

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 28, 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 eighteen times since its reenactment; and

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

WHEREAS, the Timnath Planning Commission held regularly scheduled meetings and Public Hearings on December 2, 2025 and recommended approval of Land Use Code Amendment No. ___ to Town Council by an unanimous vote; and

WHEREAS, the Timnath Town Council held a regularly scheduled meeting and Public Hearing on December 9, 2025 and upon hearing the statements of staff and the public, and giving consideration to the recommendations wishes to adopt amendment to the Land Use Code; and

WHEREAS, the Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

SECTION 1 – AMENDMENTS

1. The Town Council hereby adopts the amendments to the Land Use Code set forth as Exhibit A

SECTION 2 – SEVERABILITY

If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or

constitutionality of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

SECTION 3 – REPEAL

Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

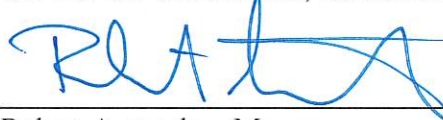
ARTICLE 4 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, ADOPTED AND ORDERED PUBLISHED BY TITLE BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON NOVEMBER 18, 2025, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON DECEMBER 9, 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 DECEMBER 9, 2025.

TOWN OF TIMNATH, COLORADO



Robert Axmacher, Mayor

ATTEST:


Milissa Peters-Garcia, CMC Town Clerk



EXHIBIT A
Land Use Code Amendments
(see attached)

Gated Communities Code Amendment

Table 5.3 Design Standards

5.3.1.2 Access														
*=Required	A	RE	R1	R2	R3	R4	RMU	CMU	B	NC	CC	RC	I	HC
<p>A. The establishment of gated communities, as defined in this Code, is prohibited in all residential developments. No residential development shall include gates, walls, or other physical barriers that restrict vehicular or pedestrian access to any street, sidewalk, pathway, or trail within the development. Controlled access features may be provided for emergency or utility purposes only and shall not limit public access. This provision does not apply to a single-family dwelling on an individual lot where a fence encloses and/or a gate controls access to a private driveway, sidewalk, path or yard serving that dwelling and does not restrict public access to any street, sidewalk, pathway, or trail.</p>		*	*	*	*	*	*	*	*		*	*		*

Article 6 – Proposed Provisions

6.6.1 Lot Layout

A. Access to Public Roads: All lots shall have access to a dedicated public road. When indirect access is provided over intervening private streets, shared drives, parking lots or other specifically identified limited common elements, access easements or access tracts benefiting all lots with indirect access shall be provided on the plat.

1. Residential lots shall front only on local and collector streets.
2. Double frontage lots are prohibited.

B. General Access. The establishment of gated communities, as defined in this Code, is prohibited in all residential developments. No residential development shall include gates, walls, or other physical barriers or controlled access features that restrict vehicular or pedestrian access to any street, sidewalk, pathway, or trail within the development. Controlled access may be provided only for emergency vehicle or utility purposes and shall not limit general public access. This provision does not apply to a single-family dwelling on an individual lot where a fence encloses and/or a gate controls access to a private driveway, sidewalk, path or yard serving that dwelling and does not restrict public access to any street, sidewalk, pathway, or trail.

C. Flag Lots. The use of flag lots is prohibited unless approved by Town Council.

D. Shared Driveways. No more than six single family dwelling units are allowed to share a single driveway access to a public street. Any project utilizing a shared drive will require a site development plan.

E. Alleys

1. Alleys are permitted when they continue an existing development pattern or to provide access to new residential properties.
2. Alleys may be allowed in commercial and industrial areas when no other service access is provided.
3. Single family developments that have alleys must take their vehicle access off the alley.
4. Alleys must be built to some standard TBD see LCUASS re truck traffic.
5. Alleys must be dedicated right-of-way to the Town.

Article 11 – Proposed Definition

Gated Community – *A residential development or portion of a residential development where vehicular or pedestrian access ways are restricted by gates, walls, fences, or other barriers, limiting entry to residents, invited guests, or authorized personnel. This includes areas where streets or pathways are private and controlled in a way that prevents public use.*

Landscaping Code Amendment

5.7.6 Parks and Open Space

5.7.6.2. Types of parks and open space.

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

5.7.7 Landscaping, ~~Plant Standards and Buffers:~~

5.7.7.1 ~~Landscape design~~ **General Provisions**

~~A. General provisions: All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations.~~ **Applicability.**

1. **Except as provided in Subsection A.4, the standards of this Section shall apply to the following:**
 - a. **All new construction**
 - b. **All construction projects that cumulatively increase the gross floor area of the lot by sixty-five percent (65%) or more;**
 - c. **Construction of parking lots containing ten (10) or more spaces, or expansion of existing parking lots by more than 10**

spaces, or 50% of the existing parking lot area, whichever is greater; and

- d. Modification of a site where more than fifty percent (50%) of the aggregate commercial, industrial, institutional, or common area landscape area on the site is disturbed.
2. For projects meeting any of the thresholds in Subsection A.1, all existing and proposed required landscaped areas on the site shall be brought into compliance with this Section.
3. For projects that do not meet any threshold in Subsection A.1 but include exterior site work, the standards of this Section apply only to required landscaped areas that are newly installed, removed, replaced, or otherwise disturbed as part of the project; existing required landscaped areas outside the limits of disturbance may remain, but no additional elements prohibited by this Section may be installed.
4. Landscape plans shall not be required for building permits for individual detached single-family dwelling lots. However, all landscaping on such lots is encouraged to comply with the intent of this Section, including the use of low-water turf species and water-wise planting practices.

