

**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 red underline 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 red underline 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		RESIDENTIAL						MIXED-USE			BUSINESS/ COMMERCIAL				
	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I	HC	
Industrial Uses															
<u>Solar Energy Facility</u>	<u>PC</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>	

~~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		RESIDENTIAL					MIXED-USE			BUSINESS/ COMMERCIAL				
	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I	HC
Residential Uses and Structures														
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. 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.
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.

1. 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

[illegible]

[illegible]

Common Open Space Areas or Outdoor Storage Areas	2.0 FC	
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	<ul style="list-style-type: none">Motion sensors are required for all unshielded fixtures in excess of 900 lumens.	<ul style="list-style-type: none">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)	<ul style="list-style-type: none">20’ max	<ul style="list-style-type: none">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:	<ul style="list-style-type: none">Mercury vapor, high-pressure sodium, and low-pressure sodium lights;Blinking, flashing, moving, revolving, flickering, changing intensity, and chase lighting, except lighting for seasonal displays, lighting for public safety or required for air traffic safety;Any upward oriented lighting except as otherwise provided for in this Section;Searchlights, beacons, and laser source light fixtures;Exposed linear lamps that include, without limitation, light emitting diode (LED), and fluorescent lighting, primarily intended as an architectural highlight to attract attention or used as a means of identification or advertisement except as permitted by sign criteria of the land use code;Any lamp or bulb, except for seasonal displays and landscape ornamental lighting, which is visible beyond the property line on which it is located.The use of digital display screens, electronic message centers, or any illuminated advertising or promotional content integrated into or mounted on electric vehicle (EV) charging stations.	
5.3.3.4 Exemptions		
A. The standards of this Section shall not apply to the following types of outdoor lighting.	<ul style="list-style-type: none">Agricultural Equipment Lighting;Emergency lighting used by police, firefighting, or medical personnel;Strings of lights located on properties in all residential zoning districts or on properties that are used exclusively for residential uses, provided they do not create excessive glare or light trespass onto adjacent properties;Low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed one hundred lumens;Lighting used exclusively for aviation purposes. All heliport lighting, except lighting associated with emergency facilities, shall be turned off when the heliport is not in use;Public lighting that is located within the right-of-way;Seasonal lighting displays from November 15 through January 15 of the following year are exempt but must be turned off by 11:00 p.m. each night.Ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses, both public and private, shall be exempt from the	

	general provisions of this Section unless otherwise restricted by the Town. However, outdoor lighting for such uses shall be extinguished no later than 11:00 p.m.												
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.	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇
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.	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇
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.	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇

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.

Control: 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 have a 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.

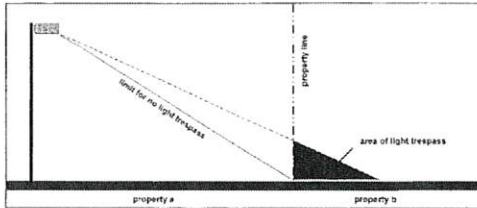
Foot-candle (abbreviated as FC): A unit of measurement for illuminance, or how much light is cast on a surface. One foot-candle equals one lumen per square foot.

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.

Light pollution: 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.



Lumen: 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.

Skyglow: The brightening of the night sky caused by artificial light sources.

[illegible]

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.						*	*	*	*	*	*	*	*

5.3.4.2 Materials

[illegible]

5.3.4.3 Design Detail

	A	RE	R1	R2	R3	R4	RMI	CMI	R	NC	CC	RC	L
A. Walls that can be seen from public street shall be treated as a primary building façade.	*	*	*	*	*	*	*	*	*	*	*	*	*
B. At least 50% of the horizontal distance of any primary facade shall be designed with arcades, windows, entrances, awnings, or similar features.							*	*	*	*	*	*	*
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: <ul style="list-style-type: none">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.													
		*	*	*	*	*	*						

[illegible]

5.3.4.4 Block Diversity

	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I
<p>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:</p> <p>A: 1. Massing;</p> <p style="padding-left: 40px;">a. Diversity in stories (a mix of 1, 1.5, and 2 story elements within elevations)</p> <p style="padding-left: 40px;">b. Changes in roof lines (a mix of roof pitches, slope directions, hip/gable treatment etc.).</p> <p>B: 2. Porches and front entries;</p> <p>C: Color palette (-);</p> <p>D: 3. Difference in exterior cladding materials (walls, trim, window treatment, door treatment fenestration); and</p> <p>E: 4. Difference in fenestration sizes and configurations;</p> <p>5. Differences in garage size, orientation and point of access; and</p> <p>6. Placement of the building footprint on the lot.</p>		*	*	*	*	*	*						
	A	RE	R1	R2	R3	R4	RM	CM	B	NC	CC	RC	I
<p>B. Paint Color Diversity. In addition to the requirement of residential model diversity, there shall also be a diversity in 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.</p>		*	*	*	*	*	*						
<p>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 intent of this subsection to provide adequate variety and visual diversity along residential streets in residential neighborhoods.</p>		*	*	*	*	*	*						

“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

	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I	HC
Business/Commercial/Retail Uses														
Motor vehicle, recreational vehicle, boat and truck storage	*	*	*	*	*	*	*	*	*	*	*	*	C	*
Natural medicine healing center	*	*	*	*	*	*	*	*	*	*	*	PC	*	*
Industrial Uses														
Mini-warehouses and self-storage facilities	*	*	*	*	*	*	*	*	*	*	C	C	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.

Participant: 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.