TOWN OF TIMNATH, COLORADO ORDINANCE NO. 7, SERIES 2025

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, 2023 and 2024, (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 seventeen 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, related to expiration of development applications and approvals, solar energy systems, accessory dwellings, outdoor lighting, residential design standards, and natural medicine land uses; and

WHEREAS, the Timnath Planning Commission held regularly scheduled meetings and Public Hearings on February 18, 2025, March 18, 2025, and April 15, 2025 and recommended approval of changes contained in Land Use Code Amendment No. 18 to Town Council by unanimous vote; and

WHEREAS, the Timnath Town Council held a regularly scheduled meeting and Public Hearing on May 13, 2025 and upon hearing the statements of staff and the public, and giving consideration to the recommendations wishes to adopt this 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 APRIL 22, 2025, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MAY 13, 2025 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 13, 2025.

TOWN OF TIMNATH, COLORADO

Robert Axmacher, Mayor

ATTEST:

Milissa Peters-Garcia, MMC

Town Clerk

EXHIBIT A

Land Use Code Amendments (see attached)



Land Use Code Amendments

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

Expirations of Approved Plans

Document Mark-Up Conventions:

- Text in <u>red underline</u> is proposed new language.
- Text in-strikethrough is proposed deleted language.
- Only modified sections are included. You may wish to look at other sections for additional context.

Proposal

2.9.7 Land Use Code and Zoning Map Amendments

2.9.7.6 Effect of Decision. Upon approval of a text amendment to the Land Use Code or a zoning map amendment, the change shall take effect on the date of approval, or another specific date as stated in the ordinance approving the amendment.

2.9.8 Conditional Use Review

2.9.8.9 Effect of Decision. Approval of a conditional use shall be valid for two years. The approval shall expire if the applicant does not apply for a building permit or other applicable development or construction permits. The Community Development Director may grant a one-time extension of up to one year for good cause if the applicant submits a written request at least 30 days before the approval expires. Any additional extensions or extensions exceeding one year must be reviewed and approved by the original decision-making body before the expiration date. The decision-making body will determine whether a reasonable cause justifies the additional extension.

2.9.9 Development Site Plan Review

2.9.9.11 Effect of Decision. Approval of a development site plan shall be valid for two years. The approval shall expire if the applicant does not apply for a building permit and commence construction within that period. The Community Development Director may grant a one-time extension of up to one year for good cause if the applicant submits a written request at least 30 days before the approval expires. Any additional extensions or extensions exceeding one year must be reviewed and approved by the original decision-making body before the expiration date. The decision-making body will determine whether a reasonable cause justifies the additional extension.

2.9.10 Subdivisions

2.9.10.14 Effect of Decision

A. Minor Subdivision Effect of Decision. Approval of a minor subdivision shall create a

vested property right in accordance with Section 2.10, unless otherwise specified in a fully executed agreement. The Town Clerk shall record the plat with the county.

- B. Sketch Plan Effect of Decision. Approval of a sketch plan shall be valid for two years. The approval shall expire if a preliminary plat is not approved within two years of the sketch plan approval. The Community Development Director may grant a one-time extension of up to one year for good cause if the applicant submits a written request at least 30 days before the approval expires. Any additional extensions or extensions exceeding one year must be reviewed and approved by the original decision-making body before the expiration date. The decision-making body will determine whether a reasonable cause justifies the additional extension.
- C. Preliminary Plat Effect of Decision. Approval of a preliminary plat does not constitute acceptance of the subdivision but authorizes preparation of the final plat. The approval shall be valid for two years. The submittal of a complete final plat application for any portion of the subdivision within that two-year period shall automatically extend the approval period for the remaining portion by one additional year from the date of the proposed final plat submission. The approval shall expire if a final plat is not submitted within two years of the preliminary plat approval, and approved within one year thereafter.
- D. Final Plat Effect of Decision. Approval of a final plat shall create a vested property right in accordance with Section 2.10, unless otherwise specified in a fully executed agreement. The Town Clerk shall record the final plat with the county, upon satisfaction of any conditions of approval. If not recorded within three years of approval, a final plat shall expire.

2.9.11 Administrative Plat

- 2.9.11.6 Record minor subdivision plat. Upon approval of the fully-executed Administrative Plat by the Town Planner, the Town Clerk shall record one the original Mylar drawing of the administrative subdivision plat in the office of the Larimer County Clerk and Recorder. Effect of Decision. Approval of an administrative plat shall create a vested property right in accordance with Section 2.10. The Town Clerk shall record the approved administrative plat with the county. Any administrative plat not recorded within the timeframes established in Section 2.10 shall expire.
- 2.9.12 Vacation of Right-of-Way and Other Public Easements
- 2.9.12.10 Effect of Decision. Right-of-way and public easement vacations shall be approved by ordinance or resolution by the Town Council. The Town Clerk shall record the approved ordinance or resolution and any associated maps or documents with the county. Upon recording, the property shall revert to abutting owners as provided by statute and

shall be subject to any reservations, limitations, or conditions specified in the ordinance or resolution.

2.9.13 Variances

2.9.13.11 Expiration Effect of Decision. Unless otherwise stated in the Board of Adjustment's motion or resolution of approval, all rights to permits authorized by a variance shall expire one year after the variance approval becomes final. The Board of Adjustment may grant a one-time extension of up to six months for good cause shown.

2.9.14 Planned Development District

2.9.14.10 Effect of Decision. Approval of a planned development district shall create a vested property right in accordance with Section 2.10, unless otherwise specified in a fully executed agreement.

2.9.15 Town Council Waivers

2.9.15.6 Effect of Decision. Approval of a waiver associated with a development application shall be valid for two years. The approval shall expire if the applicant does not apply for a building permit and commence construction of the improvement for which the waiver was granted within that period. The Community Development Director may grant a one-time extension of up to one year for good cause if the applicant submits a written request at least 30 days before the approval expires. Any additional extensions or extensions exceeding one year must be reviewed and approved by the original decision-making body before the expiration date. The decision-making body will determine whether a reasonable cause justifies the additional extension.

