the owner may proceed to submit an annexation petition. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. Following staff review and notice of acceptance for referral to the Council, the applicant shall provide 20 copies of the selected documents as directed by staff. The annexation petition submission shall include:

- A. Petition for annexation. One (1) original and four (4) copies of a petition for annexation, in a form acceptable to the Town Attorney and complying with the requirements of the Municipal Annexation Act, C.R.S. § 31-12-101 et seq. (the "Act"). The petition shall be signed by 100% of the owners of the property, exclusive of streets and alleys, described in the petition.
- B. Annexation Map. One (1) original and twenty (20) paper copies of the area to be annexed. The map must be reproducible at standard paper sizes. See, Subsection D for map technical standards.
- C. Title commitment showing legal description of the property to be annexed is owned by the petitioners.
- D. Property tax statement. A copy of the prior year's property tax statement for the property to be annexed.
- E. Water rights. A "Water Rights Report" detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. As a condition of annexation, the owner shall provide to the Town a signed standard form warranty deed for the transfer of all nontributary water rights to the Town.
- F. The name, street address, e-mail address, and phone number of the applicant on a completed Land Use application form supplied by the Town;
- G. A vicinity map showing the property and its surroundings;
- H. Water and sewer service. Using available information, a report identifying the source of water, both potable and nonpotable (if any), and sanitary sewer systems anticipated to serving the property; and
- I. Application fee of \$500.

Proposed

10.9.3 Petition Phase

CHANGED - 10.9.3.1 Upon completion of the Preapplication Conference, the owner may proceed to submit an annexation petition. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. Following staff review and notice of acceptance for referral to the Council, the applicant shall provide 20 copies of the selected documents as directed by staff. The annexation petition submission shall include:

NO CHANGE – A. Petition for annexation. One (1) original and four (4) copies of a petition for annexation, in a form acceptable to the Town Attorney and complying with the requirements of the Municipal Annexation Act, C.R.S. § 31-12-101 et seq. (the “Act”). The petition shall be signed by 100% of the owners of the property, exclusive of streets and alleys, described in the petition.

NO CHANGE – B. Annexation Map. One (1) original and twenty (20) paper copies of the area to be annexed. The map must be reproducible at standard paper sizes. See, Subsection D for map technical standards.

NO CHANGE – C. Title commitment showing legal description of the property to be annexed is owned by the petitioners.

NO CHANGE – D. Property tax statement. A copy of the prior year’s property tax statement for the property to be annexed.

NO CHANGE – E. Water rights. A “Water Rights Report” detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. As a condition of annexation, the owner shall provide to the Town a signed standard form warranty deed for the transfer of all nontributary water rights to the Town.

NO CHANGE – F. The name, street address, e-mail address, and phone number of the applicant on a completed Land Use application form supplied by the Town;

NO CHANGE – G. A vicinity map showing the property and its surroundings;

NO CHANGE – H. Water and sewer service. Using available information, a report identifying the source of water, both potable and nonpotable (if any), and sanitary sewer systems anticipated to serving the property; and

REMOVED - ~~I. Application fee of \$500.00.~~

Parks and Open Space Requirements – Neighborhood and Pocket Parks (pages 101 & 103)

Summary: This amendment is to provide further clarification on the Town’s park and open space requirements to ensure they are adequately sized to provide space for a variety of activities. Staff has identified inconsistencies in the Code regarding the amount of open space required for neighborhood and pocket parks. These requirements have been revised to provide a greater level of service for each community, conforming with the Timnath Comprehensive Plan.

Existing

5.7.6.2 Types of parks and open space.

B. 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 irrigated landscaping and be maintained by a homeowners association or district

C. 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 Code. 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 five acres and include active play areas and irrigated landscaping.

Proposed

CHANGED - 5.7.6.2 Types of parks and open space.

