

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 11, SERIES 2024**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE “TIMNATH LAND USE
CODE, 2015 EDITION”, WHICH HAS BEEN ADOPTED BY REFERENCE INTO THE
TOWN OF TIMNATH MUNICIPAL CODE**

WHEREAS, The Town of Timnath (the “Town”) is a home rule municipality operating under the Timnath Home Rule Charter adopted on November 7, 2006, as amended in 2015, 2022 and 2023, (the “Charter”) 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, Section 16-1-10 of the Code states that the Town has adopted by reference the Land Use Code of the Town of Timnath, Colorado (the “Land Use Code”), which is fully incorporated into the Code as fully set forth therein; and

WHEREAS, The Land Use Code was restated and reenacted in Ordinance 15, Series 2015 and has been amended thirteen times since its reenactment; and

WHEREAS, The Town planners have proposed additional amendments to the Land Use Code, as set forth in the attachment hereto; and

WHEREAS, The Timnath Town Council and Timnath Planning Commission held a public joint work session to review many of the proposed changes to the Land Use Code on April 23, 2024; and

WHEREAS, The Timnath Planning Commission held a regularly scheduled meeting and Public Hearing on May 7, 2024 and recommended approval of the Land Use Code Amendment No. 14 to Town Council unanimously by 5-0 vote; and

WHEREAS, The Timnath Town Council held a regularly scheduled meeting and Public Hearing on May 28, 2024 and upon hearing the statements of staff and the public, and giving consideration to the recommendations wishes to adopt amendment to the Land Use Code; 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.

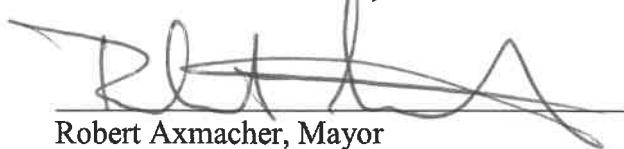
ARTICLE 4 – EFFECTIVE DATE

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, ON MAY 14, 2024, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MAY 28, 2024 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 MAY 28, 2024.

TOWN OF TIMNATH, COLORADO



Robert Axmacher, Mayor

ATTEST:


Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A
Land Use Code Amendments
(see attached)



Land Use Code Amendments 14

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

Article 1	Section 1.10	Applicant To Pay Costs
	Section 1.11	Applicant Review Costs And Deposit
Article 2	Section 2.9.3.5	Application Submittals
	Section 2.11.2	Certificate of Zoning Compliance Required
Article 3	Table 3.1	List of Standard Zoning Districts
Article 4	Section 4.3.2	Districts
	Table 4.1	Standard District Table of Permitted Uses
	Section 4.4.37	Retail Fuel Stations
Article 5	Section 5.3.4.4	Block Diversity
	Table 5.4	Plant Standards, Installation, and Maintenance
	Table 5.6	Parking Requirements
	5.7.7.3	Screening of Surface Parking
	5.8.1	Tree Lawns
	5.10	Harmony Corridor Design Standards
	5.10.5.2	Building Placement
	5.10.7.5	Placement/Orientation Compliance
	6.8	Contribution for Public School Sites
Article 7	7.6	Prohibited Signs
Article 11	11.2	Definitions

Article 1. Authority, Purpose, and Applicability

Applicant Costs (page 12)

Summary: This is a proposal for a minor text amendment to the Codes language around fees owed by the applicant for development review to align with the Town's updated Fee Agreement form.

Existing

1.10 Applicant To Pay Costs Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted in Chapter 4 of the Timnath Municipal Code and is available from the Town Office. In addition, the applicant shall pay the actual costs of mailing and publishing all notices required herein.

1.11 Applicant Review Costs And Deposit In addition to the standard fees referred to in Section 1.10 above, the applicant and the owner of the property which is the subject of the application shall be required to pay any actual costs incurred by the Town for review of the application based on a fee ordinance passed by the Town Council.

Proposed

ADDED - 1.10 Applicant To Pay Costs Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for permits, plat approvals, zoning amendments, variances, **annexations**, and other administrative relief. The fee schedule will be adopted in Chapter 4 of the Timnath Municipal Code and is available from the Town Office. In addition, the applicant shall pay the actual costs of mailing and publishing all notices required herein.

