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# TOWN OF JOHNSTOWN



## LAND USE AND DEVELOPMENT CODE (LUDC)

ADOPTED MAY 2023

AS REFERENCED IN CHAPTER 17  
OF THE JOHNSTOWN MUNICIPAL CODE





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## CHAPTER 17 – LAND USE AND DEVELOPMENT CODE

### Article 1. General Provisions

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#### 17-1-1 Title

This Chapter is known as the Johnstown Land Use & Development Code. References to “this code,” “the development code,” “the land use code,” “the zoning code,” or “these regulations” shall be considered a reference to the Johnstown Land Use & Development Code.

#### 17-1-2 Authority

- A. **Authority.** The Johnstown Land Use & Development Code is adopted through the powers granted in the Johnstown Home Rule Charter (“Charter”), and in accordance with the general purposes and authority granted by Colorado Revised Statutes, Title 31, Article 23 Planning and Zoning. The Town of Johnstown recognizes that zoning is a local and municipal matter and intends that this code supersedes any conflicting general law of the State of Colorado within its jurisdiction.
- B. **Jurisdiction.** The Johnstown Land Use & Development Code applies to all structures, uses, and land within the incorporated area of the Town of Johnstown, as depicted on the official zoning map, and other maps accompanying the Town’s plans and policies. The provisions of this code that apply to subdivisions, and the planning and design of major streets, shall apply to all land within the legal boundaries of the Town and all land within three miles of the corporate limits of the Town, if not located in any other municipality’s authorized jurisdiction.

#### 17-1-3 Purposes

This development code is adopted to promote the public safety, health, and general welfare for the Town of Johnstown and its citizens and businesses. Specifically, the regulations have the following purposes:

- A. Implement the Comprehensive Plan, and other plans and programs authorized under the guidance of the Comprehensive Plan.
- B. Ensure long-term value and the physical, social, and economic well-being of residents and businesses through coordinated public and private investment.



- C. Promote planning and urban design that emphasizes distinct places and unique elements of community character throughout Johnstown.
- D. Provide parks, trails, natural areas, and civic spaces and organize development around systems of connected open spaces.
- E. Secure proper arrangement and design of streets to shape efficient development patterns, implement multimodal networks, coordinate with existing and planned streets, and improve mobility and access.
- F. Divide the Town into zones and districts that promote the character, intensity, and development patterns of distinct places identified in the Comprehensive Plan.
- G. Regulate and restrict the development and use of buildings and land within each zoning district to create compatibility within districts and transitions between complimentary districts, uses, and buildings.
- H. Secure adequate provisions for water, storm drainage, wastewater facilities and other public improvements based upon local, state, and federal requirements.

#### 17-1-4 Applicability

- A. **General Applicability.** It shall be unlawful to conduct any development or use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits or other authorizations have been issued.
- B. **Transition Provisions.** The following rules shall determine the transition from previous regulations to the current code:
  - 1. *Applications.* Any application submitted prior to the effective date, and determined a complete application by the Director, shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.
  - 2. *Prior Approvals.* All permits, site development plans, or other approvals issued prior to the effective date of this code shall remain effective, subject to any prior expiration provision of the specific application. Any changes, or amendments to a prior approval requested after the effective date of this code shall be subject to all provisions of this code.
  - 3. *Plats.* Any approved preliminary plat may continue to advance to final plat according to the procedures of this code and as presented on the approved preliminary plat unless:
    - a. A major amendment is proposed to the preliminary plat; or
    - b. Any final plat proposes a substantial change to the preliminary plat.
  - 4. *Use by Special Review.* Any use operating under a use by special review or other approval that may be limited to a specific duration or conditions under prior regulations may continue for that specified duration or according to the conditions. Any changes or subsequent approvals of these uses upon expiration of that period shall be processed according to this code. A use existing legally prior to the effective date of this code, but which is now classified as Use by Special Review, shall be considered as having Use by



Special Review approval according to this code based on the extent of the existing operations.

5. **Planned Unit Developments.** All preliminary and final development plans and design guidelines approved within the previous Planned Unit Development (PUD) zoning districts shall remain in effect. Subsequent approvals needed for ongoing development under the PUDs shall be processed according to the previously applicable to PUD progression for outline, preliminary, and final development plans. Amendments to approved PUDs and design guidelines, or future development or redevelopment within PUDs, may be processed according to the terms of the current development code, and the prior PUD plans be voided and superseded. Alternatively, Planned Unit Developments may be rezoned by the Town according to the current code, and the prior PUD plans be voided and superseded.
6. **Continuation of Enforcement.** Any violations of a previously valid regulation that continues after adoption of this code may be enforced as provided by this code. The Town may, in its discretion, enforce either the previous regulation or the standards of this Code.

**D. Severability.**

1. If a valid and final court decision declares any part of this development code to be invalid, that ruling shall not affect any other provisions of this development code not specifically included in that ruling.
2. If a valid and final court decision declares that the application of this development code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or to development with different circumstances.
3. No provision of this code shall enable any circumstance that is unlawful under superseding federal or state law. If any section, subsection, sentence, clause, phrase, or portion of this code is now or in the future superseded or preempted by state or federal law, or found by a valid final court decision unauthorized, such provision shall be interpreted and applied as required by law.

**17-1-5 Administration**

**A. Staff.** The following Town Staff positions are responsible for administering specific aspects of this code.

1. **Planning Director.** Pursuant to Article 8 and administrative authority granted by the Town Manager, the Planning Director (Director) is responsible for general administration of the development code and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies to coordinate any plans, policies and programs that impact the Comprehensive Plan or this code.
2. **Johnstown Review Committee.** The Town Manager or Director may assemble the Johnstown Review Committee, for any applications that the Town Manager or Director determines require referral, review, and comment from any of other departments or external agencies. The committee generally includes the Public Works Director, Utilities Director, Town Engineer, Building Official, public safety representatives, and staff from



any other relevant departments or their authorized representatives on a project-specific basis.

- B. **Planning & Zoning Commission.** The Planning and Zoning Commission is the appointed body of the Town responsible for long-range and comprehensive planning, as well as review, recommendations and decisions on implementation of the Comprehensive Plan and development code. The Planning and Zoning Commission is established according to the Municipal Code.
- C. **Board of Adjustment.** The Board of Adjustment was created under the authority of C.R.S. 31-23-307. The Board of Adjustment is established pursuant to these regulations and is empowered to hear and decide the following appeals as specified in Article 2:
  - 1. Grant variances to the strict application of the standards in this code; and
  - 2. Hear and decide appeals when an error is alleged in any order or determination made by the Director in the interpretation or enforcement of this code.

### 17-1-6 Interpretation

- A. **Rules of Construction.** The following rules shall be use in the application and interpretation of this code, unless the usage in a specific standard or context clearly indicates otherwise:
  - 1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
  - 2. The present tense includes the future tense, and the future tense includes the present tense.
  - 3. The singular includes the plural, and the plural includes the singular.
  - 4. Lists of examples prefaced by “including the following,” “such as,” or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.
  - 5. The conjunctive “and” in a list means that all apply; the conjunctives “or” and “and/or” mean the provisions may apply singly or in any combination; and the conjunctive “either ..or” means the provisions apply singly but not in combinations.
  - 6. When calculations to determine a requirement of something that cannot be divisible (i.e. parking space, trees) results in fractions, it shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.
  - 7. “Shall,” “will” or “must” is mandatory; “should” or “may” is permissive but a recommended method to best meet the standard or achieve the intent of the standard.
  - 8. A reference to an administrative official shall refer to that official, or their official designee, and all references to specific town officials may also include any other designee of the Town Manager.
  - 9. Any reference to other official local, state or federal government rules or regulations shall include the current versions of those regulations, provided they remain binding on the Town, or where not binding, remain consistent with the purposes, intent, and objectives included in these regulations.
  - 10. References to a person shall include individuals, partnerships, agencies, corporations or other legal entities and the owner, tenant, occupant, principal, partners, officers, employees, agents, and representatives of any legal entity.
- B. **Conflicts.** All provisions shall be considered the minimum requirements to promote the public health, safety and welfare. In case of a conflict between these regulations and any other adopted rule, regulation or code of the Town, the higher standard shall apply. In deciding of which standard is higher, the official may consider which is more specific; which is more consistent with



the Comprehensive Plan; which is more consistent with the purposes, intent and objectives of these regulations; and which best promotes the public health, safety and welfare.

- C. **Computations of Time.** The following rules apply to any computation of time, unless a specific section of these regulations indicates otherwise:
1. The day of the act that commences a time period shall not be counted.
  2. The last day of the time period shall be included, unless it is a Saturday, Sunday or legal Town holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal Town holidays count in the time period.
  3. Whenever any time period is expressed for a formal submittal to the Town, the time period shall end at 5:00 p.m. on the last day of that time period.
  4. Any time period expressed in years shall include a full calendar year from the act that commences the time period.
- D. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:
1. Boundaries approximately following streets or other rights of way or rivers or streams; the centerlines or extension of these centerlines shall be the boundaries.
  2. Boundaries indicated as approximately following property lines - the platted or other official legal line of that property shall be the boundaries unless the property boundaries on the map have been substantially altered.
  3. Boundaries approximately following Town limits shall be interpreted as following the actual Town limits.
  4. Boundaries that split any platted lots - the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the Director shall determine the appropriate zoning based on consideration of the Comprehensive Plan, the context, the surrounding existing uses, and the likelihood of change in context or existing uses in the future.
  5. Boundaries that split any unplatted property - any future platting of property may generally follow the zoning boundary and then each resulting property may assume the zoning applicable to the majority of the resulting lot actual platted boundary, or where any resulting lots have significant discrepancies with zoning boundaries, rezoning may be required.
- E. **Non-regulatory Provisions.** Intent statements, design objectives, graphics, and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of a conflict between the intent statements, design objectives, graphics or commentary and a specific standard, the specific standard shall control unless the context and intent clearly indicate otherwise.
- F. **Resources, Guides, & Industry Standards.** Resources, guides, and industry standards that are recognized as a reputable authority in the planning, development and urban design professions, may be used to supplement interpretation of this code. They shall be subject to the approval of the Director upon a determination that the content is consistent with the policies of the Comprehensive Plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Planning and Development Department. The use of these guides shall only be to the extent that it is consistent with the purposes, intent and design objectives expressed in these regulations, and shall not be used to otherwise modify or conflict with any specific standard in these regulations.





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## 17-1-7 Nonconformities

- A. **Intent.** The Town permits existing uses, buildings and lots that were created legally and in conformance with then-applicable requirements, but do not conform to the current applicable requirements of these regulations, to continue to be put to productive use. The Town’s intent is to bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical. The intent of this section is to balance the interests of property owners in past investments, discourage investment that expands or reinforces non-conforming situations, and promote investment consistent with the Comprehensive Plan and these regulations.
- B. **Nonconforming Uses.** Uses that were legally initiated or established prior to the adoption or amendment of this code, but which would otherwise not be continued under the current terms of this code, may continue to exist subject to the following:
1. The use shall not be expanded beyond the current size any specific area of the site or lot where it was legally established, beyond any existing building or structure, or within any building or structure where any structural changes expand the exterior footprint of a building or structure. The Director may consider an exception based on the following findings:
    - a. The enlargement of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage or promote expansion or increase impacts of the nonconforming use;
    - b. The enlargement of the structure or buildings may allow for an addition to a detached house to enhance the livability, provided it does not add more than 50% of the original building square footage.
  2. Any accessory use to a principal nonconforming use shall not be permitted absent the principal use, and continuation of accessory uses shall not avoid any abandonment period for the nonconforming principal use. No additional accessory building or use not present when the nonconforming use was established shall be permitted, unless in conformance with these regulations.
  3. If active and continuous operations are not carried on during a period of 1 year, the use shall not be reestablished and all subsequent uses shall be in conformance with the provisions of this code.
    - a. Intent to resume active and continuous uses shall not count towards reestablishing the use. Evidence of a continuous business license is not sufficient to maintain use for this purpose. A business use must be operational to be considered active.
    - b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the nonconforming home occupation.
    - c. At the time any nonconforming, individual mobile home existing on a private lot is removed or is vacated, the use shall be deemed abandoned and shall not be returned or occupied except in compliance with this code.
    - d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for 1 year or more.
  4. No person shall move a nonconforming use within the same parcel or to another parcel unless the relocation conforms to this code.
  5. Any change of use shall be to a conforming use, and at that time the nonconforming use shall be abandoned. The Director may consider and authorize a change to a lessor



nonconforming use considering the extent, intensity, or operations of the use, provided it does not otherwise include investments that extend the period that the property is not conforming to this code.