2.9.16 Appeals of Administrative Decisions

2.9.16.3 Effect of Decision. A decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official but shall be limited to the facts and circumstances of the particular case. Any person aggrieved by a final decision of the Board of Adjustment may appeal to the district court with jurisdiction within 30 days of the final decision.

2.9.18 Modification to Prior Approval

2.9.18.8 Effect of Decision. Approval of a modification to a prior approval shall be valid for two years. The approval shall expire if the applicant does not apply for a building permit and commence construction within that period. The Community Development Director may grant a one-time extension of up to one year for good cause if the applicant submits a written request at least 30 days before the approval expires. Any additional extensions or

extensions exceeding one year must be reviewed and approved by the original decision-making body before the expiration date. The decision-making body will determine whether a reasonable cause justifies the additional extension.

2.10 Vested Rights

- 2.10.2 Definition. For purposes of Article 68 of Title 24, C.R.S., a site specific development plan means a document that complies with all requirements of this Section and consists of one of the following:
 - 2.10.2.1 A conditional use permit approved pursuant to Section 2.9.8. An administrative plat approved pursuant to Section 2.9.11.
 - 2.10.2.2 A final subdivision plat approved pursuant to Section 2.9.10. A minor subdivision plat approved pursuant to Section 2.9.10.
 - 2.10.2.3 A final plat replat approved pursuant to Section 2.9.10. A final subdivision plat approved pursuant to Section 2.9.10.
 - 2.10.2.4 A final planned development approved pursuant to Section 2.9.14. A final plat replat approved pursuant to Section 2.9.10.
 - 2.10.2.5 A final planned development approved pursuant to Section 2.9.14.

Solar Energy Facilities

Document Mark-Up Conventions:

- Text in <u>red underline</u> is proposed new language.
- Text in-strikethrough is proposed deleted language.
- Text in blue is moved from another location.
- Text in blue strikethrough was deleted from its original location.
- Only modified sections are included. You may wish to look at other sections for additional context.
- Existing sections 4.4.43 through 4.4.46 and all of their subsections shall be renumbered to fit the following sections.

Proposal

Table 4.1 Standard District Table of Permitted Uses

P = Permitted without conditions PC = Permitted with conditions C = Conditional Use * = Not Allowed			RES	IDEN	TIAL		MIX	KED-USE		27/07	JSINES 4MERG			
	А	RE	R1	R2	R3	R4	RMU	CMU	В	NC	CC	RC	1	НС
Industrial Uses														
Solar Energy Facility	PC	*	*	*	*	*	*	*	*	*	*	*	*	*

4.4.43 Temporary Building. Solar Energy Facility. Solar energy facilities shall constitute the principal use of the lot on which they are located. A development site plan is required for all such systems. Installations in zones not listed as permitted with conditions (PC) in Table 4.1 are prohibited.

4.4.43.1 Site Plans. A development site plan application for a solar energy facility shall be submitted on one or more plats or maps, showing the following information:

A. The proposed size, location and boundaries of the solar energy facility, including existing and proposed topography at two-foot intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site.

B. Elevations of all equipment, indicating materials, overall exterior dimensions and colors.

C. True north arrow.

- D. Locations and sizes of existing and proposed improvements, including any existing vegetation and proposed landscaping.
- E. Existing utility easements and rights-of-way.
- F. Location of access roads.
- G. The name of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred feet of the site; zoning and uses of adjacent parcels.
- H. Title Commitment or Proof of Ownership.
- I. Other information as may be essential and any information requested by the Town which is necessary for determining whether the provisions of this Code are met.
- 4.4.43.2 Written Narrative. The application shall include an explanation of the need for the solar energy facility, proposed buffering and landscaping, maintenance and security measures, visual impacts and drainage considerations, and anticipated site traffic.
- 4.4.43.3. Hazardous Materials Management Plan. The application must include the following information:
 - A. A complete list of all hazardous materials to be used or stored on-site, including waste oils, lead-containing components, and any liquid-filled panels with fire retardants.
 - B. Protocols for the safe storage, handling, and transportation of hazardous materials, ensuring compliance with applicable federal and state regulations.
 - C. Measure to prevent spills and procedures for responding to potential hazardous material incidents.
 - D. Methods for the proper disposal of hazardous materials in accordance with environmental regulations.
- 4.4.43.4 Height and Setback Standards. In all zone districts where solar energy facilities are permitted, the following apply:
 - A. The location of ground mounted and free-standing solar collectors shall be setback from all property lines a minimum of fifty (50) feet and shall be located at least one hundred (100) feet from all residentially zoned land.

Additional setbacks may be required to mitigate visual and functional impacts.

- B. Ground mounted solar collectors shall not exceed twenty (20) feet in height when oriented at maximum tilt.
- C. A twenty (20) foot wide, densely planted perimeter landscape buffer must be installed to screen the solar energy facility from public rights-of-way and neighboring residences, following the Buffer Yard Tree Schedules outlined in Section 5.7.7.3. Additionally, a six (6) foot tall fence shall be placed inside the landscape perimeter to enclose the site.
- D. No more than eighty percent (80%) of the total lot area shall be utilized for a solar energy facility installation.

4.4.43.5 General Design Standards.

- A. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjoining properties and streets.
- B. To the extent reasonably possible, solar energy facilities shall be designed using such features as colors, material, textures, screening and landscaping so as to blend into their settings and avoid visual blight. The solar energy facility shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective and a neutral color. Finishes shall be matte.
- C. Solar energy facility shall not be used for the display of advertising.
- D. Vegetation clearing shall be limited to what is necessary for construction, operation, and maintenance. If tree removal is required, a plan must be provided demonstrating its necessity. Applicants should position solar energy facilities to minimize tree removal whenever feasible.
- E. Any accessory buildings and any outside storage associated with a solar energy facility must, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment. Appropriate landscaping and architecture shall be provided to screen accessory structures from roads and adjacent residences.