ADDED - B. Pocket parks. Every residential development of more than ~~650~~ 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~~ **active play areas, shaded areas,** and irrigated landscaping, and be maintained by a homeowners association or district. **Pocket parks shall be centrally located to service all residents within the development that does not have a neighborhood park. Developments with a neighborhood park, pocket parks must generally be located at least one-quarter (1/4) mile away from a neighborhood park and be evenly distributed throughout the development to provide service to residents beyond the ¼ mile distance from a neighborhood park.**

CHANGED - C. Neighborhood parks. Every residential development of over ~~300~~ ~~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 Code. 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 centrally located as best as possible within the development to service all residents within a quarter-mile (1/4) radius and be at least six five acres, with an additional 1 acre per 100 dwelling units over 300. and include active play areas and irrigated landscaping.** At least 70% of the parkland must consist of active play areas and irrigated landscaping, incorporating at least two of the following; playgrounds, multi-purpose courts, multi-purpose play fields, and shaded areas for picnics and sitting (artificial turf similar in appearance to live turf grass may be allowed in this percentage on a case-by-case basis with review and approval by the Community Development Director). The remaining 30% of the parkland can be made up of native landscaping but must incorporate active uses such as trails and seating areas. Detention areas can be included in this percentage. The amount and location of these parks shall be reviewed and determined at Sketch Plan. A neighborhood park shall be designed and provided per the approved Sketch Plan once the 300th lot has been platted to provide immediate service.

5.7.6.4 Open space requirements.

C. Amount of open space required.

1. All Single-Family residential developments. For each Single-Family residential developments, the developer shall provide, construct, and install, per the subdivision improvement agreement, at the time of subdivision:

B. Pocket parks of at least 0.5 acres for every 100 Dwelling Units or portion thereof which shall be constructed in the subdivision and maintained by the Home Owners Association or special district;

C. 6 acres or more for neighborhood parks for every 300 dwelling units or portion thereof which shall be constructed in the subdivision within a one-quarter 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;

Proposed

5.7.6.4 Open space requirements.

C. Amount of open space required.

1. All Single-Family residential developments. For each Single-Family residential developments, the developer shall provide, construct, and install, per the subdivision improvement agreement, at the time of subdivision:

CHANGED - B. **For subdivisions over 300 dwelling units**, Pocket parks of at least 0.5 acres for every 100 Dwelling Units or portion thereof ~~which~~ shall be constructed in the subdivision and maintained by the Home Owners Association or special district. **Pocket parks can be combined to equal no more than 1 acre as long as the level of service outlined in section 5.7.6.2.B is met.**

ADDED – C. **For subdivisions with less than 300 dwelling units, pocket parks of at least 0.5 acres for every 50 dwelling units, or portion thereof, shall be constructed in the subdivision and maintained by the Home Owners Association or special district.**

CHANGED - ~~C~~. **D. 6 acres or more for neighborhood parks for every 300 dwelling units or portion thereof with an additional 1 acre per 100 dwelling units over 300 which shall be constructed in the subdivision within a one-quarter (1/4) 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; Subdivisions with over 600 dwelling units may divide the required acreage of neighborhood parks evenly and shall be constructed in the subdivision to be within a ¼ quarter mile of every home in the development.**

5.10 Harmony Corridor Design Standards (page 130)

Summary: This amendment is to the requirement within the Harmony Corridor Design Standards that limits the distance a parking lot can front Harmony Road. Staff views all portions of a parking lot in the same light, so we are recommending including drive aisles in this requirement to provide clarification. This addition promotes the overall purpose and intent of this code to enhance the visual continuity between different developments and distinguish Timnath from surrounding municipalities.

In addition, staff is proposing a change to the number of required electric vehicle charging stations to reflect the amendment to section 5.8.18.

Existing

5.10.5.6 Parking

- A. Parking lots shall not extend more than 130' along the Harmony Road frontage. See Figure 3.

- B. Parking fronting Harmony Road must be:
 - 1. Set back a minimum of 60' from Harmony Road Right of Way.

 - 2. Head-in parking, abutting Harmony Road must be screened with a 36" tall masonry wall and 15' wide planting bed. See Figure 3.

