

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 12, 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. 15 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.

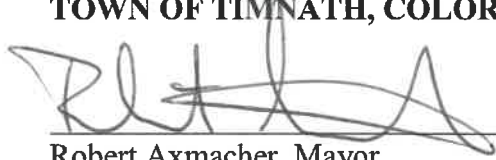
ARTICLE 4 – EFFECTIVE DATE

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 15

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

| | | |
|------------------|-----------------------|---------------------------------------|
| Article 2 | Section 2.9.8 | Modification to Prior Approval |
| | Section 2.9.11 | Administrative Plat |
| Article 5 | Table 5.5 | Buffer Yard Requirements |

Article 2. Administration

2.9.18 Modification to Prior Approval – Landscape and Infrastructure Plans (page 44)

Summary: As more development occurs there is a greater potential for modification to previously approved plans. With a focus on a forward thinking approach, staff is proposing additional prerequisites for applications specific to landscape and infrastructure plans. This added language will provide parameters for reviewing modifications to items that may not be defined within a “10% measurable standard”.

Existing

2.9.18 Modification to Prior Approval. A modification to prior approval is an administrative review procedure for minor changes of a previously approved development application. Concept review will be required to determine if the proposed changes fall within the modification to prior approval.

2.9.18.1 Applicability. A modification to prior approval is permitted when:

- A. The amended plan continues to comply with the standards of this code, per the original approval;
- B. The amended plan does not change more than 10% of any measurable standard on the approved plan;
- C. The amended plan does not change the character of the development;
- D. The amended plan does not change the boundary of the approved plan or show improvements outside of the boundary of the approved plan;

2.9.18.2 Pre-application conference. See section 2.9.3.1

2.9.18.3 Modification to prior approval application submittal. The applicant shall submit a complete Modification to prior approval application package to the Town Planner. Modification to prior approval application package shall include the following unless waived by the Town Planner:

- A. Land Use application and application fee.
- B. Modification to Prior Approval – pertinent Technical Criteria Form.
- C. Title commitment or proof of ownership or proof of authorized agent.
- D. Written statement to describe the precise nature of the proposed modification and its characteristics.
- E. Approved Drawings/Documents
- F. Proposed modification drawings/documents

2.9.18.4 Town Planner shall review for completeness. See section 2.9.3

2.9.18.5 Referrals. Referrals shall be sent to all affected agencies and local governments, and specific property owners.

2.9.18.6 Posting a sign. See Section 2.9.

2.9.18.7 Decision. After certification that the application is complete, and meets all of the Town Criteria, the Town Planner shall render a determination if the modification shall be an administrative approval, approved with conditions, or denied.

2.9.18.8 Review criteria. A. Same as originally approved process

Proposed

2.9.18 Modification to Prior Approval. A modification to prior approval is an administrative review procedure for minor changes of a previously approved development application. Concept review will be required to determine if the proposed changes fall within the modification to prior approval.

2.9.18.1 Applicability. A modification to prior approval is permitted when:

NO CHANGE - A. The amended plan continues to comply with the standards of this code, per the original approval;

~~REMOVED~~ - B. ~~The amended plan does not change more than 10% of any measurable standard on the approved plan;~~

ADDED - B. The amended plan does not change more than 10% of any design standard (e.g., plant count, open space) upon demonstration that the increase or decrease is appropriate for the proper function of the development. The amendment may not reduce these standards below what is required by Code (e.g., open space requirements may request a 10% change but shall still adhere to the required minimums for the development);

NO CHANGE - C. The amended plan does not change the character of the development;

NO CHANGE - D. The amended plan does not change the boundary of the approved plan or show improvements outside of the boundary of the approved plan;

ADDED - E. The amended plan does not create a 10% increase of the building footprint. A reduction in building footprint shall be permitted under this section if it does not also impact the building height or residential density.

