RECEPTION #20260054168, 10/29/2026 9:45:57 AM, 1 of 5, $43.00 Electronically Recorded
Tina Harris, Clerk & Recorder, Larimer County, CO

TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 18, SERIES 2026

AN ORDINANCE ADOPTING AMENDMENT 26 TO THE TIMNATH LAND USE CODE, WHICH HAS BEEN ADOPTED BY REFERENCE INTO THE MUNICIPAL CODE, TO REFLECT TOWN OPERATIONAL AND STATUTORY CHANGES

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-two times since its reenactment; and

WHEREAS, Town Staff recommend amendments to the Land Use Code to reflect operational changes and clarify certain requirements, including: changing the Appendix labeling for codification into the Municipal Code, specifying what contact information should be provided in a neighborhood meeting notice and clarifying when the administrative subdivision plat approval process and minor subdivision process can be used; and

WHEREAS, the Timnath Planning Commission held a regularly scheduled meeting and Public Hearing on October 6, 2026 and recommended approval of these Land Use Code amendments 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 EXHIBIT NUMBER

The Council hereby determines to re-label the Land Use Code as Appendix 16-A, rather than Appendix A. Section 16-1-10 of the Timnath Municipal Code was inadvertently deleted from the

on-line codification of the Timnath Municipal Code and will be added back.

ARTICLE 2 - UPDATING ARTICLE 2 OF THE LAND USE CODE.
The Town Council hereby amends subsections 2.9.4.4(B), 2.9.10.1, and 2.9.11.1(B) of Section 2.9 of Article 2 (Administration) of the Land Use Code as follows: (*new additions are underlined and deleted items have a strikethrough*).

Sec. 2.9.4.4 Neighborhood Meeting

. . .

B. Neighborhood Meeting Notice. Neighborhood meeting notices shall be mailed at least 15 days prior to the meeting date to each owner of estates, rights, or interests in the subject property identified in the title information submitted with the application, and to each property owner within 500 feet of the subject property boundary, per the Larimer County Assessor's Office, and to appropriate referral agencies.
A copy of the notice shall be submitted to the Community Development Department for review and approval prior to mailing and the notice shall include the following items:

1. Name of proposal;
2. Name of property owner or applicant ~~of the subject property~~ with their address and phone number ~~contact information~~;
3. The street address or, if the street address is unavailable, the legal description by metes and bounds from the property deed;
4. Vicinity map of the subject property;
5. Size of property;
6. The current zoning classification;
7. The type of development approval requested and a brief description of the proposed development, including density or building intensity, revised zoning classification (if any), and uses requested;
8. Any maps, illustrations, exhibits, depicting the proposal.
9. If applicable, show previously approved plan for subject area.

2.9.10 Subdivisions.

2.9.10.1 Applicability. The procedures of this section, and the standards in Article 6, Land Subdivisions, 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.

B. The major subdivision procedure is required for the following:

1. ~~Dedication of public right-of-way or other public tracts; or~~
2. ~~2.~~ The subdivision consists of seven lots or more

2.9.11 Administrative Plat. ...

2.9.11.1 Applicability. Administrative subdivision plat approval is applied to:

...

B. Adjusting one or more lot lines on a recorded subdivision plat, or adjusting the configuration and location of platted easements on a recorded plat where:

1. The amended plat continues to comply with the standards of this Code, per the original approval;
2. There is no increase in the number of lots;
3. No existing or proposed easement or right-of-way dedicated to or held by the Town or dedicated to public use may be changed through an administrative plat; however, an administrative plat may be used to update an existing plat to remove such easements or rights-of-way that have been separately vacated by the Town or other applicable governmental entity or to add such easements that have been separately dedicated; ~~No existing OR dedicated easements or rights-of-way are changed;~~
4. All resulting lots will comply with the requirements of this Code. No lots are created that will result in the need for a zoning variance or an exception to the Subdivision Design Standards;
5. All required public improvements are installed and approved;
6. There have not been other Administrative Plats within the same subdivision such that in combination with the proposed Administrative Plat they would circumvent the intent of this section;
7. The approval of the Administrative Plat will not violate any provisions of this Code.
8. ~~The proposed lot line adjustment will not require an amendment to other previously approved plan sets (e.g., construction drawings, landscape plans).~~ An Administrative Plat that includes a lot line adjustment or platted easement reconfiguration that necessitates changes to previously approved plan sets, including construction drawings, landscape plans, or other approved plans, may be submitted and processed concurrently with a Modification to Prior Approval pursuant to Section 2.9.18, provided that the proposed amendments satisfy the applicable requirements of that section.
9. An existing easement may not be altered, relocated, reduced, or vacated through an administrative plat without the written consent of the easement holder.

ARTICLE 5 - UPDATING ARTICLE 5 OF THE LAND USE CODE.
The Town Council hereby amends subsection 5.3.5.1 -C of Article 5 (Development Standards) of the Land Use Code as follows: (*new additions are underlined*).

5.3.5.1 Fences Walls and Hedges

...

C. Permitted Materials – Stone or brick walls with a stone or case stone cap, treated wood fences, decorative metal, cast iron, vinyl, stucco walls, and stone piers are permitted. Hedges may be used in the same manner and for the same purposes as a fence or wall, subject to fencing height requirements. Other materials may be incorporated in fences and walls as may be approved by the Town but chain link fencing is prohibited with the exception of enclosing sports courts.

ARTICLE 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 – 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 5 – 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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Tina Harris, Clerk & Recorder, Larimer County, CO

TOWN OF TIMNATH, COLORADO

Robert Axmacher, Mayor

ATTEST:

Kaitlyn Bernhoft, CMC
Town Clerk

TOWN OF TIMNATH
SEAL
COLORADO