RECEPTION #20260053991, 10/28/2026 11:43:18 AM, 1 of 5, $43.00 Electronically Recorded
Tina Harris, Clerk & Recorder, Larimer County, CO

TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 17, SERIES 2026

AN ORDINANCE ADOPTING AMENDMENT 25 TO THE TIMNATH LAND USE CODE, WHICH HAS BEEN ADOPTED BY REFERENCE INTO THE MUNICIPAL CODE, AND ADOPTING THE LARIMER COUNTY FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE STUDY

WHEREAS, the Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006 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 incorporated into the Code as Appendix A; and

WHEREAS, the Land Use Code was restated and reenacted in Ordinance 15, Series 2015 and has been amended twenty-one times since its reenactment; and

WHEREAS, the Town previously adopted the Federal Emergency Management Agency ("FEMA") floodplain regulations pursuant to Article 8.2 in the Land Use Code, for the purpose of protecting the public health, safety and welfare, which specially include the 2013 FEMA Flood Insurance Rate Maps and Flood Insurance Study concerning Larimer County; and

WHEREAS, FEMA is responsible for working cooperatively with state and local governments to assure that up-to-date flood damage prevention policies are adopted and implemented, and FEMA together with the Colorado Water Conservation Board have completed a revision of the Larimer County Flood Insurance Rate Maps in a digital format; and

WHEREAS, the Board of County Commissioners for Larimer County will be considering adopting these updated Larimer County Flood Insurance Rate Maps and accompanying Flood Insurance Study for unincorporated Larimer County effective November 27, 2026; and

WHEREAS, the Town also seeks to adopt revisions to its local floodplain regulations before November 27, 2026 to adopt the updated flood insurance rate maps, to clarify who holds the responsibilities of the Floodplain Administrator and Appeal Board and for designation of critical facilities, and to add some important definitions; and

WHEREAS, adoption of the updated Flood Insurance Study and Flood Insurance Rate Maps is necessary to maintain the Town's eligibility and good standing in the National Flood Insurance Program and to ensure the continued availability of federally backed flood insurance to property owners within the Town; and

WHEREAS, the Timnath Planning Commission held a regularly scheduled meeting and Public Hearing on October 6, 2026 and recommended approval of this Land Use Code amendment to Town Council; and

WHEREAS, the Timnath Town Council held a regularly scheduled meeting and Public Hearing on October 27, 2026 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:

ARTICLE 1 – UPDATING LAND USE CODE FLOODPLAIN REGULATIONS.

The Town Council hereby amends Section 8.2.6, 8.2.10, 8.2.13.1 and 8.2.20.4 of Article 8, the Land Use Code's floodplain regulations, to read as follows: *(new additions are underlined and deleted items have a strikethrough).*

Sec. 8.2.6. - Basis for establishing the special flood hazard areas. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study, Larimer County, Colorado and Incorporated Areas," (FIS) dated November 27, 2026" ~~February 6, 2013",~~ with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the Town of Timnath. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, and/or FIRMs and/or FBFMs on file and available for public inspection.

8.2.10 Designation of the Floodplain Administrator. The Town Engineer is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. The Town Engineer may delegate the responsibilities of Floodplain Administrator to another qualified individual by administrative order.

8.2.13.1 The Appeal Board, as established by the ~~Community~~ Town, shall hear and render judgment on requests for variances from the requirements of this ordinance. The Town Council shall act as the Appeal Board; provided, however, that the Town Council may by Resolution later create a separate Appeal Board by Resolution and appoint members thereto and delegate that responsibilities set forth herein to the new Appeal Board.

8.2.20.4 Classification of Critical Facilities. It is the responsibility of the Timnath ~~Town Council~~ Public Works Director to identify and confirm that specific structures in ~~their community~~ the Town meet the following criteria. Critical Facilities are classified under the following categories: (1) Essential Services; (2) Hazardous Materials; (3) At-risk Populations; and (4) Vital to Restoring Normal Services.

In addition, in Section 8.2 of the Land Use Code's floodplain regulations, all references to "a community" or "the community" are hereby changed to "the Town".

The Town Council hereby adds a new Section 8.2.23 to Article 8 of the Land Use Code, to read as follows: *(new additions are underlined and deleted items have a strikethrough).*

8.2.23 Definitions. The following words and phrases when used in this Section 8.2 (Floodplain Regulations) only shall have the meanings defined below:

Existing manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured home park or subdivision: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Start of construction: means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

ARTICLE 2 – 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 3 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

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 BY THE TIMNATH TOWN COUNCIL ON FIRST READING, AND ORDERED PUBLISHED BY TITLE OCTOBER 13, 2026, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON OCTOBER 27, 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 OCTOBER 27, 2026.

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TOWN OF TIMNATH, COLORADO

Robert Axmacher, Mayor

ATTEST:

Kaitlyn Bernhoft, CMC
Town Clerk