6. Any structure in which a nonconforming use is carried on that is damaged to the extent of more than 50% of the current replacement value shall not be restored to support the nonconforming use with the exception of detached houses and duplexes, which may be replaced at its prior size as evidenced by records of the county assessor or other official record.
7. Any new activity that triggers specific site design standards shall require full compliance with that site design standard in order for the nonconforming use to continue, and the presence of a nonconforming use shall not be used to justify not meeting other applicable standards.

C. **Nonconforming Structures.** Structures other than signs that were legally constructed prior to the adoption or amendment of this code, but which could not be constructed under the current terms of this code, may continue to exist subject to the following:

1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions may occur provided that they comply with all other requirements of this code; are not detrimental to the purposes, intent and objectives of the standards; and do not negatively impact development in conformance with this code on adjacent property. In general, no repairs or alterations that exceed 50% of the replacement value of the structure shall be permitted.
2. If damaged by 50% or less of its total replacement cost, the structure may be restored to its original condition if a permit is obtained within 120 days of the damaging event and work is completed prior to expiration of the permit.
3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter, and the cost of improvement or restoration is 50% or more of the current replacement value, then the right to maintain the nonconformance shall terminate.
4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.

D. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space or other non-building site characteristic) in existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:

1. Any change of use or expansion of use shall require compliance with the current development standards up to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.
2. Any site development activity on a portion of a site shall require compliance with the new standards up to that proportion that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming.



3. Any change of use, building or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.
  4. Where any investment is greater than 50% of the current replacement value of the site or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.
- E. **Nonconforming Lots.** Any lots platted legally prior to the adoption or amendment of this code, but which could not be platted under the current requirements of this code, may continue to exist and be used for the uses permitted in the current zone district, provided development can meet other development standards.
- F. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. Nonconforming signs must be brought into compliance with this code or must be removed when any of the following conditions exist:
1. When the property or premises upon which the sign is located is vacant for a period of at least 120 days.
  2. When a sign and/or sign structure is damaged or destroyed in a monetary amount which exceeds 50% of its total replacement cost or becomes a hazard or potential hazard.
  3. When there is a zone change initiated by the business or property owner.
  4. When a sign and/or sign structure is abandoned for more than 120 days, including empty frames.
  5. When an existing structure upon which the sign is located is relocated, replaced, or changed in size, location, height or setback.
  6. When the sign itself is relocated, replaced, or changed in size, location, height or setback.
  7. The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to change of copy or normal maintenance.
  8. When improvements are being made to 50% percent or more of the facade of a building on which a nonconforming sign is located.
- G. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section. Owners of nonconformities may request a “certificate of legal nonconforming status” by filing an application with the Director.

### 17-1-8 Enforcement

- A. **Violations.** It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations. It shall be unlawful for any person to do or cause:
1. Any act or thing prohibited by these regulations;
  2. Omit any act or thing required by these regulations; and
  3. Interfere in any manner with persons in performance of a right or duty granted or imposed by these regulations, maintained, or otherwise initiated in violation of these regulations.
- B. **Enforcement.** The Town may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including withhold any permits or licenses, revoke or suspend any permits or licenses previously granted, issue stop work orders, cease action on pending development application or permits, correct or abate the



## ARTICLE 1 – GENERAL PROVISIONS

### 17-1-7 NONCONFORMITIES

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nuisance, withhold any public improvements, or penalize and initiate legal proceedings to prevent the continuance of unlawful actions or conditions.

- C. **Penalty.** Any person violating any of the provisions of this code shall be deemed guilty of such violation and upon conviction, shall be penalized as provided in the Johnstown Municipal Code. Each day of a violation shall constitute a separate offense, and any owner or other person employed in connection with a violation shall be guilty of a separate offense. The Town shall further have the right to maintain suits or actions in any court of competent jurisdiction for the purposes of enforcing these regulations and to abate any potential nuisance, including preliminary or permanent injunctions. These penalties are not exclusive of any other remedy available under any applicable local, state, or federal law, and it is within the discretion of the Town to seek alternative and/or cumulative sanctions or remedies.



Article 2. Applications & Procedures

- 17-2-1 General – All Applications
- 17-2-2 Platting
- 17-2-3 Rezoning
- 17-2-4 Planned Development
- 17-2-5 Site Development Plan
- 17-2-6 Alternative Compliance
- 17-2-7 Use by Special Review
- 17-2-8 Variance
- 17-2-9 Appeals of Administrative Decision
- 17-2-10 Text Amendments
- 17-2-11 Vested Property Rights
- 17-2-12 Annexation & Establishment of Zone District

Table 2-1: Procedures Summary

	Eligible Applicants			Pre-application Meeting	Neighborhood Meeting	Notice			Review Body			
	Owner	PC	TC			Post	Publish	Mail	Staff	PC	TC	BoA
<b>Minor Subdivision (17-2-2.C)</b>	■			☑					D		A	
<b>Preliminary Plat (17-2-2.D)</b>	■			☑	☑	☑	☑	☑	R	R/PH	D/PH	
<b>Final Plat (17-2-2.E)</b>	■					☑	☑	☑	R		D/PH	
<b>Rezone (17-2-3)</b>	■	■	■	☑	☑	☑	☑	☑	R	R/PH	D/PH	
<b>Planned Development (17-2-4)</b>	■	■	■	☑	☑	☑	☑	☑	R	R/PH	D/PH	
<b>Site Development Plan (17-2-5)</b>	■			☑					D	A		
<b>Alternative Compliance (17-2-6)</b>	■			☑		Based on procedures of related application						
<b>Use by Special Review (17-2-7)</b>	■			☑	☑	☑	☑	☑	R	R/PH	D/PH	
<b>Variance (17-2-8)</b>	■			☑		☑	☑	☑	R			D/PH
<b>Appeal of Administrative Decision (17-2-9)</b>	■	■	■			--	--	--				D/PH
<b>Text Amendment (17-2-10)</b>		■	■				☑		R	R/PH	D/PH	
<b>Vested Property Right (17-2-11)</b>	■			☑					R	R	D/PH	
<b>Annexation &amp; Establishment of Zone District (17-2-12)</b>	■		■	☑		☑	☑	☑	R	R/PH	D/PH	

☑ = Required  
 ■ = Authorized  
 PC = Planning & Zoning Commission  
 TC = Town Council  
 BoA = Board of Adjustment

R = Review and Recommending Authority  
 D = Decision Making Authority  
 A = Appeal of Decision  
 PH = Public Hearing Required



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17-2-1 General – All Applications

A. **Applications & Fees**

1. *Forms.* Applications required under this code shall be submitted to the Planning and Development Department on forms supplied by the Department. The Director is authorized to establish application forms and submittal requirements to ensure all applications can be evaluated for conformance with this code. The Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the Town's current Fee Schedule. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required for applications initiated by the staff on behalf of the Planning and Zoning Commission or Town Council. In addition to any application fee established, applicants shall cover the direct expenses incurred by the Town in the review and processing of the application, including external consultants necessary and publication costs, in accordance with the Johnstown Municipal Code.
3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this code, which may include the following:
  - a. *Owner.* The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
  - b. *Planning and Zoning Commission.* The Planning and Zoning Commission, acting on its own initiative or through recommendations brought to it by town staff.
  - c. *Town Council.* The Town Council acting on its own initiative or through recommendations brought to it by town staff.

B. **Concurrent Applications.** When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the following:

1. The similarity of information required for each type of application, or where they require different information, the ability to coordinate information, review criteria and decisions under each application.
2. The similarity of notice, timing, procedures, meetings and review bodies required for each application.
3. The ability of the staff and review bodies to make effective and well-informed decisions when reviewing the applications concurrently and comprehensively.

In cases where the Director determines applications may run concurrently, the application shall be processed through the highest review level of any of the associated applications. Approvals may be contingent on final decisions and subsequent approvals of the highest concurrent review, except that decisions of lesser applications may stand alone regardless of the outcome of higher-level decisions they may be considered final provided all procedures and criteria of that particular application are satisfied. Otherwise, no decision shall be considered final until the last of the related decisions has been made.

C. **Pre-application Meeting.** Pre-application meetings may be requested for any application and shall be required as indicated in Table 2-1. A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request, for any application that is routine in nature and where the topics below can be addressed by general correspondence. Preapplication discussions are informational and non-binding, and assist applicants with further required due diligence on formal application requirements. Applicants shall confer with the Director and other



## ARTICLE 2 – APPLICATIONS & PROCEDURES

### 17-2-1 GENERAL – ALL APPLICATIONS

town staff or officials designated by the Director, to discuss the general nature of the proposal, including:

1. How the proposed project meets the goals of the Comprehensive Plan, or other specific plans or policies applicable to the area.
2. The applicant's vision and understanding of the market for the proposed project.
3. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.
4. How the project will contribute to the area and further the intent of the zoning district.
5. Planning and infrastructure impacts demands and impacts.
6. Development review processes and review criteria.
7. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.

D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1.

1. The Director may waive the requirement for a neighborhood meeting where the application will not impact the character of development or nature of activities in the area, or where information about the project is adequately presented in other means.
2. The Director may request a neighborhood meeting for other projects not required by Table 2-1 where the nature of the project is particularly complex or presents potential impacts on property in the vicinity.
3. Neighborhood meeting scheduling, notice, content, and record-keeping shall be coordinated with other procedures required for the application, and according to any Town policies on community engagement.

E. **Staff Review.** Upon receipt of an application or resubmittal, the Director shall take the following steps:

1. **Determination of Complete Application.** The Directory shall conduct a cursory review of the application to determine if the submittal is complete.
  - a. If an application is determined incomplete, the Director shall notify the applicant of the specific ways in which the application is deficient within 10 business days from the submittal date. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the incomplete application may be considered withdrawn.
  - b. If an application is complete, it shall be processed for formal review.
2. **Staff Review.**
  - a. Applications may require review by the Johnstown Review Committee (JRC) as established in Section 17-1-5, and the Director may determine that any application can be reviewed by the JRC when it affects issues or facilities significant to other departments and outside agencies.
  - b. The Director may determine if other referral agencies are appropriate based on the application and has discretion to add any other relevant or applicable agency to the list. In general, the following agencies may be requested to review and comment:
    - (1) Adjacent county and municipal governments
    - (2) State of Colorado Department offices
    - (3) Gas and electric utilities
    - (4) Telecommunications and cable providers
    - (5) Public safety agencies (police, fire, health, emergency medical services)
    - (6) School district(s)
    - (7) Water and sewer utilities
    - (8) Ditch companies



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- (9) Special districts; and
        - (10) Other local, state, or federal government agencies or impacted entities
      - c. Failure to receive comments from referral agencies may allow the Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the Director may interpret the failure to comment as consent to the application by the agency.
      - d. The applicant shall be responsible for coordinating all subsequent requirements or comment, agreements, plans, or fees required to satisfy agency requirements, and for notifying any agency prior to final review of any changes that may affect their comments on initial plans.
    3. **Staff Comments.** The Director shall coordinate a staff review after receipt of a complete application and may provide the applicant the following information in writing:
      - a. Comments or recommended changes based on the results of any referral agency comments, neighborhood meetings, or staff review.
      - b. A list of any additional information necessary to support the application or address any comments or recommended changes.
      - c. If the applicant chooses not to address any comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and provide reasonable rationale why the comment cannot be addressed. The applicant may request to schedule the application for official review based on this rationale.
      - d. If the applicant fails to submit revisions or otherwise address any comments from the Planning and Development Department in writing for more than 120 days, the Director may determine the application withdrawn and the review terminated. Any further action will require a new application and fees.
    4. **Scheduling.** Applications that have completed JRC or staff review, and addressed comments or recommended changes, shall be scheduled for further review according to these regulations.
    5. **Staff Report.** The Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, regulations and review criteria, and identify relevant facts of the application. The Director shall publish or otherwise make the report available to the applicant and public prior to the review body meeting, in association with the public meeting agenda and packet.
  - F. **Notice.** Notice shall be provided for each application as indicated in Table 2-1, which shall provide the date, time, place of the meeting, and general information on the application including the location and type of application. Notices for concurrent projects may be combined into a single notice. Required notices shall meet the following requirements, in addition to the general agenda publication:
    1. **Published.** Where published notice is required, at least 10 days prior to the public hearing or meeting, the Town Clerk shall publish the notice in the newspaper of general circulation.
    2. **Posted.** Where posted notice is required, notice shall be posted on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:
      - a. The Director shall determine the number, type, and specific location of signs based on the context of the property.
      - b. The applicant shall ensure that signs are posted at least 10 days prior to the public hearing or meeting.