- F. Solar energy facility must comply with the Town's stormwater management regulations to prevent erosion, runoff, and water quality impacts.
- G. Lighting shall be limited to the minimum extent necessary for security and shall incorporate full cut-off light fixtures.
- E. Facilities must be designed to withstand severe weather events, including high winds and hail.

4.4.43.6 Safety and Infrastructure Standards

- A. The solar energy facility must meet all state and national electrical codes, including adequate grounding, circuit protection, and fire safety measures.
- B. The solar energy facility must be secured with fencing or other barriers to limit unauthorized access. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Adequate signage must be provided to warn of electrical hazards at the entrance and perimeter of the facility.
- C. Adequate access must be provided for emergency vehicles and for maintenance access.
- D. All electrical interconnections and distribution lines within the project boundary shall be underground, except for power lines that extend beyond the project site or are within a substation.

4.4.43.7 Monitoring and Reporting.

- A. The solar energy facility must undergo regular maintenance and safety inspections, with records submitted to the Town.
- B. All solar energy facilities systems must report their energy production levels to the Town annually, including the amount of energy generated and any issues related to facility performance. Any solar energy facility system that has generated no electricity for a period of twelve (12) months shall be deemed to be abandoned and shall be decommissioned within six (6) months.

4.4.43.8 Decommission and Site Restoration

A. A decommissioning plan must be submitted as part of the site plan application process. The decommission plan shall include, but not be limited to the following:

- 1. A time schedule and methods for removal of the entire solar panel collector and all associated facilities and equipment connected there to from the premises;
- 2. Cleaning and restoration of the property to its pre-installed condition, including grading, return of topsoils, and vegetative restabilization to ensure proper decommissioning and site restoration.
- 3. Posting of financial surety in an amount to be determined by the Public Works Director. Such financial surety shall be provided either through a security deposit, escrow account, bond, or in a manner otherwise acceptable to the Town. It is intended to cover, in whole, the cost of decommissioning in the event the Town must remove any solar energy facility and associated structures/components, as well as restore the site subsequent to such removal in accordance with the approved decommissioning plan. Upon successful completion of all decommissioning activities, any remaining portion of the posted financial surety shall be returned to the applicant.
- B. If said decommissioning has not been completed within the requisite six (6) month period, then the Community Development Director shall provide written notice by certified mail to the landowner requiring the decommissioning be completed within thirty (30) calendar days of the receipt and said notice.
- C. If the decommissioning has not been completed within the thirty (30) calendar days of receipt of said notice, the Town may either undertake the decommissioning and charge the landowner and/or solar facility owner and operator for all of the costs and expenses thereof, including reasonable attorney's fees, or take appropriate legal action to compel the decommissioning. All costs incurred by the Town shall be billed to the landowner and if not paid within sixty (60) calendar days of billing, shall become a lien against the property.
- 4.4.44 Temporary Uses. Temporary Buildings.
- 4.4.45 Veterinary Facilities Small Animals. Temporary Uses
- 4.4.46 Wireless Telecommunication Facilities. Veterinary Facilities Small Animals
- 4.4.47 Wireless Telecommunication Facilities

11.2 Definitions

Solar Collector: A solar photovoltaic cell, panel or array, or any solar hot air or solar energy collector which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored energy to heat, air or water.

Solar Energy Facility: One or more ground installed solar collectors and all associated equipment involved in the conversion of solar radiation to electrical energy, for wholesale or retail sale, which functions as the only principal use on the land on which such system is situated with said land constituting ten or more acres in size.

Accessory Dwellings

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Proposal

2.9.2.3 Administrative development approvals involve the application of the standards of the Land Use Code to an application by an administrative official or body. A public hearing is not required. Examples include accessory dwellings, development plan reviews, administrative waivers, administrative plats, building permits and certificates of occupancy.

Table 4.1 Standard District Table of Permitted Uses

P = Permitted without conditions PC = Permitted with conditions C = Conditional Use * = Not Allowed			RES	IDEN	TIAL		MI	(ED-USE			ISINES 4MERC			
	Α	RE	R1	R2	R3	R4	RMU	CMU	В	NC	CC	RC	I	НС
Residential Uses and Structures	5													
Accessory buildings and accessory uses														
Dwelling, accessory	PC	PC	PC	PC	PC	*	PC	PC *	* PC	*	*	*	*	*

4.4.1.6 Accessory dwellings.

- A. Accessory dwellings shall be limited to 850 square feet in total floor area. Accessory dwellings may be permitted when associated with a single-family detached dwelling.
- B. An accessory dwelling may be attached, within, or separate from the principal dwelling. The floor area of an accessory dwelling shall be a minimum of 400 square feet and limited to no more than the larger of:
 - 1. <u>850 square feet in floor area for lots 10,000 square feet or less, if in a detached building or attached to the principal building.</u>
 - 2. 1,000 square feet in floor area for lots 10,001 square feet or more, if in a detached building or attached to the principal building.
 - 3. Equal to the building footprint if internal to the principal building.