- C. Each development shall provide 1 electric vehicle charging spaces

Proposed

CHANGED - 5.10.5.6 Parking

ADDED - A. Parking lots, **including drive aisles**, shall not extend more than 130' along the Harmony Road frontage. See Figure 3.

NO CHANGE - B. Parking fronting Harmony Road must be:

- 1. Set back a minimum of 60' from Harmony Road Right of Way.

- 2. Head-in parking, abutting Harmony Road must be screened with a 36" tall masonry wall and 15' wide planting bed. See Figure 3.

CHANGED - C. Each development shall provide **the appropriate number of at least 1** electric vehicle charging spaces **(as specified in section 5.8.18)**.

Harmony Corridor Design Standards – 5.10.6 Landscaping (page 132)

Summary: This amendment is to the planting requirements for the Harmony Corridor Design Standards. Staff is recommending a change to one specific dimensional requirement to a preferred standard providing staff more discretionary oversight for planting areas that may be unique to each development. This change will continue to promote the intent of this code.

Existing

5.10.6.8 Planting

A. Turf Grass

1. Only high-use areas shall be planted with irrigated turf grass sod.
2. Short-grass, prairie grasses, or other adapted grasses that have been certified as xeriscape landscaping may be established in areas of lower traffic with the goal of conserving water by reducing the use of turf with higher water needs.

B. Foundation Plantings

1. Exposed Sections of screening walls, building walls or fencing that are in high use or high-visibility areas of the building exterior, except where walks are adjacent to buildings, shall have planting beds at least five (5) feet wide and shall be planted to reduce the visual impact.

C. Planting Beds

1. Shrub and ground cover planting beds shall be separated from turf grass with edging and shall have open surface areas covered with mulch. and be a minimum of (5) feet wide.
2. Organic mulches (i.e.: bark or wood chips, wood grindings) to a minimum depth of three (3) inches are used wherever possible.
3. Inorganic mulches (i.e.: gravel) retain and reflect heat, compact the soil, and are generally discouraged except for functional purposes such as parking islands. In no case shall nonorganic mulch be installed without permeable weed barrier.
4. Black plastic or impermeable weed barriers shall not be used.
5. In no case shall mulches be the finished condition unless it is part of the overall planning theme, as in the case of a dry creek bed.

Proposed

5.10.6.8 Planting

B. Turf Grass

1. Only high-use areas shall be planted with irrigated turf grass sod.
3. Short-grass, prairie grasses, or other adapted grasses that have been certified as xeriscape landscaping may be established in areas of lower traffic with the goal of conserving water by reducing the use of turf with higher water needs.

B. Foundation Plantings

CHANGED - 1. ~~Exposed~~ Sections of screening walls, building walls or fencing that are in high use or high-visibility areas of the building exterior, except where walks are adjacent to buildings, shall have planting beds at least five (5) feet wide and shall be planted to reduce the visual impact.

C. Planting Beds

CHANGED - 1. Shrub and ground cover planting beds shall be separated from turf grass with edging and shall have open surface areas covered with mulch. ~~and be a minimum of (5) feet wide with a preferred width of 5 feet. Reductions may be allowed on a case-by-case basis.~~

2. Organic mulches (i.e.: bark or wood chips, wood grindings) to a minimum depth of three (3) inches are used wherever possible.
3. Inorganic mulches (i.e.: gravel) retain and reflect heat, compact the soil, and are generally discouraged except for functional purposes such as parking islands. In no case shall nonorganic mulch be installed without permeable weed barrier.
4. Black plastic or impermeable weed barriers shall not be used.
5. In no case shall mulches be the finished condition unless it is part of the overall planning theme, as in the case of a dry creek bed.

5.2 Dimensional Standards (page 86)

Summary: This is an amendment to the Town's dimensional standards for window wells. Staff is requesting to replace the existing language regarding setback requirements to provide a comprehensive approach that may be enforced on all lot types and varying window well construction materials.