CHANGED - 1.11 Applicant Review Costs And Deposit In addition to the standard fees referred to in Section 1.10 above, the applicant and the owner of the property which is the subject of the application shall be **joint or severably liable for payment of and** required to pay any **costs of consultants or amounts for staff for review, drafting agreements, and processing actual costs incurred by the Town for review** ~~of the application based on a fee ordinance passed by the Town Council.~~

Article 2. Administration

Application Procedures – Expirations (page 22)

Summary: Staff requests to provide language regarding the expiration of application submittals to encourage applicants to diligently pursue and respond to active development applications. This will provide staff the framework for handling applications that have gone dormant for extended periods of time.

Existing

The Town's Code currently does not have parameters around development application expirations.

Proposed

ADDED – 2.9.3.5 Application Submittals. An application submitted to the Town for the review and approval of a development application must be diligently pursued and processed by the applicant. Accordingly, the applicant, within one hundred eighty (180) days of receipt of written comments and notice to respond from the Town on any submittal (or subsequent revision to a submittal) of an application for approval of a development plan, shall file such additional or revised submittal documents as are necessary to address such comments from the Town. If the additional submittal information or revised submittal is not filed within said period of time, the development application shall automatically lapse and become null and void. The Director may grant one (1) extension of the foregoing one-hundred-eighty-day requirement, which extension may not exceed sixty (60) days in length. This subsection shall apply to applications which are, or have been, filed pursuant to this Code and to applications which are, or have been, filed pursuant to the laws of the Town for the development of land prior to the adoption of this Code. On transfer of ownership of fee title to any real property that is the subject of a pending application, whether in whole or in part, such transfer shall bar a new owner or transferee from taking further action on such application unless, prior to taking any action, the new owner provides evidence satisfactory to the Director that the transferor of such property intended that all rights of the owner under the pending application be assigned to the transferee.

Article 2. Administration
Town Council Waivers (page 42)

Summary: Included design standards within the Harmony Corridor that may be waived by Town Council for approval.

Existing

2.9.15 Town Council Waivers.

2.9.15.3 Departures may be permitted from the following standards:

- A. Structure widths and depth limits;
- B. Setback requirements;
- C. Design, location, and access to parking;
- D. Parking ratios;
- E. Open space requirements;
- F. Lot coverage limits;
- G. Screening and landscaping requirements;
- H. Standards for location and design of uses in mixed-se buildings.

Proposed

2.9.15 Town Council Waivers.

2.9.15.3 Departures may be permitted from the following standards:

- NO CHANGE - A. Structure widths and depth limits;
- NO CHANGE - B. Setback requirements;
- NO CHANGE - C. Design, location, and access to parking;
- NO CHANGE - D. Parking ratios;
- NO CHANGE - E. Open space requirements;
- NO CHANGE - F. Lot coverage limits;
- NO CHANGE - G. Screening and landscaping requirements;
- NO CHANGE - H. Standards for location and design of uses in mixed-se buildings.
- ADDED - I. Applicable Harmony Corridor Design Standards as identified in Section 5.10.**

Article 2. Administration

2.11 Nonconformity – Certificate of Zoning Compliance Required (page 47)

Summary: The Code currently has a requirement to provide a Certificate of Zoning for new uses of land to ensure their compliance with the approved zoning district for the property. This text amendment of the Code is only correcting an error that this process of approval is done by a letter of compliance, rather than a permit.

Existing

2.11.2 Certificate of Zoning Compliance Required. No nonconforming structure, use, lot, or feature shall be continued, renewed, changed, or extended until a permit has been issued by the Town Planner. The certificate of zoning compliance shall state specifically wherein the nonconformity differs from the provisions of this ordinance. The burden of proof, based on public records, as to the legality of the nonconforming use rests with the property owner and shall require a notarized affidavit submitted by the owner stating such as part of the application.

Proposed

CHANGED - 2.11.2 Certificate of Zoning Compliance Required. No nonconforming structure, use, lot, or feature shall be continued, renewed, changed, or extended until a **permit compliance letter** has been issued by the Town Planner. The ~~certificate of~~ zoning compliance **letter** shall state specifically wherein the nonconformity differs from the provisions of this ordinance. The burden of proof, based on public records, as to the legality of the nonconforming use rests with the property owner and shall require a notarized affidavit submitted by the owner stating such as part of the application.