- C. The principal use of the lot shall be residential and the principal structure on the lot shall be a single-family residential building. Only one accessory dwelling is permitted per single-family detached lot in any zone district where accessory dwellings are permitted.
- D. No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit. No additional parking space is required for an accessory dwelling. Where a parking space is provided, it shall be subject to all lot coverage and frontage design standards.
- E. The accessory dwelling shall be owned by the same person as the principal dwelling. The accessory dwelling shall meet the development and dimensional standards for the lot outlined in Article 4 and Article 5.
- F. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling accessed from a street. The accessory dwelling shall comply with the following standards:
 - 1. The accessory dwelling shall be clearly subordinate to the principal dwelling through the location of access, building entrances, parking, and other design features that accommodate the accessory dwelling.
 - 2. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
 - 3. The accessory dwelling must have a separate entrance from the principal dwelling.
 - 4. Prior to the occupancy of the accessory dwelling, all building and occupancy permits shall be approved, and inspections conducted demonstrating compliance with applicable building and fire safety codes.
- G. A detached accessory dwelling may be a dwelling only or may combine a dwelling with a garage, workshop, studio, or similar customary accessory structure/ use. Accessory dwellings must be built to International Residential Code (IRC) standards, which excludes mobile homes, RVs, multipurpose trailers, and tiny homes on wheels. Manufactured homes are permitted if they meet the IRC and are placed on a permanent foundation.
- H. A detached accessory dwelling shall be located in the rear yard. Section 4.4.1.6 supersedes any restriction in an approved Planned Development Overlay District that would restrict accessory dwellings in connection with single-family detached homes. Any future Planned Development Overlays Districts may not contain provisions that restrict the construction or conversion of accessory dwellings in ways not permitted by this Section.

I. The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.

5.6 Table of Parking Requirements

Use	Minimum Spaces Required
Residential Uses:	
Accessory dwelling	1 per DU

11.2 Definitions

Accessory Dwelling: means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings. Accessory dwellings shall be limited to 850 square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as ½ dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to a single-family dwelling. An internal, attached, or detached dwelling unit that:

(a) provides complete independent living facilities for one or more individuals; (b) is located on the same lot as a proposed or existing primary residence; and (c) includes facilities for living, sleeping, eating, cooking, and sanitation.

Outdoor Lighting

• Complete overhaul of lighting section

	Α	RE	R1	R2	R3	R4	RMU	CMU	В	NC	CC	RC	1
5.3.3 Outdoor Lighting													
5.3.3.1 Design Standards													
A. Outdoor lighting shall be LED "Dark Sky" compliant, per the International Dark Sky Association requirements. All fixtures must be fully shielded and full cut-off, except as otherwise permitted in this	◊	٥	٥	٥	٥	٥	٥	٥	٥	•	◊	٥	٥
Section, to reduce light pollution and minimize glare. B. Full cutoff fixtures shall be installed in a horizontal	٥	٥	0	٥	◊	٥	0	◊	٥	0	٥	٥	(
cosition as designed. C. All outdoor lighting shall have a color-correlated temperature (CCT) of 3,000 Kelvin or less. On properties located immediately adjacent to any public open space or natural areas, all lighting shall have CCT of 2700 Kelvin or less.	٥	٥	o	٥	◊	٥	٥	٥	٥	◊	٥	٥	(
D. Lamps and bulbs less than nine hundred (900) tumens shall be within a fully shielded fixture or must be partially shielded within a light fixture where the bulb or lamp are obscured from view by a material that diffuses the light (i.e., frosted or milk colored material), except as otherwise permitted in this Section.	٥	٥	٥	٥	٥	٥	٥						
E. Unshielded lighting that emits more than nine hundred (900) lumens but less than or equal to one thousand two hundred (1,200) lumens is permitted provided that it is activated by a motion sensor that is aimed no higher than 45 degrees from horizontal and located in such a manner as to prevent glare and light trespass. The light shall only go on when activated and go off within five minutes of activation. Motion sensor activated lighting shall not be triggered by any movement or activity located off the property on which the light is located. Unshielded lighting in excess of one thousand two hundred (1,200) lumens is prohibited.	٥	٥	٥	\lambda	٥	◊	◊	◊	٥	•	◊	\lambda	(
F. The lighting of a building façade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions: 1. All upward aimed light shall not exceed nine hundred (900) lumens and shall be fully shielded and confined from projecting into the sky by eaves, roofs, or overhangs, and mounted as flush to a wall as possible. 2. Building façade lighting exceeding nine hundred (900) lumens shall be fully shielded, aimed downward, and mounted as flush to a wall as possible. 3. Building façade lighting shall not extend beyond the highest point of any structure. 4. Building façade lighting shall be included in the site's total allowable foot-candle limits.	٥	٥	•	•	•	٥	٥	٥	•	•	٥	٥	
G. Any light fixtures located within ten (10) feet of a property line of a residential zoning district, an existing residential use, or within ten (10) feet of a public right-of-way, except as permitted in this Section shall be: 1. Oriented away from the property line, residential use, and/or right-of-way; and	٥	٥	٥	◊	*	٥	0	٥	٥	*	٥	•	