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- c. The applicant shall make a reasonable, good faith effort to maintain posted notice throughout the proceedings.
  3. **Mailed.** The Town shall mail notice, as a courtesy, for applications as indicated in Table 2-1, including the date, time, place of the meeting; the general location of the subject property; the type or general nature of the application; and the location and contact where additional details may be found. Notice shall be sent by regular mail to the following, at least 10 days prior to the hearing or review meeting:
    - a. All property owners within 500 feet shown by the records of the county assessor;
    - b. For USR applications and other situations where the Director determines that additional notice may be appropriate due to the context or nature of the project, the distance for property owner notifications may be increased up to 2,000 feet.
  4. **Surface Development Notification.** Where mailed notice is required by state statutes for any project related to mineral estate owner identified on the county tax assessor's records or who has filed in the office of the county clerk and recorder a request for notification, the applicant shall be responsible for notice. The applicant shall certify to the Town that notice has been provided as required by this code and Colorado law prior to a public hearing, public meeting, or administrative decision.
  5. **Additional Hearing or Meeting Dates.** For any application where mailed or published notice is required by this code or Colorado law, and the reviewing authority adjourns or continues to the review to a certain date, time and location, no new notice shall be required.
  6. **Failure of Notice.** Any failure of published, posted, or mailed notice shall not invalidate any subsequent process or decision in the Director's discretion. In making this decision, the Director shall consider whether:
    - a. Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's or Town's control;
    - b. Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
    - c. The failure of notice is not otherwise instrumental to the proceedings, criteria, or record established for the decision.
- G. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:
  1. The hearing shall be conducted, and a record of the proceedings shall be preserved.
  2. Any interested person or party may appear and be heard in person or by agent.
  3. The review body may request testimony or a report on the application from any government official or agency, or any other person with information pertinent to the application.
  4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time and place of the continued hearing is announced at the original hearing.
- H. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in this Article, or recommend such action when the review body is a recommending body, including the following:



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1. Approve the application.
  2. Approve the application, with conditions or modifications that make it more consistent with the standards and approval criteria.
  3. Deny the application, with specific reasons for the denial.
  4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the original review without consent of the applicant.
  5. Remand the application back to staff for reprocessing, should the application lack sufficient quality or pertinent information to make a decision.
- I. **Appeals.** Where no appeal is designated in Table 2-1, the decision shall be final and only appealed as authorized by law. Any final decision made under this code by an administrative official may be appealed through an Administrative Appeal application according to 17-2-9 and Table 2-1. Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:
1. Appeals shall be filed with the Director within 15 days of the decision.
  2. Appeals shall identify the exact provisions in dispute and whether it is incorrect due to one or more of the following:
    - a. It was against the express standards of this development code;
    - b. It was an unreasonable interpretation or application of the standards or review criteria;
    - c. It was erroneous, based on the record and facts reviewed by the decision-making body; or
    - d. It was otherwise clearly contrary to law.
  3. The following persons and entities shall have standing to appeal the action of the review body:
    - a. The applicant;
    - b. The Town Manager, on behalf of any public official, department, or public body;
    - c. Any other person who was aggrieved and materially affected by the decision, and otherwise has a right to appeal by law.
  4. The appellate body shall consider the application based on the established record, within 60 days of a filed appeal. It shall give deference to the previous review body, but may take any action authorized by the decision-making body under this code if it determines that a clear error was made.
  5. The procedure and required notice shall be the same as required of the original application.
- J. **Technical Studies.** The Director, on behalf of any public official, department, or agency, the Planning and Zoning Commission, or the Town Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, infrastructure capacity and impact analysis, geologic, geotechnical or hydrologic studies, environmental impact and biological assessments, noise studies, market studies, or fiscal and economic impacts. The persons or firms preparing the studies may be subject to the approval of the Director. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the Town may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.
- K. **Permits.** Upon final approval and completion of any conditions as specified for each application in this section, applicants may apply for all permits necessary to construct buildings, infrastructure, and site improvements. Permits necessary to show full compliance with the standards of this code, other applicable Town codes, or other agency requirements or laws may be required.
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- L. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from date of denial. The Director may permit a refiled of the application sooner than 1 year when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity, or where a significant text amendment to this code has been adopted that may affect the outcome of the action on the application. There shall be no time limitation on an application that the Director determines is substantially different from a previously denied application, when considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.

## 17-2-2 Platting

- A. **Applicability.** Plat applications are required to design and coordinate streets, open spaces and other civic places with developable lots and buildings; to create lots and establish or alter the legal boundaries of a property; and to account for public facilities and services, infrastructure, development patterns, or other long-range growth and development considerations prior to potential fracturing of ownership. Plat applications shall be initiated by the property owner. Specifically, plat applications shall apply to:
1. Any division of land into more than one lot or parcel;
  2. Any adjustment of previously platted lots that alter the legal boundaries or potential ownership patterns, other than those by operation of law, acquisition by a public entity, or by court order such as partition or quiet title action; and
  3. Any development on previously unplatted property.
- B. **Types of Plats and Applications.** Plat applications are classified and processed as one of two types:
1. *Minor Plats.* Minor plats are routine applications such as lot adjustments or land divisions that change legal boundaries but do not significantly alter overall development patterns or impact public services.
  2. *Major Subdivisions.* Major subdivisions are all other land divisions or development impacting development patterns and intensity, rights-of-way, or infrastructure, which require a comprehensive review through preliminary plat and final plat procedures.
- C. **Minor Plat.** Minor plats shall be processed according to the following criteria and procedures.
1. *Eligibility.* The following situations are specifically eligible for minor plat processes:
    - a. The adjustment to legal boundaries of previously platted lots.
    - b. The consolidation of up to 4 previously platted lots into fewer lots.
    - c. The division of a previously platted lots into no more than 2 additional lots.
    - d. The division of previously unplatted land or of a platted tract into 4 or fewer lots.
    - e. A survey or other legal instrument to correct an error in the legal description, certification, or other element of an approved plat; to dedicate, vacate, or alter easements; or to confirm legal boundaries of lots in an approved plat that could only be determined post-construction.
  2. *Review Criteria.* An application may be approved by the Director if the Director determines that all of the following are met.
    - a. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.) or impact on the ability to maintain existing service levels will result.
    - b. The application does not alter any zoning district boundaries due to adjustments to any lots.



- c. All resulting lots meet the legal standards of the subdivision regulations and applicable zoning districts.
- d. The lot patterns are compatible with the surrounding area and any previously approved final plat for the subject property. In determining compatibility, the size and dimension of lots, the layout and design of existing subdivisions and rights of way, and the degree of deviation from previous development and the potential impact of this deviation on surrounding property shall be considered.
- e. Any dedication of right-of-way included in the plat is part of a planned street or required expansion of an existing street and is subject to acceptance by the Town Manager or may be further referred to the Town Council for acceptance of that right-of-way.
- f. No other significant issues exist with potential development enabled by the plat that could affect planning policies, undermine the application of other development regulations, or impact adjacent property owners.
- g. No prior administrative plat process created the lots being resubdivided, such that the proposed administrative plat and lots appear to circumvent the major subdivision process.

Any application not classified as an administrative plat or not meeting these criteria shall be processed as a major subdivision with a preliminary plat and final plat.

3. *Review Procedures.* In addition to the general requirements in Table 2-1 and Section 17-2-1, the requirements in this sub-section apply to administrative plat applications.
    - a. If the Director determines at any point in the process that the application is not eligible or appropriate for an administrative plat the Director may require that the application be processed as a major subdivision.
    - b. Any administrative plat that includes right-of-way or other public dedication shall be accepted by Town Manager or the Town Council by certification on the plat.
  4. *Effect of Decision.*
    - a. The applicant shall submit the approved administrative plat and all other required documents and certificates to the Town for execution.
    - b. The Town shall record the administrative plat and executed documents with the applicable county clerk and recorder.
    - c. The administrative plat shall become effective after recording.
- D. **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative plat is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.
1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The Director may allow a preliminary plat and final plat to be processed simultaneously, provided the submittal requirements and criteria for both applications can be met. For any application that is particularly complex, the Director may require the applicant to first submit a concept plan as discussed in Sec. 17-2-4 B.1 for public review by the Planning and Zoning Commission and Town Council prior to official submittal. Review of a concept plan shall not require any approval, but merely provides feedback and general consensus and provides the applicant direction for preparing a formal preliminary plat.
  2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria.
    - a. The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan.



- b. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
  - c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards this Chapter and are coordinated with existing or potential development on adjacent property.
  - d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district.
  - e. The application demonstrates a preliminary feasibility of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
  - f. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
  - g. Any impacts identified by specific studies or technical reports, including a review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
  - h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
  - i. The plat has addressed issues of professional staff or any other public entity or review agencies asked to officially review the preliminary plat and received positive recommendations.
3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 17-2-1, the requirements in this sub-section apply to preliminary plat applications.
- a. At the pre-application meeting, and based on the size, scope and impact of any future development anticipated or pending with the request, the applicant shall propose how to coordinate the Neighborhood Meeting according to Section 17-2-1.D.
  - b. Any application that is particularly complex or involves significant planning and design issues, may be coordinated with a Rezoning in Section 17-2-3 or a Planned Development in Section 17-2-4 prior to or concurrent with an official submittal of a preliminary plat.
  - c. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning and Zoning Commission.
  - d. The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the Town Council on the preliminary plat.
  - e. After a recommendation by the Planning and Zoning Commission, the preliminary plat shall be scheduled for a public hearing at the Town Council for approval of the design concepts in the plat and acceptance of all public lands or proposed facilities.
4. *Effect of Decision.*
- a. The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat.
  - b. An approved preliminary plat shall be effective for two years, except that any complete submittal of final plat for any phases indicated on a preliminary plat shall renew remaining portions of the preliminary plat. If a final plat is not submitted in that timeframe, the preliminary plat shall expire.
  - c. The Director may grant a one-year extension, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat



- E. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.
1. **Review Criteria.** A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
    - a. The layout and design of the final plat is substantially consistent with the approved preliminary plat considering the number and size of lots and outlots; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments. Deviations made necessary due to the further detail in planning, design and engineering, and which meet the standards of this code, are generally considered “substantially consistent” with the preliminary plat.
    - b. The construction plans for any utilities, infrastructure, and public or common facilities meet all technical specifications.
    - c. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
    - d. The phasing and timing of required improvements ensures construction and performance guarantees. Any phasing that meets an approved preliminary plat is presumed acceptable. Any deviations of the final plats from an approved phasing plan shall not alter the timing or coordination of required improvements or amenities in the approved preliminary plat.
    - e. Deviations in the final plat from the approved preliminary plat may be considered where the change:
      - (1) Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards.
      - (2) Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
      - (3) Does not impact any condition of the Planning and Zoning Commission or Town Council associated with the approval of the preliminary plat;
      - (4) Is generally consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10 percent; and
      - (5) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.
    - f. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public lands and rights-of-way, may require resubmittal of a revised preliminary plat.
  2. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 17-2-1, the requirements in this section apply to final plat applications.
    - a. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this code or by a specific agreement for the project. The applicant shall submit final plans and specifications for these improvements, and ensure construction of these improvements of financial guarantees as provided in Section 17-3-4.
    - b. Staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications, and a final plat that meets these criteria shall be presented to the Town Council for acceptance.



- c. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
  - d. The Town Council shall make a final decision on final plats based on these criteria, and may accept the dedication of any easements, rights-of-way, or other public lands on behalf of the Town.
3. *Effect of Decision.*
- a. The applicant shall submit the approved final plat and all other required documents and certificates to the Town for execution. Approval may be conditioned upon payment of all other applicable fees and execution of all applicable agreements prior to recording.
  - b. Once approved and all conditions are satisfied, the Town shall record the final plat and executed documents with the applicable county clerk and recorder.
  - c. The plat shall become effective after recording, and recording shall complete the Town's acceptance of the dedication of land for public purposes indicated in the approved final plat.
  - d. A recorded plat may be modified through the same procedure used to approve the final plat unless it qualifies as a minor subdivision, or unless the changes are significant enough to require a new preliminary plat.
  - e. No substantial site construction may begin until all final plat documents are executed and recorded, applicable fees paid, and plans and agreements for required improvements are in place according to Section 17-3-4. A building permit shall not be issued until the completion, inspection, and acceptance of all required improvements, unless otherwise agreed to in writing with the Town.