**Article 3. Establishment of Districts
Comp Plan Designations (page 53)**

Summary: In reviewing the Town’s Zoning Districts to provide a special district for Transitional Zoning, staff identified inconsistencies with the districts respective Comprehensive Plan Designations. The existing Code still has the designations from the previous Comprehensive Plan. This update will bring these designations into conformance to the current plan adopted in 2020.

Existing

District Abbreviation – Name	District Category	Comprehensive Plan Designations
A-Agriculture	Agricultural	CDR-AB
RE- Estate Residential	Residential	VLR/CDR-AB
R1 – Old Town Residential	Residential	LDR
R2 – Single-Family Residential	Residential	LDR
R3 – Mixed Residential	Residential	MDR
R4 – Multi-Family Residential	Residential	HDR
RMU – Residential Mixed-Use	Mixed-Use	LDMU/RMU/MU
CMU – Commercial Mixed-Use	Mixed-Use	CMU
B – Business	Mixed-Use	DC
NC – Neighborhood Commercial	Commercial	C
CC – Community Commercial	Commercial	C/E
RC – Regional Commercial	Commercial	RC
I – Industrial	Industrial	E

Article 3 - Establishment of Districts – Comp Plan Designations (page 53)

Proposed

CHANGED

District Abbreviation – Name	District Category	Comprehensive Plan Designations
A-Agriculture	Agricultural	CDR-AB (RR)
RE- Estate Residential	Residential	VLR/CDR-AB (RR/LDR)
R1 – Old Town Residential	Residential	LDR (DC)
R2 – Single-Family Residential	Residential	LDR/MDR
R3 – Mixed Residential	Residential	MDR/(HDR/MU)
R4 – Multi-Family Residential	Residential	HDR (HDR/MU)
RMU – Residential Mixed-Use	Mixed-Use	LDMU/RMU/MU (MDR/(HDR/MU))
CMU – Commercial Mixed-Use	Mixed-Use	CMU
B – Business	Mixed-Use	DC
NC – Neighborhood Commercial	Commercial	E (HDR/MU)
CC – Community Commercial	Commercial	E/E (CMU/E/RC)
RC – Regional Commercial	Commercial	RE (E/RC)
I – Industrial	Industrial	E (E/RC)

Comprehensive Plan Designations

RR – Rural Residential

LDR – Low Density Residential

MDR – Medium Density Residential

HDR/MU – High Density Residential/Mixed Use

DC – Downtown Core

CMU – Commercial Mixed Use

E/RC – Employment Regional Commercial

OS – Open Space

Article 4. Use Regulations

4.3 Table of Uses - Districts (page 57)

Summary: Staff is proposing clarification within the overview of districts within the Town's table of uses in effort to eliminate misinterpretation or confusion around overlay districts and their permissions. This change further aligns with the identified purpose of Overlay Districts, as written in Section 3.2.2 of the Code.

Existing

4.3.2 Districts. The Table of Uses lists uses for each district within the Town's zoning jurisdiction. Overlay districts are not listed in the table since uses allowed are governed by the underlying district. Furthermore, the Planned Mixed-Use District is also not shown. Uses within that district are established on a case-by-case basis consistent with an adopted plan for the area, if one exists, and the intent of the Comprehensive Plan. In no case shall any use be permitted in a PD District that is not allowed in any residential or mixed-use district as designated in Article 3.

Proposed

CHANGED – 4.3.2 Districts. The Table of Uses lists uses for each district within the Town's zoning jurisdiction. Overlay districts are not listed in the table since uses allowed are governed by the underlying district, **except as expressly modified by the overlay district. Furthermore, the Planned Mixed-Use District is also not shown. Uses within that district are established on a case-by-case basis consistent with an adopted plan for the area, if one exists, and the intent of the Comprehensive Plan. In no case shall any use be permitted in a PD District that is not allowed in any residential or mixed-use district as designated in Article 3.**

Article 4. Use Regulations

4.4 Conditions for Uses Permitted with Conditions - Retail Fuel Stations (page 76)

Summary: Per the Council's direction, staff has reevaluated the spacing requirements for Retail Fuel Stations within the Town. At this time, staff recommends removing the specifics of intersection types restricting the location of these stations to account for potential conflicts that may arise based on varying street designs.

Existing

4.4.37 Retail Fuel Stations.

4.4.37.4 In the Harmony Corridor, the property line bounding a proposed retail fuel station parcel shall be located at least one thousand three hundred twenty (1,320) feet (one quarter [1/4] of a mile) from any other such use property line. In all other zoning districts there shall be no more than one (1) retail fuel station at any 4-way intersection.