O Chialded as the city of the										-	Т		
Shielded on the side closest to the property line, residential zone, residential use, or													
public right-of-way.		1										-	
H. Light fixtures mounted under or within canopies	٥	٥	٥	٥	0	0	0	0	٥	٥	0	٥	٥
and awnings shall be within full cut-off fixtures with a		•		.	•	٠	•			•	.	*	
flat lens, be aimed downward and installed such that							- 4						
the bottom of the light fixture is recessed or mounted													
flush with the bottom surface of the canopy. All light													
emitted by an under-canopy fixture shall be confined													
to the ground surface directly beneath the perimeter													
of the canopy. No lighting, except that permitted by													
the sign ordinance, shall be permitted on the top or													
sides of a canopy.													
I. A flagpole meeting the requirements of this code	0	٥	٥	٥	٥	٥	0	٥	٥	٥	٥	٥	٥
may be illuminated by one upward aimed fully													
shielded spotlight light fixture which shall not exceed													
three thousand five hundred (3,500) lumens. The light													
fixture shall be placed as close to the base of the													
flagpole as reasonably possible.													
J. Strings of lights may only be used if they are	٥	٥	٥	٥	0	٥	0	٥	٥	٥	◊	\Q	٥
approved by the Community Development Director or													
as part of an outdoor lighting plan or landscape plan.													
The plan must comply with all standards of this													
Section. Strings of lights permitted under this													
subsection shall be displayed in compliance with the											1		
following standards:													
 The string of lights contains only low 													
wattage bulbs that are approved by the													
Town;													
2. The string of lights shall be located within a													
pedestrian way, plaza, patio, outdoor													
dining area, or the primary entry into a													
building;													
The string of lights is not placed in any													
required landscape setback adjacent to a													
street; and 4. The string of lights shall be maintained and													
not obstruct pedestrian pathways or be													
detrimental to the health, safety, and													
welfare of the Town.													
K. The style of lights shall be consistent with the style	0	0	0	0	0	0	0	0	٥	0	٥	0	0
and character of architecture proposed on the site.	*	"			*	*	•	*		*		*	*
Light fixtures that illuminate signage shall be													
compatible with the architecture of the building on													
which they are placed.													
5.3.3.2 Lighting Levels and Light Tresp	ass												
A. Trespass: Maximum light levels at any point along a	0	T 0	0	0	٥	0	O	\ \	0	0	0	0	0
property line shall not exceed 0.1 footcandles			35-2	351	(1.5)		100.00					20500	
measured at the property line within or adjacent to a													
residential zone, 0.2 footcandles measured at the													
property line within or adjacent to a nonresidential			1	1						,			1
zone, and 0.0 footcandles measured at the property				1					1	1			
line adjacent to public open spaces, sensitive natural													
line adjacent to public open spaces, sensitive natural features including streams, creeks, rivers, wetlands,													
features including streams, creeks, rivers, wetlands,													
features including streams, creeks, rivers, wetlands, lakes and reservoirs, and protected species habitat.													
features including streams, creeks, rivers, wetlands, lakes and reservoirs, and protected species habitat. Additional consideration should be given to lighting													
features including streams, creeks, rivers, wetlands, lakes and reservoirs, and protected species habitat. Additional consideration should be given to lighting and light levels within known migratory corridors for													
features including streams, creeks, rivers, wetlands, lakes and reservoirs, and protected species habitat. Additional consideration should be given to lighting and light levels within known migratory corridors for birds and other wildlife, particularly during migration	s (FC	C) sha	all no	t exc	eed th	ne thr	eshold	s estab	olish	ed be	ilow.		
features including streams, creeks, rivers, wetlands, lakes and reservoirs, and protected species habitat. Additional consideration should be given to lighting and light levels within known migratory corridors for birds and other wildlife, particularly during migration periods.	s (FC	C) sha	all no	t exc	eed th	ne thr	eshold 5.0 FC		olish	ed be	low.		
features including streams, creeks, rivers, wetlands, lakes and reservoirs, and protected species habitat. Additional consideration should be given to lighting and light levels within known migratory corridors for birds and other wildlife, particularly during migration periods. Maximum light levels measured in Footcandle	s (FC	C) sha		t exc	eed th	ne thr				ed be	low.		
features including streams, creeks, rivers, wetlands, lakes and reservoirs, and protected species habitat. Additional consideration should be given to lighting and light levels within known migratory corridors for birds and other wildlife, particularly during migration periods. Maximum light levels measured in Footcandle Building Entries	s (FC	C) sha			eed th	ne thr					low.		

Common Open Space Areas or Outdoor Storage		2.0 FC
Areas Maximum Lumen Rating (LM)		
Building Entries		3,000 LM
Parking Areas	10,000 LM	18,000 LM
Loading Areas		30,000 LM
Pedestrian Walkways	4,000 LM	6,500 LM
Common Open Space Areas or Outdoor Storage Areas		6,000 LM
Maximum Rating – Partially Shielded Fixture	900 LM	1,200 LM
Maximum Rating – Unshielded Light Fixture	900 LM	900 LM
Controls	Motion sensors are required for all unshielded fixtures in excess of 900 lumens.	 Except for security lighting, all building and site lighting not necessary for safety shall be turned off within 30 minutes after business closure and remain off until reopening. Motion sensors required for all unshielded fixtures in excess of 1,200 lumens.
Dimming	Lighting in all zone districts shall	be equipped with dimming capabilities.
Maximum Allowable Pole Height (includes Base, Pole, and Luminaire)	• 20' max	25' max (20' when adjacent to residential zones) Wall mount lighting shall not be mounted higher than 12' in height.
Bollard Lighting	47" bollard-type lighting	32" – 47" bollard-type lighting
5.3.3.3 Prohibited Lighting		
A. No person shall install any of the following types of outdoor lighting fixtures:	Blinking, flashing, moving, r chase lighting, except lightin safety or required for air traft. Any upward oriented lightin Section; Searchlights, beacons, and Exposed linear lamps that in diode (LED), and fluorescer architectural highlight to attidentification or advertisem the land use code; Any lamp or bulb, except fo ornamental lighting, which it is located. The use of digital display so	g except as otherwise provided for in this laser source light fixtures; nclude, without limitation, light emitting nt lighting, primarily intended as an tract attention or used as a means of nent except as permitted by sign criteria of r seasonal displays and landscape is visible beyond the property line on which creens, electronic message centers, or any promotional content integrated into or
5.3.3.4 Exemptions A. The standards of this Section shall not apply to the	Agricultural Equipment Light	
following types of outdoor lighting.	Emergency lighting used by Strings of lights located on or on properties that are us they do not create excessiv properties; Low wattage ornamental la operated light fixtures having where any single light fixture. Lighting used exclusively for except lighting associated when the heliport is not in the Public lighting that is located. Seasonal lighting displays if following year are exempt bright. Ball diamonds, playing field.	r police, firefighting, or medical personnel; properties in all residential zoning districts ed exclusively for residential uses, provided to glare or light trespass onto adjacent and scape lighting fixtures, and solar ng self-contained rechargeable batteries, the does not exceed one hundred lumens; or aviation purposes. All heliport lighting, with emergency facilities, shall be turned off use;

