

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 9, SERIES 2026**

**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 a regularly scheduled meeting and Public Hearing on May 5, 2026 and recommended approval of Land Use Code Amendment No. 9 to Town Council by an unanimous vote; and

WHEREAS, the Timnath Town Council held a regularly scheduled meeting and Public Hearing on May 26, 2026 and upon hearing the statements of staff and the public, and giving consideration to the recommendations wishes to adopt amendment to the Land Use Code; and

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

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

SECTION 1 – AMENDMENTS

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

SECTION 2 – SEVERABILITY

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

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

SECTION 3 – REPEAL

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or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.


ARTICLE 4 – EFFECTIVE DATE

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

INTRODUCED, MOVED, ADOPTED AND ORDERED PUBLISHED BY TITLE BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON MAY 12, 2026, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MAY 26, 2026 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 26, 2026.

TOWN OF TIMNATH, COLORADO



Robert Axmacher, Mayor

ATTEST:


Kaitlyn Bernhoft, CMC, Town Clerk

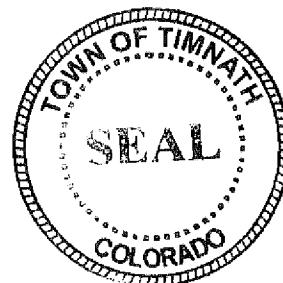


EXHIBIT A

Land Use Code Amendments
(see attached)

Exhibit A - Amendments to Appendix A of the Timnath Municipal Code:

Article 2.9 Procedures

The following amendments are related to Article 2 Administration with existing text, new text in red italics, and replaced text with strikethrough:

2.9.10.1 Applicability. The procedures of this Section, and the standards in Article 6, Land Subdivision, shall apply to all subdivisions of land dividing, combining, or altering of any lot, parcel, or tract of land.

The owner of any parcel of land who desires to subdivide land shall submit a plat of such subdivision to the Town Planner. No person shall subdivide land without making and recording a plat and complying fully with this Land Use Code.

A. The minor subdivision procedure is allowed for the following:

1. There is no public right-of-way dedication;
2. The resulting subdivision consists of six or fewer lots, *not including Outlots dedicated to public open space or utility purposes only.*

Article 4.3 Table of Uses and 4.4 Conditions for Uses Permitted with Conditions

The following amendments are related to Article 4, Table 4.1 Standard District Table of Permitted Uses, to be amended in alphabetical order, with existing text, new text in red italics, and replaced text with strikethrough:

P = Permitted without conditions PC = Permitted with conditions C = Conditional use * = Not allowed	Agricultural	Residential					Mixed-Use			Business/Commercial			Industrial	Harmony Corridor
	A	R E	R 1	R 2	R 3	R 4	R M	C M	B	N C	CC	R C	I	HC

							U	U						
Institutional/Civic/Public Uses														
<i>Community Facilities Facility</i>	*	C	C	C	C	C	G P C	G P C	G P C	P C	G P C	P C	*	PC
<i>Data Center</i>	PC	*	*	*	*	*	*	*	*	*	*	P C	PC	*
<i>Detention Facility</i>	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<i>Neighborhood Clubhouse / Pool</i>	*	P	P	P	P	P	P	P	P	P	P	P	*	*
<i>Police, Fire, or Rescue Station</i>	PC	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	PC	PC
Agricultural Uses														
<i>Farming, including but not limited to, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod</i>	PC	*	*	*	*	*	*	*	*	*	*	*	*	*
<i>Urban</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Article 5.7. Standards of Design and 5.8 Parking Requirements

The following amendments are related to Article 5, Section 7, Standards of Design, and Table 5.3, Design Standards with existing text, new text in red italics, and replaced text with strikethrough and all zoning districts will be required (represented with an asterisk) with 5.3.4.2 C:

5.3.4 Building Form and Materials

5.3.4.2 Materials.

- A. Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among the following: brick, 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 face 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 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.
- C. Equal or Better Simulated Materials. Where "equal or better" simulated materials are permitted, they shall only be permitted by the Community Development Director, based on the standards of this Section and the intent of the applicable design standards. The Director shall use the following additional criteria:
 - 1. The proposed material has an identical physical appearance as the material it is intended to simulate, including color and texture, as perceived from any public spaces surrounding the property;
 - 2. The material presents benefits in addition to cost savings, such as reduced maintenance, or enhanced durability and performance;
 - 3. The material has a demonstrated track record of successful application and use that will result in equally long-lasting and sustainable appeal of the neighborhood as that of the permitted materials; and
 - 4. Use of equal or better materials may be conditioned upon compliance with all applicable requirements of this Code and any conditions of approval.

The following amendments are related to Article 5, Section 8, Parking Requirement, and Table 5.6, Table of Parking Requirement, with existing text, new text in red italics, and replaced text with strikethrough:

5.8.2.3 Provision of additional parking spaces up to 125% of the *Minimum Spaces Required* ~~of what is required~~ may be permitted by the Town Planner if a compelling purpose is served, *unless a Maximum Spaces Permitted is specified in Table 5.6.*

Table 5.6 Table of Parking Requirements

Use	Minimum Spaces Required	Maximum Spaces Permitted
Institutional/Civic/Public Uses:		
Community Facility	1 per 150 sf <i>2.5 spaces per 1000 sq. ft. of building area</i>	<i>7 spaces per 1000 sq. ft. of building area</i>
Data Center	<i>0 spaces for < 1000 sf, of building area, 1 space per > 1000 sq. ft. of building area</i>	<i>5 spaces per 1000 sq. ft. of building area</i>
Detention Facility	1 per employee of largest shift	2 per employee of largest shift
Neighborhood Clubhouse / Pool	<i>3 spaces per 1000 sq. ft. of pool surface area, or 7 per 1000 sq. ft. of clubhouse building area, whichever requires less parking</i>	<i>5 per 1000 sq. ft. of pool surface area, or 9 per 1000 sq. ft. of clubhouse building area, whichever allows more parking</i>
Police, Fire, or Rescue Station	<i>1 per employee of largest shift</i>	<i>2 per employee of largest shift</i>

Article 6.3. Types of Subdivisions and Article 6.6 Subdivision Standards

The following amendments are related to Article 6, Land Subdivision, with existing text, new text in red italics, and replaced text with strikethrough:

6.3 Types Of Subdivisions

6.3.1 Minor Subdivision. A Minor Subdivision consists of the subdivision of land into six or fewer lots, *not including Outlots dedicated to public open space or utility purposes only.*

The following amendments are related to Article 6, Section 6, Subdivision Standards, with existing text, new text in red italics, and replaced text with strikethrough:

Sec. 6.6. - Subdivision Standards.

6.6.1 Lot Layout.

A. ~~Access to Public Streets Reads:~~ All residential lots shall have *direct* access to a dedicated public *street 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.

3. *Access to Private Streets: All commercial and mixed-use lots may have access provided from private streets. Access easements or access tracts benefiting all commercial and mixed-use lots with access shall be dedicated on the plat or dedicated by separate instrument. Private streets for purposes within Section 6.6.2, Circulation, shall include a public access easement granted to the Town, where the instrument creating such easement has been recorded in public records of the Office of the Clerk and Recorder of Larimer County or Weld County. The public access easement shall allow for access by police, emergency vehicles, trash collection and other service vehicles, utility owners and the public in general.*

Article 11. 2 Definitions

The following terms are new terms and definitions will be added in alphabetical order into Article 11, Section 11.2 Definitions:

Data Center:

A facility with one or more buildings including corresponding electrical infrastructure that houses information technology equipment for data processing, data storage, or telecommunications and has a primary function of delivering information technology services including providing data storage, processing, and transport services, supporting the delivery of cloud computing services, providing network connectivity services, and supporting artificial intelligence, machine learning, or similar computational services. A data center may include associated ancillary structures, including but not limited to, offices, security buildings, cooling water tanks, and backup power systems.