ADDED - F. The amended plan proposing changes to public improvements and drainage shall be consistent with the Town of Timnath Design Criteria Manual and Larimer County Urban Area Street Standards (LCUASS);

ADDED - G. Amendments requesting relief beyond the requirements of this Code from applicable standards contained in Section 2.9.15.3 shall follow the Town Council Waiver process for approval;

NO CHANGE - 2.9.18.2 Pre-application conference. See section 2.9.3.1

NO CHANGE - 2.9.18.3 Modification to prior approval application submittal. The applicant shall submit a complete Modification to prior approval application package to the Town Planner. Modification to prior approval application package shall include the following unless waived by the Town Planner:

NO CHANGE - A. Land Use application and application fee.

NO CHANGE - B. Modification to Prior Approval – pertinent Technical Criteria Form.

NO CHANGE - C. Title commitment or proof of ownership or proof of authorized agent.

NO CHANGE - D. Written statement to describe the precise nature of the proposed modification and its characteristics.

NO CHANGE - E. Approved Drawings/Documents

NO CHANGE - F. Proposed modification drawings/documents

NO CHANGE - 2.9.18.4 Town Planner shall review for completeness. See section 2.9.3

NO CHANGE - 2.9.18.5 Referrals. Referrals shall be sent to all affected agencies and local governments, and specific property owners.

~~REMOVED -2.9.18.6 Posting a sign. See Section 2.9.~~

NO CHANGE - 2.9.18.7 Decision. After certification that the application is complete, and meets all of the Town Criteria, the Town Planner shall render a determination if the modification shall be an administrative approval, approved with conditions, or denied.

NO CHANGE - 2.9.18.8 Review criteria. A. Same as originally approved process

Article 5. Development Standards
Administrative Plat (page 36)

Summary: The purpose of this change is to simplify the administrative subdivision plat process further to ensure the proposed lot line adjustment continues to conform with the major subdivision review criteria while avoiding lengthy review timelines for minor amendments.

Existing

2.9.11 Administrative Plat. The purpose of the administrative subdivision plat is to provide a simple administrative subdivision process.

2.9.11.1 Applicability. Administrative subdivision plat approval is applied to:

- A. Correcting a drafting or other technical error on a recorded subdivision plat; or
- B. Adjusting one or more lot lines on a recorded subdivision plat where:
 - 1. The boundaries of ten or fewer lots are changed;
 - 2. There is no increase in the number of lots;
 - 3. No existing OR dedicated easements or rights-of-way are changed;
 - 4. All resulting lots will comply with the requirements of this Code. No lots are created that will result in the need for a zoning variance or an exception to the Subdivision Design Standards;
 - 5. All required public improvements are installed and approved;
 - 6. There have not been other Administrative Plats within the same subdivision such that in combination with the proposed Administrative Plat they would circumvent the intent of this Section;
 - 7. The approval of the Administrative Plat will not violate any provisions of this Chapter.

Article 5 – Administrative Plat

Proposed

2.9.11 Administrative Plat. The purpose of the administrative subdivision plat is to provide a simple administrative subdivision process.

2.9.11.1 Applicability. Administrative subdivision plat approval is applied to:

A. Correcting a drafting or other technical error on a recorded subdivision plat; or

B. Adjusting one or more lot lines on a recorded subdivision plat where:

~~REMOVED - 1. The boundaries of ten or fewer lots are changed;~~

ADDED - 1. The amended plat continues to comply with the standards of this code, per the original approval;

NO CHANGE - 2. There is no increase in the number of lots;

NO CHANGE - 3. No existing OR dedicated easements or rights-of-way are changed;

NO CHANGE - 4. All resulting lots will comply with the requirements of this Code. No lots are created that will result in the need for a zoning variance or an exception to the Subdivision Design Standards;

NO CHANGE - 5. All required public improvements are installed and approved;

NO CHANGE - 6. There have not been other Administrative Plats within the same subdivision such that in combination with the proposed Administrative Plat they would circumvent the intent of this Section;

NO CHANGE - 7. The approval of the Administrative Plat will not violate any provisions of this Chapter.