Proposed

4.4.37 Retail Fuel Stations.

CHANGED - 4.4.37.4 In the Harmony Corridor, the property line bounding a proposed retail fuel station parcel shall be located at least **two thousand six hundred forty (2,640) one thousand three hundred twenty (1,320)** feet (**one half (1/2) one quarter [1/4]**) of a mile) from any other such use property line. In all other zoning districts there shall be no more than one (1) retail fuel station at any **4-way** intersection.

Article 5. Development Standards

Table 5.3 Design Standards – Block Diversity (page 96)

Summary: With the adoption of the 2016 Timnath Land Use Code, standards around the design of private garages was inadvertently removed. This request is to include the requirements outlined in the Timnath Block Diversity review form to ensure the intent of diminishing the impact garages may have on the residential streetscape of Timnath subdivisions can be fully enforced.

Existing

5.3.4.4 Block Diversity

Each residential block face shall contain at least 4 residential models that have significant variation. The same residential model with the same architectural style shall not be placed adjacent to each other or directly across the street from one another (Across the street shall mean 50% or more overlap). Residential architecture along arterial streets shall be 4 sided. Corner lots shall be required to wrap architectural treatments as shown on the front elevation along the side elevation facing the street. Model and block diversity will be reviewed by the Town as part of a Block Diversity Plan Matrix and approved based upon variation in each of the following building elements:

- A. Massing;
- B. Porches and front entries;
- C. Color palette;
- D. Exterior materials (walls, trim, roof); and
- E. Garage size, orientation and point of access

Table 5.3 Design Standards – Block Diversity

Proposed

ADDED – Garages. Homes, not garages, shall have emphasis on residential streets. The intent is that garages not dominate the home façade and/or streetscape. Alley accessed garages are encouraged.

- a. Requirements for garages with access from the street:
 1. Variety in garage orientation and placement is required to avoid a monotonous repetition of garages along a block face. Variations in garage placement include:
 - a. Deep recessed (over 10 feet behind front of residence)
 - b. Moderately recessed (over 5 feet behind front of residence)
 - c. Shallow recessed (over 18 inches behind front of residence)
 - d. 3 car split (swing-in side loaded & front facing combination)
 - e. 2 or 3 car swing in (side loaded)
 - f. 3 car tandem (one side of 2 stall garage in 2 spaces deep)
 - g. 3 or more stall front facing
 2. Garage door setback. Any street-facing garage doors shall be setback at least 22 feet from the back of the sidewalk of property line, whichever is more restrictive.
 3. Street facing garage doors shall make up less than 50% of the total home frontage. No more than 2 garage doors up to 16 feet in width each are allowed in the same plane and at least an 18 inch setback/separation between garage door planes is required.

Article 5. Development Standards

Table 5.4 Plant Standards, Installation, and Maintenance (pages 109)

Summary: Due to a limited supply of “Large” deciduous trees of three to three and one-half inches in caliper within the Front Range and the entire State, staff recommends reducing the requirement for these trees to ensure the number and size of plantings can be adequately provided by development per Code. Large tree species at two to two and one-half inches in caliper provide similar heights and canopies at full maturity, maintaining the intent and purpose of “larger” trees within developments.

Existing

At Initial Planting: “Large” deciduous trees shall be three to three and one-half inches in caliper. “Medium” and “small” deciduous trees shall be two to two and one-half inches in caliper at planting. “Small, or ornamental trees shall be 1 ½ inch caliper. All evergreen trees shall be a minimum of six feet in height at planting. Caliper shall be measured six inches above ground level at the time of planting.

Proposed

CHANGED - At Initial Planting: “Large” deciduous **and shade** trees **where its mature canopy diameter is greater than 30’ wide** shall be **a minimum of three to three and one-half inches in caliper two inches in caliper (2”)**. ~~“Medium” and “small” deciduous trees shall be two to two and one-half inches in caliper~~ **Ornamental trees where its mature canopy diameter is less than 30’ wide shall be a minimum of one and one-half inches (1 ½”) at planting.** ~~“Small, or ornamental trees shall be 1 ½ inch one and one-half inches (1 ½”) in caliper.~~ All evergreen trees shall be a minimum of six feet in height at planting. Caliper shall be measured six inches above ground level at the time of planting.