Detention Facility: A public or private secure facility operated by civil, law enforcement, or immigration authorities to detain adult or juvenile persons while being processed for

civil, asylum, or foreign nationals awaiting immigration proceedings, removal, bond hearings, or other legal proceedings.

Farming: see definition of agriculture.

Neighborhood Clubhouse/Pool: A facility where recreational, social, and/or community activities occur either within an enclosed building or structure, or in an outdoor area, such as an outdoor pool, pool deck, and/or other outdoor gathering area, on a site within a residential neighborhood, owned by multiple homeowners in common, by a Homeowner's association or by a Metropolitan District. Neighborhood Clubhouse/Pool does not include any facilities owned by the Town of Timnath, private corporate gyms or facilities, or parks.

Police, Fire, or Rescue Station: A building or unit operated by a government agency, for the protection of citizens and property from, and for providing public responses to crime, fire, injury, or other emergencies. This use may include administrative offices, storage of equipment, jail or temporary detention facilities for implementation of *applicable local and/or State laws*, and the open or enclosed parking of patrol vehicles. This use does not include a "Detention Facility."

Street, Private: A access tract, or easement of private ownership, or owned by a Homeowners Association or Metropolitan District, not dedicated to or owned by the Town, county, state or federal government, which affords the principal means of vehicular access to two (2) or more lots.

Urban Agriculture: A noncommercial accessory use consisting of cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Noncommercial urban agriculture may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. This definition includes gardens, container gardens, edible landscapes, orchards, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens, and other similar activities.

The following terms are existing terms and definitions, which will be amended as provided herein, with new text in red italics and replaced text with strikethrough, to be amended in alphabetical order, in Section 11.2 Definitions:

Community Facility: ~~shall mean~~ A publicly owned or publicly leased facility or office building, *together with accessory structures and uses*, that is primarily intended to serve the recreational, *social*, educational, cultural, *temporary emergency shelter*, administrative or entertainment needs of the community ~~as a whole~~; that is accessible to the general public, *but does not include neighborhood clubhouse/pool within a residential neighborhood*.

Recreation Facility, Indoor: *Facilities for entertainment* means a place where recreational ~~recreation~~ activities occur completely within an enclosed *building structure* including but not limited to bowling alleys, skating rinks, billiards ~~pool halls~~, escape rooms, ~~and video and pinball arcades parlors~~ *and similar indoor recreational activities*.

Street, Public: *Any public way for the movement of vehicular, bicycle, and pedestrian traffic which is an existing federal, state, county or municipal roadway; or a public right-of-way dedicated to the county of the Town by plat, by document of dedication or established by use, whether improved or unimproved, and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas and other areas within the right-of-way. All newly constructed public streets must be designed to the most recently adopted Timnath Design Criteria Manual and the Loveland version of the Larimer County Urban Area Street Standards (LCUASS).* means a public thoroughfare which affords the principal means of vehicular access to abutting property. The term includes public or private streets.

Public Facilities: means publicly constructed or owned facilities, *operated by a governmental entity*, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, ~~fire, police and emergency systems or facilities~~, electric, gas, telecommunication utilities or facilities, and publicly owned *administrative* buildings or facilities.

Exhibit A - Amendments to Appendix A of the Timnath Municipal Code:

Article 2.9 Procedures

The following amendments are related to Article 2 Administration with existing text, new text in red italics, and replaced text with strikethrough:

2.9.10.1 Applicability. The procedures of this Section, and the standards in Article 6, Land Subdivision, shall apply to all subdivisions of land dividing, combining, or altering of any lot, parcel, or tract of land.

The owner of any parcel of land who desires to subdivide land shall submit a plat of such subdivision to the Town Planner. No person shall subdivide land without making and recording a plat and complying fully with this Land Use Code.