ADDED - 8. The proposed lot line adjustment will not require an amendment to other previously approved plan sets (e.g., construction drawings, landscape plans).

Article 5. Development Standards

Table of Buffer Yard Requirements (page 114)

Summary: As further simplification and ease of use, the buffer yard table of requirements is being recommended for the below modifications.

Existing _____

Table 5.5 Buffer Yard Requirements

| | | Existing Zoning (1) | | | | | | | | | | | | | |
|-----------------|-------|---------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Proposed Zoning | Zones | A | RE | R1 | R2 | R3 | R4 | RMU | CMU | B | NC | CC | RC | I | |
| | 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) | NR (2) |
| | RE | 10 (3) | NR | NR | NR | NR | NR | 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 | 10 | 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 | |
| | I | 60 (5) | 60 (5) | 60 (5) | 60 (5) | 60 (5) | 60 (5) | 60 (5) | 60 (5) | 60 (5) | 60 (5) | 60 | 60 | 50 | NR |

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.

Existing

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

Proposed

Staff is proposing the following rewrite of the buffer yard footnotes to provide added security and flexibility to the standards established in the table.

1. **ADDED** - Development proposals adjacent to a property within the Towns Growth Management Area (GMA) in Larimer or Weld County shall provide a buffer yard based on the existing Future Land Use Designation established in the Timnath Comprehensive Plan for the adjacent County property. Land Use Designations will be evaluated from the permitted zoning districts for appropriate buffering between potential uses.
2. **ADDED** - Buffering requirements for uses that propose higher intensity shall be subject to the discretion of the Town Planner and shall be identified, evaluated, and acceptably mitigated through the imposition of reasonable standards.
3. **ADDED** - Buffer considerations to be accounted for during the Major Subdivision Process and identified during Sketch Plan Review.
4. **ADDED** - If another screening buffer is required by the Land Use Code, the greater requirement shall apply.
5. **ADDED** - Screening and buffering shall be met on the property of the higher intense use.
6. **ADDED** - Properties that upzone shall provide additional buffering to meet minimum standards of Table 5.5. Additional buffering may be required as mentioned above (2).
7. **ADDED** - The Town Planner may approve site designs with alternative compliance where the deviation is the minimum needed for effective site design or is otherwise mitigated by enhanced site elements.

ADDED –

Buffer Yard 20 Minimum Requirements

Option 1 – Evergreen Planting

- 20' wide ground cover.
- Two (2) large shade trees per 100 lineal feet.
- Four (4) small evergreen trees per 100 lineal feet (must be planted inside a planting bed).

Option 2 – Shrub Planting

- 20' wide ground cover.
- Two (2) large shade trees per 100 lineal feet.
- Four (4) small ornamental trees per 100 lineal feet.
- Shrub bed that must cover at least 75% of the buffer length and be at least 5' wide. Shrub coverage must have at least 100% shrub coverage along bed length at maturity or may be clustered.
- 25% of required shrubs must be evergreen.

Buffer Yard 30 Minimum Requirements

Option 1 – Evergreen Planting

- 30' wide ground cover.
- One (1) large shade tree per 100 lineal feet.
- Four (4) small evergreen trees per 100 lineal feet.
- Two (2) large evergreen trees per 100 lineal feet.
- All evergreen trees must be inside a planting bed.
- Berming with no more than a 4:1 slope will be provided along entire 100 foot lineal length. Berming should undulate and tie into existing and or proposed grades.

Option 2 – Shrub Planting

- 30' wide ground cover.
- Two (2) large shade trees per 100 lineal feet.
- Five (5) ornamental trees per 100 lineal feet.
- Shrub bed that must cover 100% of buffer length and be at least 5' wide. Shrub bed must have 100% shrub coverage along bed length or may be clustered.
- 25% of required shrubs must be evergreen.
- Berming with no more than a 4:1 slope will be provided along entire 100 foot lineal length. Berming should undulate and tie into existing and or proposed grades.