Article 5. Development Standards

5.7.7.3 Table of buffer yard requirements – Screening of Surface Parking (page 110)

Summary: In addition to the recommended changes to the Town’s Buffer Yard table, staff has included more detailed parameters to the required screening of surface parking lots and driveways. These additions are intended to provide more significant visual obstructions from vehicular traffic by providing clear and specific guidelines around creating and maintaining these barriers.

Existing

C. Location and screening of surface parking and driveways

1. In order to reduce potential visual glare of headlights and reduce the visual clutter of parking fields with screening that is integral to the site and landscaping theme.
2. Parking areas and drive aisles shall be screened from any street with planting, masonry wall, berm or combination of walls/berms and densely planted.
3. Parking lots adjacent to a residential use shall be continuously screened by a 6-foot high wall/fence.

Proposed

C. Location and screening of surface parking and driveways

NO CHANGE - 1. In order to reduce potential visual glare of headlights and reduce the visual clutter of parking fields with screening that is integral to the site and landscaping theme.

CHANGED - 2. Parking areas and drive aisles shall be screened from any street with plantings, **such as shrubs and evergreens, fences,** masonry walls, berms or a combination of walls/berms and densely planted **beds. Plantings shall be installed to screen a minimum of 75% of the buffer area at maturity.**

ADDED - 3. **Parking buffer yards shall be a minimum of five feet in width, not including any vehicular overhang areas. Parking buffer yards must be installed between the parking lot and sidewalk of adjacent street.**

ADDED - 4. **Parking screening shall provide a minimum visual obstruction of three feet above the parking surface.**

CHANGED - 5. ~~3.~~ Parking lots adjacent to a residential uses shall be continuously screened by a 6-foot high wall/fence.

Article 5. Development Standards
Landscape Design Standards (page 115)

Summary: Staff recommends adding clarifying language to the street tree requirement for residential developments. The Code requires one shade tree per 40 linear feet of frontage. Periodically this spacing doesn't align with lot sizes and improvements. While the required number of plantings are enforced by staff, the location of those trees is not always providing a deciduous or shade tree adjacent to every lot within the development. The intent of this recommended addition is to ensure each lot is provided at least one street tree where the spacing may otherwise preclude.

Existing

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

A. Tree lawns – an average of at least 1 deciduous or shade 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.

Proposed

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

ADDED - A. Tree lawns – an average of at least 1 **large** deciduous or shade tree for every 40 linear feet of block frontage or portion thereof **or at least one street tree adjacent to each lot in residential developments whichever is greater**. 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.

Article 5. Development Standards

5.6 Table of Parking Requirements – Restaurants (page 121)

Summary: Staff reviewed parking minimums and/or requirements around surrounding municipalities and the latest edition of the Institute of Transportation Engineers (ITE). It was determined that the Town's current parking requirement for restaurants with and without drive-throughs is one of a few Code currently calculating spaces by including the square footage of outdoor seating. Staff believes this requirement could be too onerous and removing the addition of this area would not adversely impact the design of these uses moving forward. The reduction of parking requirements should lessen the amount of pavement within developments that could be designed as a more integral part of the site for open space.

Existing

Restaurants/standard & fast food without drive-thru	1/100 sf + 1/200 sf for outdoor seating
Restaurants with drive-thru	1/125 sf + 1/200 sf for outdoor seating

Proposed

~~REMOVED~~

Restaurants/standard & fast food without drive-thru	1/100 sf + 1/200 sf for outdoor seating
Restaurants with drive-thru	1/125 sf + 1/200 sf for outdoor seating

Article 5. Development Standards

5.10 Harmony Corridor Design Standards (page 129)

Summary: This is an amendment to the description of the Harmony Corridor Design Standards to expand the subjection of these standards to Industrial and Residential zoned properties. This revision would also encapsulate mixed-residential and industry related developments should they fall within this district.

Existing

Description – Harmony Road is a primary commuter route between Fort Collins, Timnath and communities to the east. The Harmony Corridor planning area covers roughly 2.2 miles of Harmony Road from the west side of the Cache La Poudre River Bridge to the eastern Timnath boundary at Latham Parkway (LCR-1/WCR-13) and extends approximately 1000’ north and south of Harmony Road. The properties subject to these standards include those located in Community Commercial or Mixed-Use districts.