### 17-2-3 Rezone

- A. **Applicability.** The rezone process provides review of changes to the boundary of zoning districts (rezoning) that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. A minor modification to a zoning district to better align with final development configuration of lots and streets is also eligible for a rezone and may be initiated by the Town. Applications for a rezone may be filed by the property owner, the Town Council, or the Planning and Zoning Commission, or by Staff on behalf of these Town entities.
- B. **Review Criteria.** Review, recommendations, and decisions for a proposed rezone shall be based on the following criteria.
- 1. The rezone furthers one or more of the purposes of these regulations in Section 17-1-3, and on balance any purposes that may be undermined are outweighed by the benefits of those purposes it furthers.
  - 2. The proposal is consistent with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.
  - 3. The change is consistent with the intent of the proposed zoning district, specifically considering:
    - a. the design of streets, civic spaces and other open space;
    - b. the pattern, scale, and format of buildings and sites; and
    - c. the compatibility and transition with other complementary uses and development in the vicinity.
  - 4. The change is necessary for at least one of the following reasons:
    - a. There has been a material change in the character of the area or in the Town generally, such that the proposed rezone is in the public interest.



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- b. The change will serve a community need or provide an amenity or benefit to the surrounding area that was not anticipated at the time of the initial zoning.
      5. The Town or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.
      6. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.
      7. If owner-initiated, at least two-thirds of the subject property owners within the change of zone boundary have signed the application.
      8. If owner-initiated, the subject property has not been included in a rezone action in the prior 12 months, with the exception of property in the H-A zoning district which was established concurrent with annexation.
      9. The recommendations of any professional staff and advisory review bodies have been considered.
  - C. **Review Procedure.** In addition to all applicable general procedures in Section 17-2-1 and Table 2-1, the following specific procedures shall apply to zone changes.
    1. Applications may be accompanied by any preliminary plat, site development plan, planned development, or other development concepts necessary to evaluate conformance with the Comprehensive Plan.
    2. The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the Town Council.
    3. The Planning and Zoning Commission may recommend, and the Town Council may approve:
      - a. A lessor change than was proposed in the notice, whether in extent of property or project areas, or to a zoning district that permits a lessor scale and intensity of uses or other development standards.
      - b. A rezone based on the condition that the plat or site development plans are approved according to this code either prior to or within a certain time after Town Council action.
      - c. No substantial amendment to the Planning and Zoning Commission recommendation may be approved without referral back to the Commission. Failure by the Planning and Zoning Commission to consider or revise its recommendation shall be considered a resubmission of the original recommendation.
    4. Approval of a rezone shall be by ordinance approved by the Town Council.
  - D. **Effect of Decision.**
    1. A rezone shall be effective by an ordinance approved by the Town Council, and the Town Clerk shall record a copy of the ordinance and map exhibit with the applicable county clerk and recorder.
    2. The Director shall make the change on the official map by an actual change or other record identifying the ordinance with the associated property.
    3. The approved rezone remains in effect after the effective date of the ordinance, unless changed by a subsequent process according to the applicable procedures and criteria.





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## 17-2-4 Planned Development

- A. **Applicability.** The Planned Development process is intended for innovative development concepts that require a higher degree of specific master planning due to the scale, novelty, or complexity of the project. It is a type of rezone, but is based on a specific and integrated development plan. This process affords flexibility in the standards to improve the relationship of the project to the context; to deliver greater community benefits; and to better meet the purpose, intent, and objectives of this code. Application for a Planned Development may be filed by the property owner, the Town Council or by staff on behalf of these Town entities.
1. *Planning Thresholds.* A development plan shall include sufficient area to implement planning concepts that generate broader public benefits only gained from flexible application of the standards, and not simply be used to justify deviations for single projects or on a site-specific basis. Typical applications include:
    - a. Large-scale planned communities that involve transitions in land uses, development patterns or intensity, or public and civic spaces;
    - b. Additions to previously approved PUDs if the flexible application of standards is used to integrate projects with previous plans;
    - c. Projects with a mix of uses that are not otherwise accounted for by one or a combination of the base zoning districts of the code;
    - d. Projects that need deviations to facilitate appropriate infill development or redevelopment of a site; or
    - e. Other similar public or community benefits determined by the Director.
  2. *Eligible Adjustments.* Design and site elements that may be stipulated in a Planned Development, and vary from other sections of this Code include:
    - a. Modifications of building types and development standards, including lot sizes, setbacks, or heights.
    - b. Enhanced design specifications for buildings, open and civic space, streetscapes, or landscape that provide higher standards to execute a specific theme;
    - c. List of permitted or prohibited land uses and accessory uses;
    - d. Modifications to public streets and transportation-related infrastructure to specifically accommodate a transit-oriented development within 1/4 mile of a highway, interstate or transit corridor, or support more walkable and multi-modal patterns.
    - e. Any changes that can positively impact housing affordability based on a financial impact analysis and based on federal, state, or local guidelines relative to Area Median Income (AMI).
- B. **Development Plan.** A Planned Development zoning application requires a specific plan for coordinated development of the entire area within the planned zoning boundary, and shall include the following:
1. *Concept Plan.* A Concept Plan is a plan that presents the overall vision for the project, and development strategies for applying the Comprehensive Plan and Future Land Use Map policies and principles to a specific area. A Concept Plan shall demonstrate:
    - a. Statements on the intent and objectives for the project, and how they meet the review criteria for PUD rezones;
    - b. Maps designating general land use categories and distinct areas of the plan;
    - c. Diagrams and maps identifying a general arrangement and character of streets and open spaces;
    - d. Graphics illustrating anticipated scale, intensity and character of development;
    - e. A comparative description of how the plan and proposed standards differ from implementation of strict standards of the development code.



- f. A list of commitments to planned amenities or design strategies that will deliver public or community benefits beyond what the base zoning district requires.
2. **Framework Plan.** A Framework Plan is a design plan for the development pattern, streets, and civic spaces that serve as organizing elements of the area and development projects. A Framework Plan shall demonstrate the following, and may serve as a preliminary plat to the extent it includes all elements in Section 17-2-2.D:
    - a. Outline any proposed streets, internal streetscapes, and access, and how they coordinate with the adjacent development patterns, street networks, and blocks;
    - b. Specify dimensions and design cross sections for streets and internal circulation, or identify types and classifications for all routes.
    - c. Indicate the location, function, size, type and other design characteristics of open and civic spaces – whether public, common, or private.
    - d. Propose any phasing or implementation strategy for projects that will be designed or permitted in stages, including the estimated timing and any other details of implementing the project through future final plats and site development plans.
  3. **Regulating Plan.** A Regulating Plan becomes the zoning map for the specific project. It shall be based on the most comparable base zoning district(s), but specifically identify where development standards or uses may differ from those that would otherwise be applicable through the zoning district(s) and general development requirements of this code. It indicates the following:
    - a. The block and lot patterns, and where transitions in use or development intensity occur;
    - b. Specific land uses and their density/intensity. Including additions, subtractions, or other limitations from uses otherwise permitted in the base district;
    - c. The building and site design standards applicable for each distinct area; and
    - d. Any detailed plans, prototypes, renderings, elevations or other urban design and architectural specifications that can help expedite future development proposals through the site development plan process.

#### C. Review Criteria

1. **New Planned Developments.** Review, recommendations, and decisions for newly proposed planned development shall be based on the following criteria:
  - a. The plan implements the Comprehensive Plan to a demonstrated higher design and development standard than could be accomplished under application of general zoning districts and development standards.
  - b. Unique benefits to the community result from the flexibility in the proposed plan which elevate the general public health, safety and welfare of the community and surrounding areas, rather than flexibility to strictly to benefit the applicant or a single project.
  - c. The flexibility in the proposed plan allows the project to better meet or exceed the intent statements of the base zoning district(s).
  - d. The proposed adjustments to the standards do not undermine the intent or design objectives of those standards when applied to the specific project or site.
  - e. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan and the purposes of this code.
  - f. The plan meets the review criteria for a rezone in Section 17-2-3.B.
2. **Minor Amendment to PDs & PUDs.** Minor amendments to PDs under this code or PUDs approved under a prior code, may be approved by the Director, provided it meets all criteria or conditions for the initial approval, and is limited to the following:



- a. Any change in the number of housing units, change in lot sizes or dimensions, or increase the extent of non-residential uses is less than 5%.
  - b. There is no decrease in the amount of open space or other reduction of amenities from the approved plan.
  - c. Any change in the height or square footage of buildings is no more than 10% of the approved measurements.
  - d. Any change in a design standard meets the criteria for alternative compliance in Section 17-2-6.
  - e. Changes to the boundaries of any planning areas do not change the boundaries of the PUD, do not alter the mix of uses by more than 10% in land area or square footage, and otherwise reflect a similar land use plan.
  - f. The proposed change is consistent with concept plans in the previously approved planned unit development.
  - g. The plan otherwise meets all of the review criteria for site development plans in Section 17-2-5.
3. **Major Amendment to PDs & PUDs & Conversions.** Changes to previously approved PDs that exceed allowances for minor amendments, or conversions of PUDs approved under a prior code to the provisions of this code, may be proposed for a portion of the area under the following criteria:
- a. The plan proposes the most closely applicable base zoning district(s) for in terms of land use, development intensity, and building form and scale.
  - b. The proposed change is consistent with concepts or plans in the previously approved PUD or planned development.
  - c. The plan does not increase development beyond any capacity constraints or impact limits of the previous plan.
  - d. The proposed plan either meets the standards provided in this code and the conversion is to a base zoning district according to general standards, or where deviations from the base zoning districts or other standards of this code are requested, they are in closer compliance than is allowed under the prior PUD or planned development.
  - e. The plan meets all other applicable criteria and review process for a site development plan.
  - f. Any other changes that do not meet these criteria may only occur through the same process and criteria for a new planned development.
- D. **Review Procedure.** The following specific procedures supplement the general procedures in Section 17-2-1 and Table 2-1 applicable to planned developments:
1. The Planned Development process involves at least two steps:
    - a. The development plan establishing the zoning and any necessary deviations; and
    - b. Platting and site development plans for specific components of the development plan.However, based on the complexity of projects and degree of advanced planning and urban design necessary for a project, the Director may require, or the applicant may elect, breaking the review of the elements of a development plan in sub-section B. into two or more steps to review Concept Plans and preliminary designs, Framework Plans and larger-scale planning and design, or the full development plan.
  2. The Planned Development application is a rezoning and shall follow the procedures in Section 17-2-3.C.
  3. In most cases, land will need to be subdivided in order to carry out a development plan. The platting process is a separate process but may run concurrently with the planned development process, as specified in Section 17-2-1.B.



- E. **Effect of Decision.** Approval of a planned development shall constitute acceptance of the overall planning concepts and development parameters, and may constitute additional rights as specified below.
1. **Concept Plan.** Approval of the Concept Plan reflects the approved land uses and density / intensity, and a commitment to planned amenities and design strategies. Independent of any corresponding approval of a Framework Plan or Regulating Plan, it serves as a more specific application of the Comprehensive Plan and Future Land Use Map policies and principles to the specific area, and reflects consensus that future development plans in accordance with the concepts should be approved.
  2. **Framework Plan.** Approval of a Framework Plan indicates that the basic development patterns and infrastructure concepts are agreed to in principle as conforming to the intent of the Comprehensive Plan and any other plans or policies created under the guidance of that plan. Approval of a Framework Plan may have the same effect as approval of a preliminary plat as specified in Section 17-2-2.D, provided it includes or is accompanied by information required for preliminary plats.
  3. **Regulating Plan.** Approval of a Regulating Plan shall have the same effect as a rezoning specified in Section 17-2-3.D. Sites governed by an approved Regulating Plan shall be designated on the Official Zoning Map with the letters of the proposed base zoning district plus “PD” (planned development). (For example, where a portion of the development plan uses the R-1, R-3 and the MU-NC base zoning districts, the zoning of each area of an approved regulating plan shall be R-1-PD, R-3-PD, and MU-NC PD respectively.)
  4. **Final Development.** Prior to applying for permits for final development, any project included as part of a Planned Development shall first require approval of a final plat and a site development plan as provided in these regulations. In addition to all other information and criteria required for those applications, submittals under an approved Planned Development shall demonstrate that all applicable standards, requirements, and conditions of the development plan have been met.
  5. **Duration of Plan.** A Planned Development shall lapse and be of no further force and effect if a final plan (all of applicable final plats or site development plans) for specified phases has not been approved within three years of the date of approval of the development plan. Approval of final plans for a portion of the plan shall renew this period. The Town Council may approve an extension of a development plan for up to three additional years. The Town and applicant through a development agreement or approved phasing plan may establish timelines different from this section.

### 17-2-5 Site Development Plan

- A. **Applicability.** The site development plan process ensures that development projects meet the development and design standards of this code, and all other standards applicable to the property. It coordinates development projects with the public realm design and with adjacent sites, including streetscape design, compatible arrangement of buildings, pedestrian and vehicle access, site design, lighting, and landscaping. Site development plans may be initiated by the property owner.