A. The minor subdivision procedure is allowed for the following:

1. There is no public right-of-way dedication;
2. The resulting subdivision consists of six or fewer lots, *not including Outlots dedicated to public open space or utility purposes only.*

Article 4.3 Table of Uses and 4.4 Conditions for Uses Permitted with Conditions

The following amendments are related to Article 4, Table 4.1 Standard District Table of Permitted Uses, to be amended in alphabetical order, with existing text, new text in red italics, and replaced text with strikethrough:

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	A	R E	R 1	R 2	R 3	R 4	R M	C M	B	N C	CC	R C	I	HC

							U	U						
Institutional/Civic/Public Uses														
Community Facilities Facility	*	C	C	C	C	C	G P C	G P C	G P C	P C	G P C	P C	*	PC
Data Center	PC	*	*	*	*	*	*	*	*	*	*	P C	PC	*
Detention Facility	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Neighborhood Clubhouse / Pool	*	P	P	P	P	P	P	P	P	P	P	P	*	*
Police, Fire, or Rescue Station	PC	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	P C	PC	PC
Agricultural Uses														
Farming, including but not limited to, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod	PC	*	*	*	*	*	*	*	*	*	*	*	*	*
Urban	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Agriculture										
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The following amendments in Section 4.4.11 Conditions for Uses Permitted with Conditions, is hereby amended as follows, with existing text, new text in red italics, and replaced text with strikethrough:

Community Facility 4.4.11

4.4.11.1 *Regular* hours of operation shall be no earlier than ~~56:00~~ a.m. and no later than 110 p.m., *not including events*, when this use abuts a lot containing a legal, conforming residential use or residentially zoned lot. *There will be unlimited hours of operation if and when the facility is being used as an emergency shelter.*

Sections 4.4.14 through 4.4.47 shall be subsequently renumbered with the addition of the following two uses with conditions

Data Center 4.4.14

4.4.14.1 *Facility should be designed for a maximum energy consumption per lot of less than 1 Megawatt (MW) per hour during peak use, as demonstrated by a study from an independent engineer submitted to the Town. If the facility is designed for a peak use at or above 1 Megawatt per hour, the owner shall demonstrate that they will use renewable energy per the required of Sec. 4.4.14.3 below. Maximum size shall be 5,000 square feet of building area. Facility may function as an edge or enterprise facility.*

4.4.14.2 *Approval of a water-intensive user shall require written confirmation from the applicable water service provider that:*

- A. Adequate water supply, treatment, and transmission capacity are available to serve the proposed use; or*
- B. Suitable arrangements to provide such capacity have been identified and accepted by the water provider.*

4.4.14.3 *Minimum of 50% renewable energy must be provided through any combination of on-site or off-site production and storage and/or through renewable energy certificates if the maximum energy exceeds the peak use in 4.4.14.1.*

Police, Fire, or Rescue Station 4.4.31

4.4.31.1 *A Police, Fire, or Rescue Station must be owned or operated by a state, county, or local government agency.*

Article 5.7. Standards of Design and 5.8 Parking Requirements

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5.3.4 Building Form and Materials

5.3.4.2 Materials.

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- B. Roof design shall be appropriate to the architectural style 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.
- C. Equal or Better Simulated Materials. Where "equal or better" simulated materials are permitted, they shall only be permitted by the Community Development Director, based on the standards of this Section and the intent of the applicable design standards. The Director shall use the following additional criteria:
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 2. The material presents benefits in addition to cost savings, such as reduced maintenance, or enhanced durability and performance;
 3. The material has a demonstrated track record of successful application and use that will result in equally long-lasting and sustainable appeal of the neighborhood as that of the permitted materials; and
 4. Use of equal or better materials may be conditioned upon compliance with all applicable requirements of this Code and any conditions of approval.