Proposed

CHANGED - Description – Harmony Road is a primary commuter route between Fort Collins, Timnath and communities to the east. The Harmony Corridor planning area covers roughly 2.2 miles of Harmony Road from the west side of the Cache La Poudre River Bridge to the eastern Timnath boundary at Latham Parkway (LCR-1/WCR-13) and extends approximately 1000’ north and south of Harmony Road. The properties subject to these standards include those ~~located in zoned as Community Commercial, or Mixed-Use,~~ **Industrial, or Residential of 8 dwelling units per acre or more districts.**

Article 5. Development Standards

5.10 Harmony Corridor Design Standards – Building Placement (139)

Summary: Clarifying language is being proposed for building placement within the Harmony Corridor Overlay to ensure the intent of Section 5.10, which prioritizes public realm design, is being met. These standards aim to establish criteria that improve the relationship of buildings to the streetscape, creating places that align with community preferences to provide active and engaging developments. Therefore, clarification has been added to this section identifying that primary or principal buildings within these developments are to be designed towards the Harmony Corridor rather than accessory structures.

Existing

5.10.5.2 Building Placement

- A. Sites with frontage along Harmony Road, must have primary buildings addressing Harmony Road.
- B. Buildings shall not exceed 25,000sf single story footprint along and adjacent to Harmony Road.
- C. Larger buildings must be set back from the Harmony frontage.
- D. The location of a Hotel / big box retailer/ grocery store fronting Harmony Road may be excepted on a case by case basis. See Wavier process for approval.
- E. See Section 5.10.7 for additional building placement requirements.

5.10.7.5 Placement / Orientation Compliance

- A. Buildings shall extend along at least 35% but not more than 75% of the overall property frontage along Harmony Road and be built to the required setback line with allowances for articulation. Buildings shall extend along at least 25% of overall property frontage along adjacent public streets feeding to Harmony Road.

5.10 Harmony Corridor Design Standards – Building Placement (page 139)

Proposed

5.10.5.2 Building Placement

ADDED - A. Sites with frontage along Harmony Road, must have **primary** buildings addressing Harmony Road.

CHANGED - B. Buildings ~~shall not exceed exceeding 25,000sf~~ **20,000sf** of single story footprint along and adjacent to Harmony Road **may be authorized on a case by case basis. See Section 2.9.15 for Waiver process of approval.**

NO CHANGE - C. Larger buildings must be set back from the Harmony frontage.

~~**REMOVED** - D. The location of a Hotel / big box retailer / grocery store fronting Harmony Road may be excepted on a case by case basis. See Wavier process for approval.~~

NO CHANGE - E. See Section 5.10.7 for additional building placement requirements.

5.10.7.5 Placement / Orientation Compliance

CHANGED - A. **Principal B** buildings shall extend along at least 35% but not more than 75% of the overall property frontage along Harmony Road and be built to the required setback line with allowances for articulation. Buildings shall extend along at least 25% of overall property frontage along adjacent public streets feeding to Harmony Road.

Article 6. Land Subdivision Public School Dedication (page 149)

Summary: The Town's existing Intergovernmental agreement (IGA) with the Poudre School District (see attached in packet) is inconsistent with the requirements of the Code. This is a minor request to remove the outdated calculations for school land contribution and align with the current IGA for enforcement. This proposal will also capture dedication requirements for future school districts that may impact the Town in the future.

Existing

6.8 Contribution for Public School Sites

6.8.1 To meet the increased need for schools as a result of new housing, the subdivider shall dedicate land areas or sites suitable for school purposes in the amount specified for every dwelling unit, or portion thereof, which may be constructed within the subdivision to serve the elementary, middle, and high school public school needs of the residents of such dwelling units. The Town may elect that public school sites may be transferred and conveyed to the Town or school district pursuant to stipulations in intergovernmental agreements between the Town and school district or the Town may elect to impose a cash in lieu fee to the subdivider based on either the below calculations or a number from the intergovernmental agreements between the Town and school district.

1. For single family dwelling units, the amount of land shall be 1.84 acres per 100 dwelling units;
2. For duplex or triplex dwelling units, the amount of land shall be 1.40 acres per 100 dwelling units;
3. For multi-family dwelling units, other than duplex or triplex units, the amount of land shall be 0.64 acres per 100 dwelling units;
4. For condominium and town home units, the amount of land shall be 0.82 acres per 100 dwelling units; and
5. For mobile homes, the amount of land shall be 1.10 acres per 100 dwelling units.