The site development plan process specifically applies to any of the following:

1. All new non-residential development, mixed-use development, or residential development with multi-unit building types.



2. Any development or site improvements in a PD zoning district or a PUD approved under a prior development code.
3. New detached houses or multi-unit houses where 3 or more buildings are proposed.
4. Expansion or alterations to an existing multi-family or non-residential building that alter the footprint, massing or facade design
5. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, landscape, or screening.
6. Any site development activity that expands the existing impervious surface.
7. Any changes to the site access and circulation, or other development requirements that significantly impact streetscape design or existing traffic conditions near the site.
8. The Director may require abbreviated site development plans or other improvement plans for any other development necessary to demonstrate zoning compliance prior to permitting.

A pre-application meeting is recommended to clarify the scope of the project or changes to a site, and thereby best determine the needed submittal materials.

- B. **Review Criteria.** In general, any site development plan in compliance with all applicable standards of this code shall be approved. In making a determination of compliance with the standards applied to a particular project and site, the following criteria shall be considered:

1. *Generally.*
  - a. The plan meets all applicable standards or the criteria for any discretionary approvals.
  - b. The plan does not substantially undermine any goals or objectives of the Comprehensive Plan that are applicable to the area or specific project.
  - c. The plan does not present any other apparent risks to the public health, safety or welfare of the community.
  - d. The application is consistent with or meets the intent of all prior approvals and conditions associated with the project.
  - e. The plan does not directly conflict with the intent or design objectives of any applicable standard in this code.
  - f. The application can reasonably be assumed to meet the criteria for all subsequent permits and reviews needed to build the project as proposed.
2. *Site Design and Engineering.*
  - a. The plan provides safe access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle, bicycle and pedestrian needs for the context.
  - b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development.
  - c. The plan provides adequate management of storm water runoff.
  - d. The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.
3. *Landscape and Open Space Design.*
  - a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape or other nearby public, civic or common spaces.
  - b. The plan enhances the environmental and ecological functions of un-built portions of the site and makes effective use and conservation of water resources.
  - c. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.



4. **Building Design.**
    - a. The location, orientation, scale and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
    - b. The selection and application of materials will promote proper maintenance and quality appearances over time.
    - c. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any consistency or commonality in the scale, proportion, forms and features, and materials of adjacent buildings, they inform choices on the proposed building.
- C. **Review Procedure.** In addition to the general requirements in Section 17-2-1 and Table 2-1, the following requirements are specific to site development plan applications:
1. The Director shall review the application and determine if the review of any other department or agency is required.
  2. At the applicant's discretion, and as part of the pre-application steps, the applicant may present a preliminary sketch or Concept Plan for review by staff or the Planning and Zoning Commission and Town Council. This may be used to confirm interpretations, test basic concepts and standards, or review options for a proposed project.
  3. For any application that presents significant interpretation issues regarding the standards and criteria, proposes substantial land use change, or is of a scale and intensity that may impact surrounding properties in a manner different than existing development in the area, the Director may require a Concept Plan or that the site development plan be reviewed and approved by Planning and Zoning Commission, and may require notice or meetings with potentially impacted property owners and residents.
  4. Applications associated with another application may be approved with a condition on final approval of the associated application. The site development plan shall be noted in the associated application and either affirmed or denied by the review body according to the criteria of the associated application.
  5. The Director shall make the final decision on site development plans, and the decision may be appealed to the Planning and Zoning Commission. For development plans that include a substantial impact to public infrastructure, traffic patterns and the transportation networks, or other impacts that may require additional review and consideration, the Director may refer this project for Full Review with the Planning & Zoning Commission and Town Council for final determination.
- D. **Effect of Decision.**
1. Approval of a site development plan shall authorize the applicant to apply for a building permit and other applicable permits.
  2. Approval of a site development plan shall be valid for one year unless some other period is stated on the approval or any other associated application. The Director may grant a 1-year extension provided no conditions, standards, or policies affecting the application have changed.
  3. The Director may approve minor amendments to any site development plan, provided the changes do not:
    - a. Increase the proposed residential density by more than 5%, or the non-residential floor area by more than 10%.
    - b. Increase the building footprint by more than 5%.
    - c. Increase the building height by more than 10%.
    - d. Increase the impervious surface by more than 10%.
    - e. Change the design of the plan to substantially and negatively alter:
      - (1) pedestrian or vehicle access;
      - (2) relationships of constructed elements to adjacent property;
      - (3) landscape and open space designs; or



- (4) the architectural appearance of buildings.
  - f. In all cases the change meets all applicable development standards for the site and does not negatively impact any criteria or conditions of the original approval.
4. Any site development plan where permits are not issued prior to a lapse, or any other changes are proposed, shall require a new application.

### 17-2-6 Alternative Compliance

- A. **Applicability.** The alternative compliance process provides limited flexibility to design standards so that the best design solution may be applied to a particular context or site. It ensures that projects meet the intent and design objectives of the standards of this code and allows for relief from strict application of the standards where an equal or better design solution is possible. Alternative compliance shall not undermine requirements of this code, but provides equivalent alternative designs or standards applied in a site-specific or creative way. Alternative compliance applications may be initiated by the property owner.

Specifically alternative compliance shall be applicable for any of the following:

1. Street design standards in Section 17-3-1.
  2. Open space design standards in Section 17-3-2.
  3. Residential development and design standards in Sections 17-5-2 and 17-5-3;
  4. Non-residential design standards in Sections 17-6-2 and 17-6-3;
  5. Access and parking standards in Article 7;
  6. Landscape & site design standards in Article 8; and
- B. **Review Criteria.** The following criteria apply to any application that is proposing alternative compliance to any of the eligible standards.
1. Specific conditions, configurations, or context of the site make strict compliance with the standard impractical, or meeting the standards would clearly not advance the intent or design objective of the standard.
  2. The proposed alternative equally or better meets the intent or design objective of the standards and is not used to avoid appropriate application of the code standards.
  3. The alternative does not undermine any other standards or create additional negative impacts on adjacent sites.
  4. The alternative shall not alter any standard in a manner that permits a use that would otherwise be prohibited.
  5. The alternative is not strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
    - a. Aesthetic considerations that permit better coordination of the lot and building with the established character of the specific area;
    - b. Improved environmental performance;
    - c. Enhanced pedestrian or bicycle accommodations, or better civic space design;
    - d. Adaptive reuse of an existing building, additions to an existing building, or infill on an existing lot that accommodates development comparable to that on adjacent property;
    - e. Better serves public health and safety considerations.
  6. The deviation is the minimum necessary to address the circumstance or context.
- C. **Review Procedures.** In addition to the general requirements in Section 17-2-1 and Table 2-1, the following requirements are specific to alternative compliance applications:
1. Applications shall be submitted with a written narrative explaining the rationale for the request and an accompanying site development plan demonstrating the request. Collectively these shall demonstrate:



- a. Required standard;
  - b. Why the required standard is not practical;
  - c. The proposed standard or alternative solution; and
  - d. How the proposed standard or alternative is an improvement.
2. Alternative compliance associated with an application that requires approval of another review body may be approved by the Director conditioned on final approval of the associated application. The alternative compliance shall be noted in the associated application and either affirmed or denied by the review body according to the criteria of the associated application.

**D. Effect of Decision.**

1. Approval of alternative compliance shall be indicated by a written statement of the Director, which shall be submitted with and clearly noted on any subsequent submitted plans or permit applications. It shall authorize deviation from the standards only to the extent demonstrated on the approved plans.
2. The approval shall only be valid for one year from the written statement, or for the time period of any associated or subsequent approved plans or permits.
3. Denial of an alternative compliance request may be appealed as provided in Section 17-2-9, Appeals of Administrative Decisions.

**17-2-7 Use by Special Review**

- A. **Applicability.** A use by special review provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the design and operational characteristics of particular application of the use, or due to conditions in the area where the use is proposed, may be appropriate based on a case-specific review. Uses by special review may be initiated by the property owner for those uses as indicated by the Use Table in Section 17-4-2.
- B. **Review Criteria.** A use by special review shall be reviewed according to the following criteria:
1. All criteria for site development plan review in Section 17-2-5.B. are met, including any conditions or additional requirements identified in this code for the particular use.
  2. The application furthers the intent of the proposed zoning district and is otherwise determined to be consistent with the Comprehensive Plan.
  3. Compatibility with the area and other allowed uses in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns and parking demands, intensity of buildings and activity on the site, and other potential impacts on adjacent property.
  4. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence other uses in the area, potential future uses, and any changes in character occurring in the area.
  5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or require periodic reporting or review of the permit.
  6. The recommendations of professional staff or other technical reviews associated with the application.
  7. Whether any additional site- or use-specific conditions are necessary to meet these criteria.
- C. **Review Procedure.** In addition to the general requirements in Section 17-2-1 and Table 2-1, the following requirements are specific to use by special review applications.





1. Applications may be accompanied by site development plan where it is necessary to review conformance with standards of this code and any performance criteria for the particular use.
2. The Planning and Zoning Commission shall hold a public hearing and shall make a recommendation to the Town Council. Upon a recommendation from the Planning and Zoning Commission, the Town Council shall review the application and make the final decision on the use by special review.

**D. Effect of Decision.**

1. All approved plans and conditions associated with a use by special review shall be recorded with the applicable county clerk and recorder.
2. Approval and recording of a use by special review shall authorize the applicant to apply for a building permit and other applicable development or construction permits.
3. Approval of a use by special review shall be valid for one year, and the Director may grant a one-year extension, provided no applicable standards or conditions have changed. Any application not acted upon according to the approval and conditions within this period shall be void. (This period requiring action on an approved use by special review is distinct from any condition limiting the duration of the permit.)
4. A use by special review may be revoked or modified with additional conditions by the Town through the same procedures approving the permit, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this code.
5. Minor changes to an approved use by special review may be approved by the Director limited to the following:
  - a. A change of ownership provided all conditions and criteria of the permit are met, and provided the new owner demonstrates the likelihood to continue to comply with all standards.
  - b. Any change to any associated site development plan provided it meets the minor amendment criteria, and does not violate any required conditions of the approval.
  - c. A change in operations that is otherwise determined by the Director to not have a significant impact on any adjacent property and is otherwise consistent with the criteria and conditions for approval of the original use by special review.
  - d. Any other change shall require an amendment to the use by special review through the same process as the original approval

**17-2-8 Variance**

- A. **Applicability.** A variance is a process to provide relief from a strict interpretation of the zoning and site design and development standards of this code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. This application shall only apply to the design, dimensions and other site development standards of this code and shall not be used to authorize a use that is prohibited by the applicable zoning district. Variances may be initiated by the property owner.
- B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
  1. Unique physical conditions not ordinarily found in the same zoning district, and that are not created by the property owner deprive the owner of privileges enjoyed by other property in the vicinity and in the same zoning district;
  2. The strict application of the regulations constitutes an unnecessary hardship upon the property owner, hindering reasonable uses of the property. Economic considerations



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- alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the standards of this code;
3. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  4. The variance desired will not adversely affect the public health, safety, or general welfare;
  5. Granting the variance would not alter the essential character of the surrounding neighborhood, and the general spirit of the ordinance and intent of the standards will be maintained; and
  6. The requested variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.
- C. **Review Procedures.** In addition to the general requirements in Section 17-2-1 and Table 2-1, the following requirements are specific to variance applications:
1. The concurring vote of a majority of the membership of the Board of Adjustment shall be necessary to grant a variance.
  2. In granting a variance, the Board of Adjustment may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
  3. The Board shall issue all decisions in writing, including the grounds for its decision based on findings of fact regarding each criterion, within 30 days after the decision has been made at a public hearing.
- D. **Effect of Decision.**
1. An approved variance shall become effective when recorded with the applicable county clerk and recorder. Upon recording the applicant may proceed with any necessary approvals or permits authorized in the variance.
  2. A variance shall run with the land to extent the zoning of the subject property remains in place.
  3. Any decision not acted on within one year of the decision by the Board shall expire.
  4. Any person aggrieved by a final decision of the Board of Adjustment may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

### 17-2-9 Appeal of Administrative Decision

- A. **Applicability.** The appeal process is to determine if there was an error in a final decision made under this code. There are two types of appeals:
1. *Applications.* An appeal of a final decision on a development application in Table 2-1 which shall be made according to the appeal process specified for that application.
  2. *Administrative Decisions.* An appeal of a final administrative decision made under the authority of this code, which shall require the filing of an Administrative Appeal application according to Table 2-1 and this section.
- All appeals shall follow the standards and criteria in Section 17-2-1.I.
- B. **Criteria.** An administrative appeal shall be reviewed according to the following criteria:
1. The Board of Adjustment shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
  2. An appeal shall be sustained only upon findings, supported by the record, that the official was in error.
  3. In deciding on an appeal, the Board shall have all powers of the official from whom the appeal is taken, and the Board may reverse, affirm wholly or partly, remanded the



## ARTICLE 2 – APPLICATIONS & PROCEDURES

### 17-2-9 APPEAL OF ADMINISTRATIVE DECISIONS

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decision back to the administrative official with instructions, or modify the decision being appealed.