		Tov	n. Ho		outdo			less oth such use					no
5.3.3.5 Lighting Plan													
A. As light sources and light fixtures are updated, replaced, and/or added to a development, they shall come into compliance with this Section. If development is proposed that significantly changes or expands the existing development and necessitates additional development and/or building permit approvals, a new lighting plan or addendum may be required.	٥	٥	٥	•	*	•	◊	♦	◊	\lambda	◊	٥	٥
B. A lighting plan shall be submitted with any site plan or building permit application, whichever occurs first, in which outdoor lighting is proposed or required, except for a single-family detached dwelling unit on an individual lot.	٥	٥	٥	٥	٥	٥	٥	\(\)	٥	٥	٥	٥	٥
C. Prior to a building permit final inspection or the issuance of a certificate of occupancy, the applicant shall provide certification that the outdoor lighting as installed complies with the approved illumination plan and the requirements of this Section unless waived or amended by the Community Development Director in writing. The certification shall be completed by the owner, applicant, or their designee acknowledging the on-site lighting was installed and will be maintained subject to the approved lighting plan.	٥	٥	٥	٥	♦	٥	◊	*	٥	٥	◊	◊	٥

The following definitions are added to Sec. 11.2, in alphabetical order with the existing definitions.

11.2 Definitions

Building façade lighting: The lighting of a building façade for architectural, aesthetic, or decorative purposes.

<u>Control</u>: A fully automatic device which can turn on, turn off, or dim lights at predetermined times. A control includes, without limitation, an astronomical time clock, photocell, motion detector, and dimmer.

Correlated Color Temperature (CCT): The measure of the color appearance of the light emitted by a lamp, expressed in Kelvins (K).

Fixture, full cutoff: A light fixture with a light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture.

Fixture, fully shielded: A light fixture that provides internal or external shields or louvers that prevents light being emitted by the fixture from causing glare or light trespass impacts.

Fixture, partially shielded: A light fixture constructed and mounted such that most light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. Light emitted at or above the horizontal direction (sideways or upwards) arises only from incidental decorative elements or strongly colored or diffusing materials such as "honey" or colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side).

Fixture, Unshielded: A light fixture that does not a have barrier preventing horizontal or vertical light trespass. Such lighting shall only be used for security purposes or as otherwise specified in the Land Use Code.

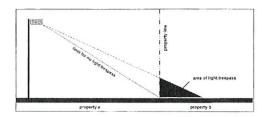
Foot-candle (abbreviated as FC): A unit of measurement for illuminance, or how much light is cast on a surface. One foot-candle equals one lumen per square foot.

Glare: Excessive brightness that causes visual discomfort or impairment.

LED, Narrow-Spectrum Amber: A light-emitting diode (LED) with a peak wavelength between 589 and 595 nanometers and a full width at 50 percent power no greater than 15 nanometers.

<u>Light pollution:</u> Any adverse effect of artificial light, including glare, light trespass, skyglow, and energy waste.

Light trespass: Light projected onto a property from a light source located on a different property.



<u>Lumen</u>: A measure of light energy generated by a light source. The lumen rating of a light bulb or lamp is provided by the bulb manufacturer.

<u>Skyglow:</u> The brightening of the night sky caused by artificial light sources.

Design Detail & Block Diversity

Black is unchanged

Red strikeout is removal of current code language

Blue text is new proposed code language

Green strikeout is the old location of code language being moved

Green standard text is the new location of code language that was already in the code

2.9.10.13 2.9.10.11.D.1. Block Diversity Plan Matrix review criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's Block Diversity Plan Matrix.

- 1. All lots have been approved through the Final Plat Process.
- 2. All applicable technical standards have been met.
- 3. All standards listed in Table 5.3.4.4 Block Diversity have been met.

Table 5.3.4 Building Form and Materials.

5.3.4.1 Form													
	■	RE	R1	22	R3	R 4	RMU	CMU	8	S	ပ္ပ	ည	
A. When adjoining a residential zone, structures shall be of compatible scale to adjacent single-family residential structures.													
Compatibility shall be determined by comparing the consistency of existing and proposed design elements, scale, height, bulk and landscaping. Unless separated by a buffer.						*	*	*	*	*	*		
B . Building facades shall be primarily oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.						*	*	*	*	*	*	*	+
C. Multiple buildings on a site should be clustered to create plaza, green space, or pedestrian mall areas. Where this cannot be achieved buildings shall be connected by means of pedestrian walkways accented by landscape areas.						*	*	*	*	*	*	*	+
D. False or stage-set facades are prohibited. Materials and colors used on the street face shall continue to the sides and rear of the building where visible from a street right-of-way or adjacent residence.						*	*	*	*	*	*	*	4
E. The maximum, unbroken facade plane shall be 50 feet. The facade plane shall be interrupted by projections, recesses, portals, courtyards, plazas, or other appropriate architectural design. Facade plane breaks shall have a minimum depth of 2'.						*	*	*	*	*	*	*	19
F. No metal surfaces (except in industrial) or flat-faced cement block shall be visible upon the exterior of any building as a primary surface material.		*	+	* *	*	*	*	+	*	*	*	*	

G. Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited.		*	*	*	*	*	*	*	*
H. All roof top equipment must be screen from view at the property line, either by parapet of other mechanism.		*	*	*	*	*	*	*	*

	Ø	끮	73	K 2	33	R4	RMU	CMU		SC	ပ္ပ	2
A. Building materials shall suit the architectural style (a defined term) of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among the following: prick, cementitious stucco, stone, vertical board and batten, wood or cementitious siding and approved architectural concrete masonry unit (metal siding is allowed in industrial district only). Dryvit, smooth acc concrete block, or EFIS may only be used in banding, decorator strips, cornice lines and wall capping.		*	*	*	*	*	*	*	*	*	*	*
B. Roof design shall be appropriate to the architectural style (a defined term) of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.	*	*	*	*	*	*	*	*	*	*	*	*