Proposed

6.8 Contribution for Public School Sites

6.8.1 To meet the increased need for schools as a result of new housing, the subdivider shall dedicate land areas or sites suitable for school purposes in the amount specified for every dwelling unit, or portion thereof, which may be constructed within the subdivision to serve the elementary, middle, and high school public school needs of the residents of such dwelling units **in accordance with the most recently signed Intergovernmental Agreement (IGA) between the Town and appropriate school district.** The Town may elect that public-school sites may be transferred and conveyed to the Town or school district pursuant to stipulations in intergovernmental agreements between the Town and school district or the Town may elect to impose a cash in lieu fee to the subdivider **as established in the aforementioned IGA.** ~~based on either the below calculations or a number from the intergovernmental agreements between the Town and school district.~~

~~REMOVED 1. For single family dwelling units, the amount of land shall be 1.84 acres per 100 dwelling units;~~

~~REMOVED 2. For duplex or triplex dwelling units, the amount of land shall be 1.40 acres per 100 dwelling units;~~

~~REMOVED 3. For multi-family dwelling units, other than duplex or triplex units, the amount of land shall be 0.64 acres per 100 dwelling units;~~

~~REMOVED 4. For condominium and town home units, the amount of land shall be 0.82 acres per 100 dwelling units; and~~

~~REMOVED 5. For mobile homes, the amount of land shall be 1.10 acres per 100 dwelling units.~~

Article 7. Signs

7.6 Prohibited Signs (page 156)

Summary: With a continuous increase in development comes the increased desire from developments to promote or advertise their use. While growth in the Town's housing stock and commercial properties is encouraged and embraced, some signage may hinder the community's safety and appearance. These signs are secondary to developments and events and should not negatively impair their potential user.

Existing

7.6 Prohibited Signs.

This section provides a list of signs inconsistent with the purposes and standards of the Timnath sign requirements and are prohibited in all zoning districts.

Proposed

ADDED - 7.6 Prohibited Signs.

7.6.20 Inflatable signs or balloons, signs that are designed to appear as inflatable signs (e.g., plastic balloons), with the exception of personal use to advertise temporary events on private property (e.g., birthdays, graduation). Notwithstanding the contrary, prohibited inflatable signs or balloons may be allowed with a Temporary Sign Permit approved by the Director.

7.6.21 Any sign containing or consisting of ribbons, streamers, spinners, pennants or similar moving, fluttering or revolving devices.

7.6.22 Banners or wraps on construction trailers.

7.6.23 Window signs, except as provided in Sections 7.5.7 and 4.4.1.7 D.5 of this Code.

Article 11. Definitions – Family (page 216)

Summary: Staff is proposing a revision to the Town’s existing definition of “Family” to align with the recently signed House Bill 24-1007 prohibiting local governments from basing occupancy limits on whether there is a family relationship unless they are tied to a health or safety standard. This will go into effect July 1, 2024.

Existing

Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or,
- b. Any unrelated group of persons consisting of :
 1. Not more than three persons; or,
 2. Not more than two unrelated adults and their lineal descendants, if any; or
 3. Not more than eight developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single housekeeping unit.

Proposed

CHANGED – Family means an individual living alone, or **either of the following** groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities. **Occupancy limits are based on demonstrated health and safety standards such as the most recently adopted International Building Code (IBC) standards, fire code regulations, or Colorado Department of Public Health and Environment (CDPHE) wastewater and water quality standards.**

~~a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or,~~

~~b. Any unrelated group of persons consisting of:~~

~~1. Not more than three persons; or,~~

~~2. Not more than two unrelated adults and their lineal descendants, if any; or~~

~~3. Not more than eight developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single housekeeping unit.~~

Article 11. Definitions

Window Signs (page 234)

Summary: Staff recommends adding a definition for “window signs” within Article 11 of the Land Use Code. To this point, window signs are not explicitly defined and are currently reviewed as Wall Signs for previous requests. In addition, staff is proposing to prohibit this sign type when exceeding the exempt “door sign” standards to maintain transparency.

Existing

No definition for this specific type of sign.

Proposed

ADDED - Window Signs. A sign that is painted on, applied to, attached or otherwise affixed to the exterior or interior of a window, or located within one foot of the inside of the window, in such manner that it is visible from the exterior of the building through the window. The phrase “window sign” does not include merchandise in a window display, business hours, or required addressing.