- C. **Review Procedures.** In addition to the general requirements in Section 17-2-1 and Table 2-1, the following requirements are specific to administrative appeal applications:
1. Notice of the administrative appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit all plans, applications and other files directly impacting the decision to the Board within 30 days of filing.
  2. An administrative appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
  3. The concurring vote of a majority of the membership of the Board of Adjustment shall be necessary to overturn or modify an administrative decision.
  4. In deciding on an appeal, the Board of Adjustment may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
  5. The Board shall issue all decisions in writing within 30 days of the hearing, including the grounds for its decision based on findings of fact.
- D. **Effect of Decision.**
1. An approved appeal shall become effective when decided upon and issued in writing.
  2. An approved appeal shall be kept on file with the Town and guide all future decisions on the same issue, and in the same or similar situations, unless limited by the terms of approval or unless modified by an ordinance amendment.
  3. Any person aggrieved by a final decision of the Board of Adjustment may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

### 17-2-10 Text Amendments

- A. **Applicability.** Text amendments to these regulations may be initiated by the Town Council or the Planning and Zoning Commission, or by Staff on behalf of these entities.
- B. **Review Criteria.** A text amendment shall be reviewed according to the following criteria:
1. The amendment furthers the purposes of these regulations.
  2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range affects as well as immediate impacts.
  3. The amendment promotes the public safety, health and general welfare of the community in the Town of Johnstown.
  4. The amendment improves the effectiveness and efficiency of administering the Development Code.
- C. **Review Procedures.** In addition to the general requirements in Section 17-2-1 and Table 2-1, the following requirements are specific to text amendment applications:
1. Applications may be accompanied by a related Comprehensive Plan amendment, or more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.



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### 17-2-9 APPEAL OF ADMINISTRATIVE DECISIONS

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2. The Town Council may recommend the application be returned to Planning and Zoning Commission for further study or additional information at its next regular meeting. Failure by the Planning and Zoning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
  3. The Planning and Zoning Commission may recommend or Town Council may approve a lesser change than was proposed in the notice, when considering the proposed change relative to the currently applicable standards.
- D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the Town Council in the form of an ordinance and be effective after the date specified in the ordinance. The Director shall incorporate approved amendments into this code by reference to the specific amending ordinance, indicating the newly applicable provisions and any replaced provisions, or by recodification of the official code that incorporates the approved amendment.

### 17-2-11 Vested Property Rights

- A. **Applicability.** The following applications may be considered “site-specific development plans” which establish a vested property right upon any approval or conditional approval according to the procedures and criteria of this code. establishes the right to undertake and complete development according to a “site specific development plan” as defined by this code to meet the requirements of C.R.S. Article 68 of Title 24. A “site-specific development plan” shall mean final approval and the applicant’s acceptance of conditions of any of the following types of applications:
1. Site Development Plan
  2. Administrative Plat
  3. Final Plat
  4. Other elective applications at the request of a property owner and subject to the discretion of the Town Council.
- B. **Review Criteria.** The review criteria for a vested property right shall be the same criteria as the associated application. In addition, when the Town Council is considering a request to vest any other property right or development approval, it shall consider the following additional criteria:
1. The level of planning, urban design, or engineering investment that was necessary for the applicant to reach this point in the application.
  2. The extent of details included in the proposal, the certainty associated with future development, and the extent of future reviews that may be necessary to advance the project to construction.
  3. The context of the property and the likelihood of future changes in the surrounding area that could impact the project.
  4. Any other aspect of public health, safety, and welfare.
- C. **Specific Procedures.** In addition to the general requirements in Section 17-2-1 and Table 2-1, the following requirements are specific to vested right applications.
1. **Notice & Hearings.** The statutory notice and hearing requirements shall be satisfied as follows:
    - a. **Final Plats.** For final plats, the notice and public hearing to consider the preliminary plat before the Planning and Zoning Commission provided the Commission shall indicate that such vested right shall only be created upon approval of the required final plat by the Town.



## ARTICLE 2 – APPLICATIONS & PROCEDURES

### 17-2-11 VESTED PROPERTY RIGHTS

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- b. *Site Development Plans.* For site development plans, which are approved by the Director or Planning & Zoning Commission, a separate hearing before the Town Council following the decision. The applicant shall request a vested right hearing within 30 days following the approval of the site development plan, or the right to request such a hearing shall be waived.
      2. *Plat or Plan Language.* Each site-specific development plan shall contain the following language: "Approval of this plan [or plat] creates a vested property right subject to all conditions of approval pursuant to C.R.S. Section 24-68-103 et. seq., as amended. The effective date of vesting is [insert date]."
      3. *Publication.* Approval of a vested right shall be published in a newspaper of general circulation within Johnstown within 14 days of the Town Council decision advising the public of the site-specific development plan and approval of a vested right.
- D. **Effect of Decision.**
  1. Final approval of a site-specific development plan shall create a vested right to undertake and complete development and use of real property pursuant to Colorado Statutes, but only as to those terms and conditions contained in the approved site-specific development plan.
  2. The review and approval of a vested property right in a site-specific development plan shall not prevent the Town, in subsequent actions, from applying any of the following to the subject property:
    - a. New ordinances, rules, regulations, standards, and policies that do not conflict with those in effect as of the site-specific development plan's effective date of approval;
    - b. New ordinances, rules, regulations, standards, and policies that are specifically anticipated and provided for in the terms or conditions of the approved site-specific development plan;
    - c. New ordinances, rules, regulations, standards, and policies that are necessary for the immediate preservation of the public health and safety, whether adopted while a complete application is pending or after the decision; or
    - d. New ordinances, rules, regulations, standards, and policies when the Town finds that the site-specific development plan is based on substantially inaccurate information supplied by the applicant.
  3. A vested property right shall remain vested for 3 years from the publication date of the decision unless a longer term is agreed to by the Town in a development agreement. An amendment to any site-specific development plan shall not extend the period of vested rights, unless otherwise authorized by agreement approved by the Town.
  4. A landowner may waive a vested property right by separate agreement, which shall be recorded in the office of applicable county clerk and recorder. Unless otherwise agreed to by the Town, any landowner requesting annexation to the Town shall waive in writing any pre-existing vested property rights as a condition of annexation.
  5. Any violations of the approved plan, or any failure to comply with conditions of approval shall result in forfeiture of the vested property right.
  6. The Town Council may revoke the vested property right through the same procedures as the original plan approval, and after providing at least 14 days written notice to the property owner and original applicant.

### 17-2-12 Annexation & Establishment of Zone District(s)

- A. **Applicability.** The annexation process is to add unincorporated areas to the Town. The process considers logical extensions of the boundaries, sets the conditions for well-ordered development,



## ARTICLE 2 – APPLICATIONS & PROCEDURES

### 17-2-12 ANNEXATION & ESTABLISHMENT OF ZONE DISTRICT(S)

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and provides efficient and effective extension of municipal services and facilities. Annexation applications may be by petition of the landowners or at the initiation of the Town Council.

#### B. Review Criteria.

1. **General Eligibility.** The Town Council may consider an annexation petition for land that satisfies the eligibility requirements of the statutes of the state as follows:
  - a. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the municipal boundaries.
  - b. A community of interest exists between the area proposed for annexation and the Town; the area is urban or will be urbanized in the near future; and the area is integrated with or is capable of being integrated with the Town.
  - c. The full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.
  - d. Any land in single ownership that would be divided by the proposed Town boundary shall require consent of the landowner.
  - e. The responsibility to apply for exclusion from any applicable special districts or school districts shall be upon the applicant of the annexation.
  - f. All other state statute requirements are satisfied.
2. **Specific Criteria.** The Planning Commission and Town Council shall evaluate annexations according to the following criteria:
  - a. The proposed annexation is in conformance with the Town's Comprehensive Plan in terms of future growth, development patterns and intensity, and proposed or anticipated land uses.
  - b. Adequate services are or will be available to support the development expected to result from the proposed annexation, in accordance with Section 17-3-4.
  - c. The proposed annexation provides for a continual and rational boundary Town.
  - d. The proposed annexation accommodates reasonable anticipated growth and future land use needs.

#### C. Review Procedures.

In addition to any specific procedure required by the laws of the state at the time of annexation, and in accordance with the general procedures applicable by Section 17-2-1 and Table 2-1, the following specific procedures apply to annexations:

1. **Petition for Annexation.** The petition shall be signed by persons comprising more than 50% of the landowners in the area and owning more than 50% of the land area.
2. **Annexation Elections.** As an alternative to an annexation petition, the qualified electors of the area being proposed for annexation may petition the Town Council to hold an annexation election.
  - a. The petition for annexation election shall be signed by at least 75 qualified electors or 10% of the electors, whichever is less, or as otherwise required by state statutes.
  - b. The petition shall be filed with the Town Clerk and shall comply with the provisions of the state statutes.
  - c. If the petition for annexation election is in substantial compliance with state statutes, the Town Council shall call for an election to be held. Notice of such election shall be given by the Town Clerk.
  - d. If a majority of the votes cast are against annexation, or the vote is tied, the annexation proceedings to date will be voided and considered of no effect and the Town Council shall proceed no further with the annexation proceedings.
  - e. If a majority of the votes cast at the election are for annexation, the Town Council may thereafter annex the area.



## ARTICLE 2 – APPLICATIONS & PROCEDURES

### 17-2-12 ANNEXATION & ESTABLISHMENT OF ZONE DISTRICT(S)

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3. **Town Annexation.** As an alternative to an annexation petition or election, the Town may initiate annexation of any property that is entirely surrounded by Town boundaries for more than three years, or which is owned by the Town.
4. **Application.** Application form and related application fees, including all additional plans and details required on the forms shall be provided by the applicant.
5. **Request for Zoning.** The applicant shall submit a request for zoning in accordance with this section and Section 17-2-3, Rezoning or Section 17-2-4, Planned Development. The Director shall conduct an analysis of existing land uses on the subject property to ascertain zoning and lawfully established nonconforming uses. Nonconforming uses shall be permitted to continue as provided in Section 17-1-7.
6. **Staff and Agency Review.** The Director shall coordinate review of an application with all necessary reviewing agencies, and allow them two weeks from the date of distribution of the annexation plat and supporting documents to make any objections or comments to the Director. This time period may be extended to the minimum period needed to complete the review.
7. **Resolution to Consider Annexation.** The Town Council shall determine eligibility and whether to proceed with annexation of property by resolution. The resolution shall include the dates of any required public hearings, any other corresponding review procedures, and determine if an annexation agreement will be required.
8. **Annexation Impact Report.** For annexations of areas larger than ten acres, the Town shall prepare an impact report concerning the proposed annexation. The report shall be prepared at least 25 days prior to the date of the Town Council's hearing on the proposed annexation, and a copy of the report shall be filed with the Board of County Commissioners governing the area proposed to be annexed within five days after preparation of the report. The annexation impact report shall contain the following information at a minimum:
  - a. A map or maps of the municipality and adjacent territory to show the following:
    - (1) The present and proposed boundaries of the Town in the vicinity of the proposed annexation;
    - (2) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and
    - (3) The existing and proposed land uses in the areas to be annexed.
  - b. A copy of any draft or final annexation agreement, if available;
  - c. A statement on plans of the Town for extending and providing municipal services at the time of annexation;
  - d. A statement on the method to finance the extension of the municipal services into the area to be annexed;
  - e. A statement identifying existing districts within the area to be annexed; and
  - f. A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate students.
9. **Planning & Zoning Commission Hearing.** The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the Town Council based on the criteria in this section. Annexation of property owned by the Town does not require a hearing and may be approved by the Town Council by ordinance.