The following amendments are related to Article 5, Section 8, Parking Requirement, and Table 5.6, Table of Parking Requirement, with existing text, new text in red italics, and replaced text with strikethrough:

5.8.2.3 Provision of additional parking spaces up to 125% of the *Minimum Spaces Required* of what is required may be permitted by the Town Planner if a compelling purpose is served, *unless a Maximum Spaces Permitted is specified in Table 5.6.*

Table 5.6 Table of Parking Requirements

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The following amendments are related to Article 6, Section 6, Subdivision Standards, with existing text, new text in red italics, and replaced text with strikethrough:

Sec. 6.6. - Subdivision Standards.

6.6.1 Lot Layout.

A. Access to Public Streets Roads: All *residential* lots shall have *direct* access to a dedicated public *street 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.

3. *Access to Private Streets: All commercial and mixed-use lots may have access provided from private streets. Access easements or access tracts benefiting all commercial and mixed-use lots with access shall be dedicated on the plat or dedicated by separate instrument. Private streets for purposes within Section 6.6.2, Circulation, shall include a public access easement granted to the Town, where the instrument creating such easement has been recorded in public records of the Office of the Clerk and Recorder of Larimer County or Weld County. The public access easement shall allow for access by police, emergency vehicles, trash collection and other service vehicles, utility owners and the public in general.*

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Detention Facility: A public or private secure facility operated by civil, law enforcement, or immigration authorities to detain adult or juvenile persons while being processed for

civil, asylum, or foreign nationals awaiting immigration proceedings, removal, bond hearings, or other legal proceedings.

Farming: see definition of agriculture.

Neighborhood Clubhouse/Pool: A facility where recreational, social, and/or community activities occur either within an enclosed building or structure, or in an outdoor area, such as an outdoor pool, pool deck, and/or other outdoor gathering area, on a site within a residential neighborhood, owned by multiple homeowners in common, by a Homeowner's association or by a Metropolitan District. Neighborhood Clubhouse/Pool does not include any facilities owned by the Town of Timnath, private corporate gyms or facilities, or parks.

Police, Fire, or Rescue Station: A building or unit operated by a government agency, for the protection of citizens and property from, and for providing public responses to crime, fire, injury, or other emergencies. This use may include administrative offices, storage of equipment, jail or temporary detention facilities for implementation of ~~applicable local and/or State~~ *applicable local* laws, and the open or enclosed parking of patrol vehicles. This use does not include a "Detention Facility."

Street, Private: A access tract, or easement of private ownership, or owned by a Homeowners Association or Metropolitan District, not dedicated to or owned by the Town, county, state or federal government, which affords the principal means of vehicular access to two (2) or more lots.

Urban Agriculture: A noncommercial accessory use consisting of cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Noncommercial urban agriculture may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. This definition includes gardens, container gardens, edible landscapes, orchards, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens, and other similar activities.

The following terms are existing terms and definitions, which will be amended as provided herein, with new text in red italics and replaced text with strikethrough, to be amended in alphabetical order, in Section 11.2 Definitions:

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Recreation Facility, Indoor: *Facilities for entertainment* means a place where ~~recreational recreation~~ activities occur completely within an enclosed *building structure* including but not limited to bowling ~~alleys~~, skating ~~rinks~~, billiards ~~pool halls~~, escape rooms, ~~and video and pinball arcades parlors~~ and similar indoor recreational activities.

Street, Public: *Any public way for the movement of vehicular, bicycle, and pedestrian traffic which is an existing federal, state, county or municipal roadway; or a public right-of-way dedicated to the county of the Town by plat, by document of dedication or established by use, whether improved or unimproved, and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas and other areas within the right-of-way. All newly constructed public streets must be designed to the most recently adopted Timnath Design Criteria Manual and the Loveland version of the Larimer County Urban Area Street Standards (LCUASS).* ~~means a public thoroughfare which affords the principal means of vehicular access to abutting property. The term includes public or private streets.~~

Public Facilities: means publicly constructed or owned facilities, *operated by a governmental entity*, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, ~~fire, police and emergency systems or facilities~~, electric, gas, telecommunication utilities or facilities, and publicly owned *administrative* buildings or facilities.