Existing

5.2.1 Additional Dimensional Standards Requirements for Standard Districts.

5.2.1.1 Cornices, canopies, eaves or similar architectural features may extend from the building into a required setback not more than 2 feet. Open, unenclosed, uncovered decks or patios 30 inches or less above ground level may extend into a required setback not more 30% into a side yard setback, or 50% into the rearyard setback.

5.2.1.2 At grade appurtenances or mechanical equipment shall meet front, side and rear yard setbacks. At grade patios can extend up to 4 feet into the front yard easement for a minimum 10' front yard setback.

5.2.1.3 Covered decks or patios, or decks and patios over 30" above ground level, shall not encroach into sideyard setbacks, or more than 25% into rear yard setbacks. Stairs attached to the structure shall be considered a functional use of the feature; therefore, they must comply with the dimensional standards and setback requirements outlined in this section. Above grade patios and decks may extend to the front yard easement line but shall not encroach said easement.

5.2.1.4 Air Conditioning Units and Window Wells that are not part of the foundation design shall be placed in the rear or side yard setback, but must not be closer than 2 feet to the property line on lots with 7 foot side yard setbacks, and not be closer than 1 foot to the property line on lots with 5 foot side yard setbacks. Window Wells that are part of the foundation need to meet the setback requirement.

Proposed

5.2.1 Additional Dimensional Standards Requirements for Standard Districts.

NO CHANGE – 5.2.1.1 Cornices, canopies, eaves or similar architectural features may extend from the building into a required setback not more than 2 feet. Open, unenclosed, uncovered decks or patios 30 inches or less above ground level may extend into a required setback not more 30% into a side yard setback, or 50% into the rearyard setback.

NO CHANGE – 5.2.1.2 At grade appurtenances or mechanical equipment shall meet front, side and rear yard setbacks. At grade patios can extend up to 4 feet into the front yard easement for a minimum 10' front yard setback.

NO CHANGE – 5.2.1.3 Covered decks or patios, or decks and patios over 30" above ground level, shall not encroach into sideyard setbacks, or more than 25% into rear yard setbacks. Stairs attached to the structure shall be considered a functional use of the feature; therefore, they must comply with the dimensional standards and setback requirements outlined in this section. Above grade patios and decks may extend to the front yard easement line but shall not encroach said easement.

CHANGED – 5.2.1.4 Air Conditioning Units and Window Wells **and areas open to basement windows** that are not part of the foundation design shall be placed in the rear or side yard setback, ~~but must not be closer than 2 feet to the property line on lots with 7 foot side yard setbacks, and not be closer than 1 foot to the property line on lots with 5 foot side yard setbacks. Window Wells that are part of the foundation need to meet the setback requirement~~ **Air Conditioning Units, Window Wells, or areas open to basement windows shall only encroach 3 feet into the setback requirement. Measured to the outside edge of the construction material.**

Table 5.4 Plant Standards, Installation and Maintenance.

Summary: This change is to table 5.4 Plant Standards, Installation and Maintenance. Staff is recommending removing the temporary irrigation option in favor of permanent irrigation for establishing all native grasses and vegetation. Permanent irrigation is critical for plant establishment and longevity and will allow for periodic, necessary, supplemental watering.

Existing

Irrigation

All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.

- a. Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.
- b. Required landscaping in all developments (except for single-family residential properties) shall be irrigated with a permanent irrigation system which contains moisture sensors.
- c. All irrigation systems shall be designed to minimize overspray and runoff onto paved or other non-landscaped areas.
- d. Temporary irrigation shall be used to establish native grasses and vegetation for two growing seasons or fully established.

Proposed

Irrigation

All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.

NO CHANGE - a. Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.

NO CHANGE - b. Required landscaping in all developments (except for single-family residential properties) shall be irrigated with a permanent irrigation system which contains moisture sensors.

NO CHANGE - c. All irrigation systems shall be designed to minimize overspray and runoff onto paved or other non-landscaped areas.

REMOVED - ~~d. Temporary irrigation shall be used to establish native grasses and vegetation for two growing seasons or fully established.~~