## ARTICLE 2 – APPLICATIONS & PROCEDURES

### 17-2-12 ANNEXATION & ESTABLISHMENT OF ZONE DISTRICT(S)

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10. **Town Council Hearing.** The Town Council shall hold a public hearing and make any decision authorized by this code or the Colorado Statutes. The Town Council may approve the annexation by ordinance subject to the criteria in this section. Annexation of property owned by the Town does not require a hearing and may be approved by the Town Council by ordinance.
- D. **Effect of Decision.** If the annexation is approved, the Director shall cause a copy of the signed annexation plat to be recorded in the appropriate county clerk and recorder's office.
1. **Effective Date.** The annexation shall be effective upon filing of the annexation ordinance and map with the county.
  2. **Development Plans.** The Town may approve a Development Plan per Section 17-2-4 or other land use or development concept plan per Section 17-2-3, in association with annexation and prior to the effective date of the annexation and zoning.
  3. **Zoning.** Annexed areas shall be included in the Town's zoning ordinance and map within 90 days after the approval of an annexation ordinance. The Town shall consider zoning such newly annexed areas under the appropriate zoning category as follows:
    - a. If land use approval or development of areas being considered for annexation is not pending upon completion of annexation, if the subject property is in a transitional state regarding development, or if it is in the best interest of the Town, the Town Council shall place the newly annexed property into the H-A Holding Agriculture Zoning District.
    - b. Requests for zoning districts other than the H-A Holding Agriculture District may be considered by the Town Council in conjunction with the annexation and based on the submittal of all applicable requirements for a rezoning application. The Town Council shall place the newly annexed property into the most appropriate zoning district, considering the goals and objectives of the Town's Comprehensive Plan and the applicant's future development plans.
    - c. During the time in which zoning of newly annexed areas takes place, the Town may refuse to issue any building or occupancy permit for any portion or all the newly annexed area.
  4. **Annexation Agreements.** The Town may otherwise coordinate the effective date of annexation, future development plans, required improvements and capital planning, and application of zoning through a specific annexation agreement.





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## Article 3. Subdivision, Development, & Community Design

- 17-3-1 Streets
- 17-3-2 Open & Civic Space
- 17-3-3 Blocks & Lots
- 17-3-4 Required Improvements & Dedications
- 17-3-5 Community Facilities & Fees

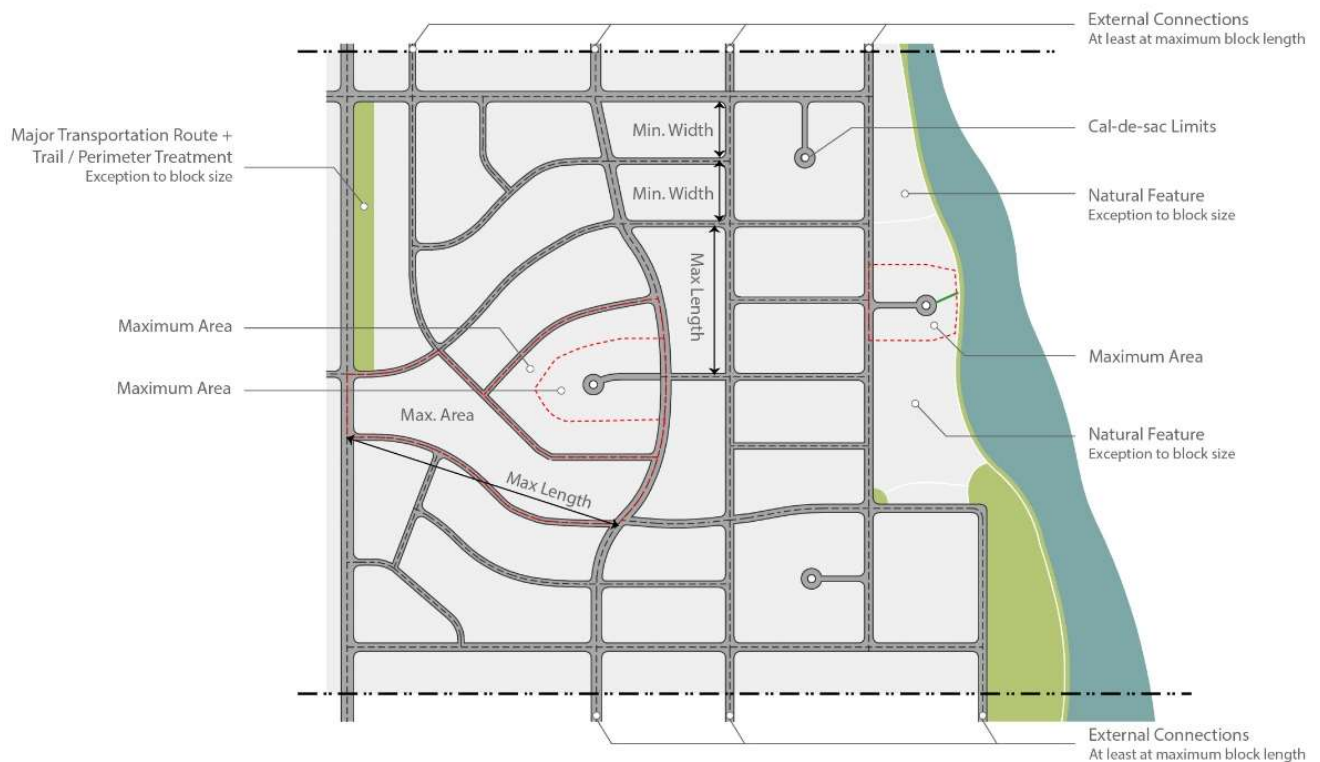
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### 17-3-1 Streets

- A. **Intent.** The intent of the street design standards is to:
1. Emphasize street design as a key determinant of Johnstown’s community image and unique identity.
  2. Ensure the proper arrangements of blocks and lots that coordinate with long-term growth and development of the community.
  3. Plan street networks to connect to adjacent development and future development areas at regular intervals and avoid overloading traffic on regional or arterial streets that become barriers.
  4. Build complete and multi-modal networks of small, well-connected streets, trails and paths to improve the access, capacity, safety and efficiency of transportation systems,
  5. Use street design to call attention to differing contexts within the Town, and to better support development patterns and uses abutting the streets.
  6. Design streets to account for all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.
  7. Integrate open and civic spaces with street networks and designs to establish a valuable public realm.
  8. Coordinate and integrate individual sites into the design of the community, including existing and planned future development in the area.
- B. **Street Network.** Arterial, collector, neighborhood connector, and local streets shall be laid out according to the Town’s planning and Development Standards for development, streets, and open spaces. In the absence of more specific or updated guidance in these plans or for a specific area, the following standards shall apply to street networks:
1. *Blocks and Connectivity.* Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in Table 3-1:



Planning Context	Block Size	Closed-End Street Limits
<b>Downtown, Walkable Commercial, &amp; Mixed-Density Neighborhoods</b> <i>Downtown, near downtown areas, walkable commercial areas, primarily in the Activity Centers, High Density/Intensity areas or other commercial nodes, mixed-use, or mixed density neighborhood transitions to these areas. where walkable patterns and multi-modal routes are planned.</i>	150' min. 500' max. 4 ac. max.	Per Exceptions in B.2 only
<b>General Neighborhoods &amp; Non-residential</b> <i>Walkable mixed-density and suburban neighborhoods and other areas supporting commercial corridors or employment areas outside walkable centers, primarily in the Moderate and Low Intensity / Density areas.</i>	250' min. 800' max 7 ac. max	Per Exceptions in B.2 only.
<b>Campus, Rural, or Remote Areas</b> <i>Limited to areas where large-scale uses with internal circulation or low intensity / density uses with limited circulation needs, where disrupting the development patterns and street network is justified, typically in the Very Low Density / Intensity or Greenway areas.</i>	250' min. 1,320' max. 10 ac. max.	600' max.



**Figure 3-1 Connectivity & Block Sizes.** Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks unless exceptions justify not connecting.

2. **Exceptions.** Blocks may only exceed the acre or block length maximums in Table 3-1, or provide alternative designs and connectivity, based on the following are exceptions:
  - a. **Natural Features, Open Spaces or other Civic Spaces.** Blocks or parcels abutting or containing important natural features, topographical constraints, or open



- spaces may be modified provided the proposed street layout preserves these features and integrates them into public realm design for the area.
- b. **Regional Transportation Routes.** Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail rights-of-way, may be modified provided the street layouts and development patterns achieve local connectivity in all other ways possible.
  - c. **Rural Parcels.** Tracts divided into lots of at least one acre for rural, agriculture, or very low-intensity development may exceed the block limits, provided they are designed to allow future streets in compliance with these regulations and permit a logical pattern of re-subdivision with minimal disruption of existing or planned buildings, utilities, and other structures.
  - d. **Oversized Parcels.** Where oversized parcels are platted for special land uses or development patterns that accommodate large-scale buildings, such as campuses, industrial uses, employment centers, or regional commercial areas, platted blocks may be larger provided private streetscapes matching the block structure of Table 3-1. Private streetscapes shall mimic streetscape and design amenity of this section and create logical extensions and connections to the public street network beyond the project.
  - e. **Closed-end Streets.** In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs.
  - f. **Specific Plan.** A specific street network plan approved by the Town through the planned development process in 17-2-4 or similar planning initiative for a connected local network for a significant area beyond individual projects may provide different connectivity provided there are sufficient external connections to the surrounding transportation system and the design meets the intent and design objectives of this section.



**Figure 3-2 Private streetscapes.** Private streetscapes shall be used to mimic public street networks and streetscapes for over-sized parcels and large scale development (17-3-1.B.2.d).

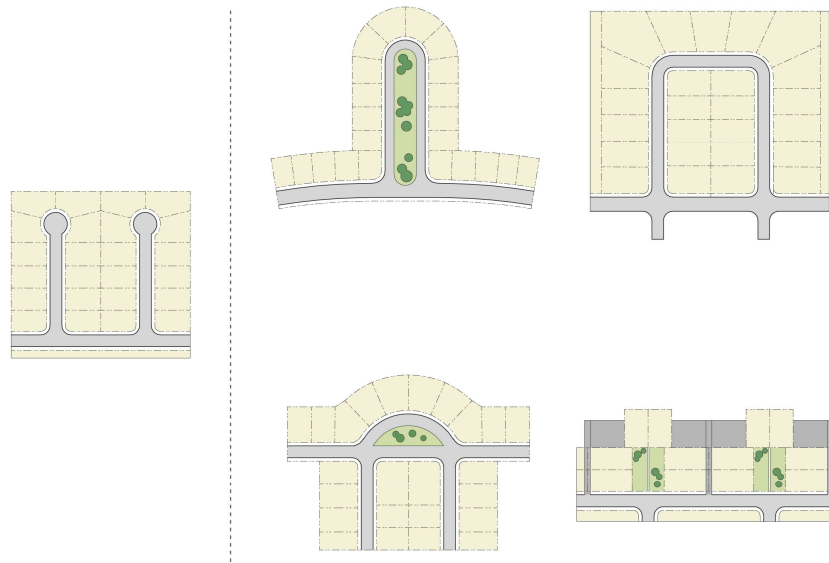


Figure 3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (Section 17-3-1.B.2.)

- 3. **Walkways and Bicycle Routes.** In any case where exceptions for larger blocks apply, or any other area where pedestrian and bicycle connections are important, such as adjacent to schools, parks, trail systems or community centers, the Town may require pedestrian walkways or bicycle routes through blocks or at the end of any closed-end street. Connections shall meet the open space design standards in Section 17-3-2.



3-4 Walkways and Bicycle Routes. Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (17-3-1.B.3).



4. **External Connections.** Streets shall be planned to provide continuation to adjacent areas at intervals where all resulting blocks meet the standards in Table 3-1, unless justified by an exception in 17-3-1.B.2.
  - a. The Town may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided or approve alternative arrangements for location and timing of construction to coordinate with anticipated future development of adjacent areas.
  - b. Areas of future development or smaller subdivision may require a conceptual street network associated with a preliminary plat and applied to adjacent property and connection to other planned major streets to demonstrate compliance with this section and the practicality of external connections.
  
5. **Intersections and Offsets.** Subject to adopted Design Standards, streets shall be laid out to intersect to include the following:
  - a. Intersection angles should be as near as possible to right angles.
  - b. Oblique streets shall be curved to approach an intersection at right angles, for a minimum distance prior to the intersection.
  - c. Intersections shall be aligned with existing intersections on the opposite side of the street, and offsets of the centerlines are not acceptable.
  - d. Intersections of more than two streets at one point are not acceptable.
  - e. Deviations and different intersection configurations may be approved through a design modification process, if required or utilized to emphasize unique natural features, better correspond to topography, implement traffic calming, or create gateways or focal points within the street network.
  