~~1.—Tree lawns. Landscape improvements in urban settings shall create an orderly, irrigated, and managed landscape. All urban neighborhoods shall have tree-lined streets. Trees in tree lawns shall include a mix of species, and shall be placed within the right-of-way tree lawn. Where right-of-way and expanded tree lawns allow, trees may be grouped into clustered plantings. Spacing of trees shall allow for their mature spread. Trees installed along streets that will be widened in the future shall be planted so they will not be disturbed during future construction. Landscape improvements in environmentally sensitive areas and lower density rural developments shall be informal. Trees along rural streets shall be planted to create irregular clusters of trees to reinforce the design and character of each project and frame views.~~

2: **B. Site landscape design.** Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to enhance the character of neighborhoods and shall follow these guidelines:

a:1. Configured to maximize connections within the site to natural areas and to landscaped areas in adjacent developments.

3:C. Environmental considerations.

a:1. Landscapes shall use the following industry best management practices Xeriscape design principles facilitate water conservation:

b: 2. All landscapes shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.

3. Turf Limitations. Turf grass areas may only be planted according to planned use. Any landscape plan that includes turf grass must indicate the intended use of all turf grass areas. Nonfunctional turf is prohibited on the following:

a. Any property containing a principal use that is listed as a Public, Institutional, Civic, Commercial, or Industrial use in Table 4.1; and

b. Any property within a common interest community as defined in C.R.S. 38-33-3-103(8) that is owned and maintained by a unit owners association, such as entryways, parks, and other common elements; and

c. Any portion of a street right-of-way, median, transportation corridor, or parking lot.

4. Artificial Turf and Plants. No artificial turf or artificial plants may be included in any landscape plan or installed. The Community Development Director may approve an exception to allow artificial turf to be installed on an athletic field of play if the installation is not prohibited under C.R.S. 37-99-103 and if the Community Development Director determines the use is appropriate, the use does not add pollutants that could cause environmental impairment, and alternatives are not reasonable. Any exception to allow artificial turf must be noted in the landscape plan.

5. Prohibited Plant List. The following plants are not allowed in the Town, and shall be removed during development or redevelopment if they are present on the subject property:

a. Plants listed as an invasive species by the Colorado State University Extension Service.

b. Plants listed on the Colorado Noxious Weed List.

e.6. Landscapes shall consist of a variety of species to enhance biodiversity. No one species may make up more than 35% of the total non-grass plant materials on the site.

4.C. New buildings and paved areas.

f.6. Landscaped areas in commercial parking lots are limited to drip irrigation for trees and shrubs and no impact or spray heads shall be permitted. For grass areas, only drought tolerant grasses shall be permitted.

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

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

C. Arterial streets – live groundcover as appropriate to the use and function of the area, including a combination of ~~grass~~ ornamental grasses, trees, flowers, paving, and 1 shrub for every 150 square feet of landscape area clustered into planting beds. Developer shall also install an automatic irrigation system for all landscaping within rights-of-way.

D. Landscaping for required common open space – including pocket parks, neighborhood parks and trails. Landscaping shall be appropriate to the use and function of the area and include trees, shrubs, groundcover, irrigation (where necessary) and paving. ~~Bluegrass may be used in active high traffic areas.~~ **Bluegrass or other turf grass with a high water requirement may only be planted in areas or spaces used for recreation or for civic or community purposes. Such purposes may include playgrounds, sports fields or other athletics programming, picnic grounds, and amphitheaters.**

5.7.8.4 Parking lot landscaping standards

C. Groundcover –limit areas of irrigated turf. Grass is discouraged in areas less than 10 feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality. irrigated turf is prohibited in parking lot landscape areas. The use of native or drought-tolerant shrubs, ornamental grasses, or groundcovers are permitted. A perimeter buffer using native or water-wise grass species may be installed to filter runoff and improve water quality.

11.2 Definitions

Artificial Turf: An installation of synthetic materials developed to resemble natural grass.

Common Interest Community: Property that is owned and maintained by an owners' association, such as entryways, parks, and other common amenities or elements.

Functional Turf: Turf located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include cemeteries; playgrounds; sports fields; picnic grounds; amphitheaters; ancillary high use portions of parks (e.g., sports team warm up areas); and the playing areas of a golf course or driving range.

Invasive Plant Species: Plants that are not native to the state and that (i) are introduced into the state accidentally or intentionally; (ii) have no natural competitors or predators in the state because the state is outside of their competitors' or predators' range; and (iii) have harmful effects on the state's environment or economy or both.

Nonfunctional Turf: Turf that is not serving a functional purpose. It includes turf located in street rights-of-way, parking lots, medians, or transportation corridors. It excludes turf that is part of a water quality treatment solution required for compliance with federal, state, or local water quality permitting requirements, provided that the turf is not irrigated and no herbicides are applied.

Transportation Corridor: A transportation system that includes all modes and facilities within a described geographic area, having length and width.

Turf: Continuous plant coverage consisting of grasses that, when regularly mowed, form a dense growth of leaf blades and roots.