5.3.4.3 Design Detail													
	٧	RF	R1	R2	R3	ВЛ	DMI	I M		C	U	RC	
A. Walls that can be seen from public street shall be treated as a primary building façade.		*	*	*	*	*	*	*	*	*	*	*	7
B. At least 50% of the horizontal distance of any primary facade shall be designed with arcades, windows, entrances, awnings, or similar features.							*	*	*	*	*	*	7
C. Retail facades shall be glazed with clear glass no less than 30% of the first story. Other uses may provide the authentic appearance of such transparency.							*	*	*	*	*	*	,
D. Enhanced Residential Elevations. 1. An elevation of a house (or residential building with 6 or fewer dwelling units) that faces a street, park, trail corridor, or open space area shall provide an enhanced elevation. An enhanced elevation shall provide 3 or more of the following design enhancements listed in (a) through (f) below. Application of the design enhancement shall be applied in a manner that is consistent with the architectural style (a defined term) of the home. Side and rear elevation design enhancements shall be consistent with the design elements of the front elevations. a. The addition of 1 window or door; b. A change in wall plane by providing 1 or more of the following options: • An additional wall plane change. Minimum of 6 feet in width and a minimum 18-inch projection; • A projecting or cantilevered living space; • A bay or boxed window. c. A covered porch a minimum 6 feet in depth (front to back) and a minimum 8 feet in width (side-to-side). Note that covered porches may encroach into the front yard setback so long as the encroachment doesn't conflict with an easement. d. An exterior deck or a patio with a pergola; e. The addition of architectural detail elements such as: window grids, shutters, eave brackets, exposed rafter tails, corbels, lintels, trellises, columns and pilasters; f. The use of a minimum of 2 exterior cladding materials that may include materials such as masonry (cultured stone, stone, brick, stucco, or tile), lap siding, shingles, board and batten, or other decorative siding treatment consistent with style of the elevation.		*	*	*	*	*	*						

E. Color palettes for the exterior of single-family homes shall include a main color and a trim color at a minimum. Additionally, one or more accent colors are highly encouraged. The trim color shall be a contrasting tint or shade form the main house color.	*	*	*	*	*	*						
F. 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. 1. Diversity of Garage Location. Except for garages oriented to alleys, all single-family homes shall provide garages that meet one of the requirements below: a. Recessed garage where the primary garage door generally faces the front lot line and the garage is recessed a minimum of three (3) feet behind the most forward plane of the main floor living space or a front porch; b. Side-loaded garages where the garage door is oriented perpendicular to the street; c. Garages recessed a minimum of two (2) feet beneath a second floor living space. 2. Garage door setback. Any street-facing garage doors shall be setback at least 22 feet from the back of the sidewalk or property line, whichever is more restrictive. 3. Street facing garage doors shall make up less than 50% of the total home frontage. 4. Three Car or More Garage Orientation. The additional bay of any three (3) car or more garage shall: a. Have a different orientation from the first two; b. Shall be off-set by at least two (2) feet from the first two (2) garages when having the same orientation; or c. Shall be tandem to the first two (2).	*	*	*	*	*	*						
G. Roof Articulation. The maximum length of a continuous street facing roof ridge is 40 feet, unless the roof is punctuated by dormers or intersections with perpendicular roof systems.	*	*	*	*	*	*						
H. Alternative Design Detail Treatments. Alternative design detail treatments as required in subsections 5.3.4.3.A and 5.3.4.3.B above may be approved by the Director if: 1. The configuration of the lot or other existing physical constraints make the application of the standards of this subsection impractical; or The proposed design substantially meets the intent of this subsection to line streets with active living spaces, create pedestrian-oriented streetscapes, and provide variety and visual interest in the exterior design of residential buildings.	*	*	*	*	*	*	*	*	*	*	*	3

						50%	111755	-	<u> </u>	D			2015	1165
AM III TO FILE OF THE CONTROL OF THE	٩	Æ	R1	R2	R3	2	R4	2	₩.	SM	<u> </u>	NC	ဗ	2
A. Model variety. Each residential block face shall contain at														
least 4 distinct residential models that have significant														
variation. The same residential model with the same														
architectural style (a defined term) shall not be placed														
adjacent to directly side-by-side to each other or directly														
across the street from one another (across the street shall														
mean 50% or more overlap), nor repeated more than once every four (4) lots on the same side of the street. 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 considering the following building														
elements:														
A. 1. Massing;														
a. Diversity in stories (a mix of 1, 1.5, and 2		*	*	*	*		*	*	*					
story elements within elevations)														
b. Changes in roof lines (a mix of roof														
pitches, slope directions, hip/gable														
treatment etc.).														
B. 2. Porches and front entries;														
C. Color palette (.);														
D. 3. Difference in exterior cladding materials (walls,														
trim, window treatment, door treatment														
fenestration); and														
E. 4. Difference in fenestration sizes and														
configurations;														
5. Differences in garage size, orientation and point of			6											
access; and														
6. Placement of the building footprint on the lot.														
		14	2	2	2	R3	RA	NA.	RM	Σ	~	2	5	
B. Paint Color Diversity. In addition to the requirement of						T			1					
residential model diversity, there shall also be a diversity in														
color pallets. Houses with the same main body color shall		*	*	*	*	+	*	,	*					
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly		1												
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall														
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once						- 1								
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once every four (4) lots on the same side of the street.						_	_		- [
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once						+						1	1	
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once every four (4) lots on the same side of the street.														
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once every four (4) lots on the same side of the street. C. Alternative Block Diversity Treatments. Alternative block diversity treatments as required in subsections														
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once every four (4) lots on the same side of the street. C. Alternative Block Diversity Treatments. Alternative block diversity treatments as required in subsections 5.3.4.4.A and 5.3.4.4.B above may be approved by the		*	*	*	*	+	*	1	*					
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once every four (4) lots on the same side of the street. C. Alternative Block Diversity Treatments. Alternative block diversity treatments as required in subsections 5.3.4.4.A and 5.3.4.4.B above may be approved by the Director if the proposed design substantially meets the		*	*	*	*	+	*	,	*					
color pallets. Houses with the same main body color shall not be placed directly side-by-side to each other or directly across the street from one another (Across the street shall mean 50% or more overlap), nor repeated more than once every four (4) lots on the same side of the street. C. Alternative Block Diversity Treatments. Alternative block diversity treatments as required in subsections 5.3.4.4.A and 5.3.4.4.B above may be approved by the		*	*	*	*	+	*		*					

B. 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.	+	· *	*	*	*			
the state of the s								
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.								
Sold Sold Sold Sold Sold Sold State Sold Sold Sold Sold Sold Sold Sold Sold								\perp

11.2 Definitions

The following definitions are added to Sec. 11.2, in alphabetical order with the existing definitions.

"Architectural style" is defined as a unique set of characteristics in the arrangement of the components of an exterior building façade in terms of massing, roof form, building materials, and architectural detailing, that is distinct in its arrangement of those characteristics from other architectural styles. The intent is that there are many architectural styles, some of which are based on historical styles, some of which are new styles, but in all cases, an architectural style has unique characteristics that are different from other architectural styles in terms of the use of building materials, massing, and architectural details.

"Façade" is defined as each exterior face of a building, sometimes referred to as a building elevation. A building has multiple facades facing multiple directions, some of which are primary facades, and some of which are not.

"Façade, primary" is defined as the façade of a building that faces a highway, a public street, private street, park, trail corridor, or an open space.

Natural Medicine

Document Mark-Up Conventions:

- Text in red is proposed new language.
- Text in strikethrough is proposed deleted language.
- The addition of Section 4.4.29 to the Land Use Code shall result in the renumbering of the current Section 4.4.29 and all subsequent sections. All internal references to affected sections and subsections within the Land Use Code shall be updated to reflect this renumbering.

Proposal

Table 4.1 Standard District Table of Permitted Uses

	Α	RE	R1	R2	R3	R4	RMU	CMU	В	NC	CC	RC	1	НС
Business/Commercial/Retail Us	es													
Motor vehicle, recreational vehicle, boat and truck storage	*	*	*	*	*	*	*	*	*	*	*	*	С	*
Natural medicine healing center	*	*	*	*	*	*	*	*	*	*	*	PC	*	*
Industrial Uses														
Mini-warehouses and self- storage facilities	*	*	*	*	*	*	*	*	*	*	С	С	PC	*
Natural medicine cultivation facility, natural medicine products manufacturer, natural medicine testing facility	*	*	*	*	*	*	*	*	*	*	*	*	PC	*

4.4 Conditions for Uses Permitted with Conditions

4.4.29 Pharmacy with Drive-Thru Natural Medicine Businesses

4.4.29.1 Hours of operation shall be no earlier than 5:00 a.m. and no later than 10:00 p.m. when this use abuts a lot containing a legal, conforming residential use or residentially zoned lot. It shall be unlawful for any person to operate and maintain a natural medicine business in the Town without first obtaining a valid state license for a natural medicine business and a general business license from the Town.

4.4.29.2 Drive-thru headlights shall not face a residential use or residentially zoned lot. A building containing a natural medicine business shall not be located within one thousand (1000) feet of the following:

A. A lot, parcel or tract where a residential use exists or is a principal allowed use under the Land Use Code

B. A childcare center; preschool; elementary, middle, junior, or high school; or a residential childcare facility

- 4.4.29.3 Hours of operation shall be no earlier than 7:00 a.m. and no later than 7:00 p.m. Participants are not permitted on the premises after 7:00 p.m. unless the participant is unable to leave the premises due to an "adverse health event" as defined in regulations adopted pursuant to the Regulatory Act.
- 4.4.29.4 All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.
- 4.4.29.5 Natural medicine cultivation facilities, natural medicine product manufacturers, or natural medicine testing facilities shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located. Natural medicine cultivation facilities, natural medicine product manufacturers, or natural medicine testing facilities located in a multi-unit building shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the unit in which the facility is located.
- 4.4.29.6. Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or byproducts. Natural medicine and natural medicine product remnants or by-products shall not be placed within the business' or building's exterior refuse container.
- 4.4.29.7 Processing of natural medicine.
 - A. For purposes of this section, "processing" means the cultivation, manufacturing, and testing of natural medicine product, or preparation of natural medicine for facilitation and administration of natural medicine services.
 - B. The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
 - C. Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

D. The processing of natural medicine shall meet the requirements of all adopted Town and Poudre Fire Authority land use, building, and life and safety codes.

E. The processing of natural medicine shall meet all requirements of all applicable water and sewer regulations of the applicable water and/or sewer district.

11.2 Definitions

The following definitions are added to Sec. 11.2, in alphabetical order with the existing definitions.

Facilitator: An individual who is licensed by the state licensing authority to engage in the practice of facilitation and perform and supervise natural medicine services for a participant pursuant to article 170 of title 12, C.R.S., as provided in the Regulatory Act.

Natural medicine: Specific plant-based substances that contain psychoactive compounds, including psilocybin or psilocin, and other substances described in the Regulatory Act as "natural medicine." This definition explicitly excludes fungi cultivated for nutritional or culinary purposes, such as common edible mushrooms (e.g., Agaricus bisporus, Shiitake, Oyster mushrooms), which do not possess psychoactive properties.

Natural medicine business: Any of the following entities licensed under the Regulatory Act, including a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.

Natural medicine healing center: A facility where an entity is licensed by the state licensing authority that permits a facilitator, as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant, as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural medicine product: A product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.

Natural medicine services: A preparation session, administration session, and integration session provided by a licensed facilitator to a participant pursuant to article 170 of title 12, C.R.S., as provided by the Regulatory Act.

<u>Participant:</u> An individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.

Regulated natural medicine: Natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulated natural medicine product means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulatory Act: Colorado Natural Medicine Code, Sec. 44-50-101, et seq., CRS.

State licensing authority: The Colorado Department of Regulatory Agencies or the Colorado Department of Revenue, which have authority under the Regulatory Act for the purpose of regulating and controlling the licensing of facilitators and the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.