- C. **Street Types & Design.** The street types in this section implement variations for context-based street design, enhancement of multi-modal transportation options, and support the intent of this section to accommodate a variety of contexts. Design Standards shall be followed in all circumstances; however these type classifications provide alternative design variations that may be more appropriate for a development's context; provided it meets all engineering and safety standards.
  1. **Street Design Standards.** Typical cross section standards are shown for each street type in Table 3-2: Street Types and Cross-sections with examples following the table. Application of these standards may be further refined with adjustments for a particular context or application, using the Complete Street Design Guide in Section C.3, Table 3-2.
  
  2. **Context & Type.** The street design variations are grouped with the following design types for application to apply to more specific contexts:
    - a. **Neighborhood Streets.** A neighborhood-oriented street type is appropriate where a higher level of neighborhood design amenity and walkability is desired. It is characterized by large street trees, sidewalks, slow speeds, and occasional on-street parking.
    - b. **Pedestrian Streets.** A pedestrian-oriented street type is appropriate for all areas where walkability is a goal. It is characterized by narrow lanes, slower speeds, on-street parking, and large, well-designed pedestrian amenity zones that support businesses and economic activity along these streets. Ideal for a downtown or high-pedestrian activity area.
    - c. **Parkway and/or Bikeway.** A high-amenity street type that emphasizes landscape and/or bicycle facilities. It is characterized by balanced approach to bicycles, pedestrians, and vehicles, and uses enhanced landscape to create welcoming environments. This street type is usually reserved for signature streets or important bicycle connections, and may be coordinated with Open and Civic Space Systems in Section 17-3-2.



## ARTICLE 3 – SUBDIVISION, DEVELOPMENT, & COMMUNITY DESIGN

### 17-3-1 STREETS

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- c. ***Standard Streets.*** The basic street type appropriate generally where no particular development characteristics or urban design context warrant application of other street types, or where moving traffic is the sole priority. Based on the Design Standards, with no variation.



# ARTICLE 3 – SUBDIVISION, DEVELOPMENT, & COMMUNITY DESIGN

## 17-3-1 STREETS

Table 3-2: Street Types & Cross-sections							
Street Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Landscape Amenity	Detached Sidewalk
<b>Major Arterial – 120' / 78'</b>							
Pedestrian Focus	120'	78'	4 @ 11'	8'	N/A – slow speed	9' amenity zone 18' center median	12'
Parkway / Bikeway	120'	78'	4 @ 11-12"	n/a	8-10' protected lane	10-12' tree strip 20' center median	8'-10'
Standard Street	120'	78'	4 @ 12' w/ center turn lane	n/a	n/a	10' tree strip	10'
<b>Minor Arterial – 110'/74'</b>							
Pedestrian Focus	110'	74'	4 @ 11'	8'	n/a – slow speed	5-10" amenity zone 10'-18' center median	10'
Parkway / Bikeway	110'	74'	4 @ 11-12"	n/a	8'-10' protected lane	8'-12' tree strip 10'-18' center median	6'-10'
Standard Street	110'	74'	4 @ 12' 2' outside shoulder	n/a	n/a	10' tree strip	5'
<b>Collector – 80' / 52'</b>							
Pedestrian / Bikeway	80'	52'	2 @ 11'	8'	7' protected lane	4' amenity zone	10'
Pedestrian Mixed-use Focus	80'	52'	2 @ 11'	8' (1 side) 22' angled (1 side)	n/a – slow speed	4' amenity zone	10'
Parkway / Bikeway	80'	52'	2 @ 11'	n/a	7' protected lane	8' tree strip 16' center median	6'
Standard Street	80'	52'	2 @ 12' 12' center turn lane	n/a	4' lane	8' tree strip 14' center median	6'
<b>Local – 60' / 32-36'</b>							
Neighborhood Connector	60'	32'	2 @ 9'	7'	n/a – slow/low volume	8' tree strip	6'
Pedestrian Street	60'	32'	2 @ 11' 2' shoulder (1 side)	8' (1 side)	n/a – slow speed	4' amenity zone	10'
Pedestrian Mixed-use Street	60'	36'	2 @ 10'	8'	n/a – slow speed	4' amenity zone	8'
Bikeway	60'	32'	2 @ 10'	n/a	6' lane	8' tree strip	6'
Standard Street	60'	36'	2 @ 12'	4'	n/a	6' tree strip	5'
<b>Lane 60' / 24'</b>							
Rural Local	60'	24'	2 @ 10' 2' outside shoulder	n/a	n/a	rural buffer with drainage	n/a
<b>Access Alley 30' / 20'</b>							
Residential Alley	30'	20'	16' yield lane	n/a	n/a	2' buffer	n/a
Non-residential Alley	30'	20'	2 @ 9'	n/a	n/a	1' buffer	n/a

- [1] Street width is front-of-curb measurement, with curb and gutter included street width where it is on-street parking or a travel lane; or to the edge of paving if alternative edge and drainage is approved.
- [2] Access alleys may be located in public access easements at the Town's discretion and provided a property owner's association or other entity with financial and administrative capacity for maintenance is established.



3. *Complete Streets Design Guide*. When proposing a design modification to adjust the typical cross-sections for specific contexts or constraints, the guidelines in Table 3-3: Complete Street Design Guide should apply:

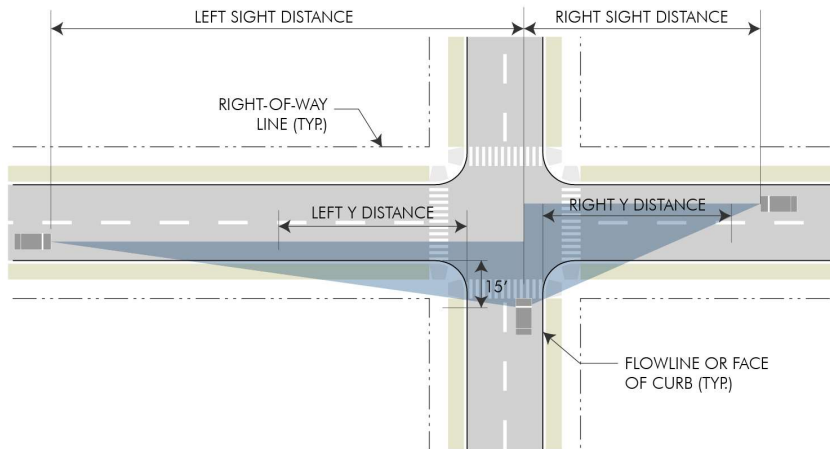
Table 3-3: Complete Street Design Guide		
Street Element	Size	Context & Application
<b>Travel Lanes</b>	12' +	High-speed / high-volume; generally avoid on city streets.
	11'	Applicable on major streets or routes where frequent truck or transit vehicles are expected.
	10'	Generally applicable on all city streets with through traffic.
	9'	Limited to low-volume streets, slow-speed streets, or where ROW is constrained.
	12' -17' yield lanes	Limited to slow, low-volume streets in well-connected networks, where intermittent parking and occasional queuing areas allow two cars to pass.
<b>Bicycle Lanes</b>	n/a	Slow or low-volume streets where bicycles can mix with travel lanes.
	4' – 6' lane	Low-speed streets or constrained ROW (typically < 35mph)
	7'-10' protected lane	Important bike routes or higher speed streets (typically 35+ mph); 2' – 4' protected buffer; 4' – 8' bicycle travel way
	Off street facilities	High-speed / high-volume (typically 45+mph); or portions of trails system.
<b>Parking</b>	6'-7'	Limited to low-volume residential streets.
	7' 8'	Generally applicable to all residential and commercial areas where parking is necessary.
	14'-22' angled	Limited to high-activity streets to maximize parking; depth depends on angle of parking, availability of backing area or cueing lane, and other traffic circumstances.
<b>Landscape Area</b>	2' – 8' amenity zone	Walkable areas (typically paired with adjacent on-street parking) where hardscape, landscape, and street furniture extend sidewalks as social space.
	8'+ amenity zoned	Used for high-activity streets that prioritize social space in streetscapes (i.e., sidewalk dining, mini-courtyards); can accompany Open & Civic Space system credits
	1' – 4' landscape area	Avoid –difficult to grow and maintain plants or trees.
	5' – 6' tree strip	Limited to constrained ROW; small or ornamental trees only.
	7' – 8' tree strip	Generally applicable, sufficient for large shade trees.
	8' – 12' tree strip	Use on busy streets or where no on-street parking exists to provide greater pedestrian buffer.
	13'+ tree strip	Used on signature streets for enhanced landscape amenities; space can be shared with or shifted to medians' and may meet Open & Civic Space system credits (See 17-3-2.C. & D.).
	10' – 20' Median	Used on signature streets for enhanced landscape; can be accompanied with turn lanes and/or mid-street pedestrian refuge at intersections
<b>Sidewalks</b>	20'+ Median	Used on higher-order signature streets; may meet Open & Civic Space system credits (See 17-3-2.C. & D.).
	5'	Minimum, generally applicable standard (typical neighborhood streets)
	6' – 8'	Minimum for non-residential streets (if combined with amenity zone), and priority routes in neighborhoods (i.e. routes to schools, parks, or other destinations).
	8' – 10'	Used for non-residential streets, walkable areas (if combined with amenity zone); or higher density neighborhoods.
	10' +	Used for signature streets in walkable areas, where social spaces are desired in streetscapes, or as a multi-use bicycle / pedestrian path in other contexts.
	Detached	All sidewalks are “detached” to provide a buffer between pedestrians and the street or moving traffic; unless (a) on-street parking is prevalent and the amenity zone provides and expansion of the sidewalk; or (b) right-of-way constraints prevent a more complete street design.





D. Intersection Design.

1. **Corner Radii.** Curb radii shall be designed according to the Design Standards. However, to balance the competing interest of vehicle turning movements and the distance and safety of pedestrians crossing the street, the Public Works Director may recommend, and the Town Engineer may approve, decreases in the specified corner radii based on the following considerations:
  - a. The context of a particular development, and particularly whether walkable development patterns are a priority and whether neighborhood or mixed-use street types in Table 3-2 are used.
  - b. The impact that the specified radius has on increasing the distance that pedestrians must cross.
  - c. The desired speeds of vehicles on the roadway and the desired speeds and volume of turning vehicles.
  - d. The connectivity of the street network and whether vehicles have multiple alternative routes that minimize frequent turning movements.
  - e. The effective turning radius of vehicles considering other features of the specific cross section, including bicycle lanes, on-street parking or other configurations that impact the actual path of turning movements.
  - f. The likelihood that large vehicles will make frequent turning movements at a particular location, compared with the ability of over-sized vehicles or unusual turning movements to safely encroach into other areas of the street.
  
2. **Sight Distances.** Proper lines of sight shall be maintained at all intersections. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points between 2.5 and 8 feet above the roadway along the centerline of the intersecting street or as otherwise indicated in the Design Standards.



**Figure 3-4 Clear Sight Distance.** Sight distance is measured from the stopping point of the approaching vehicle to the center of the lane in oncoming traffic, based on the speeds of oncoming traffic. Clearances may be affected by the types of objects in the sight triangle and the control factors of the intersection. See Design Standards for appropriate distance based on speed.

- a. No building or other type of physical obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection or access, the stopping point on the approaching street, and the sight distance specified.



- b. Street trees, light poles or other limited narrow obstructions are allowed within the sight triangle provided they do not have any foliage, limbs, or other obstructions in the clearance area and are no closer than 15 feet to the intersecting street edge.
    - c. Landscape, plants, and groundcover may be planted in the triangle, provided they do not exceed 30 inches from the elevation of the adjacent street surface.
    - d. Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Public Works Director.
  3. **Crosswalks.** All intersections and crosswalks shall be designed to address conditions at each specific location. In general, sidewalks intersecting with public streets or other vehicle access shall have crossings meeting the Design Standards, as well as the following:
    - a. All intersections of collector streets or higher classification shall be considered for enhanced crossings including pavement markings, bulb outs, refuge islands or other traffic-calming measures that are appropriate to the context of the intersection.
    - b. Where blocks exceed more than 600 feet between intersections or at other locations of high pedestrian activity, mid-block crossings shall be considered with appropriate pavement markings and pedestrian signals. Mid-block crossing designs and locations are subject to a specific recommendation and approval of the Public Works Director.
    - c. Any crosswalk over 80 feet, or any other significant pedestrian crossing, may require a pedestrian refuge in the median at the discretion of the Public Works Director.
  4. **Turn Lanes.** Turn lanes for left or right turn movements may be required for specific intersections by Public Works Director, based on an approved traffic study. Requirements for turn lanes should be based on careful consideration of the context balancing the impact of crossing distances for pedestrians, vehicle turning speeds, and prioritization of other planning, urban design, and traffic engineering issues. Wherever possible, this space should come from reconfiguration of the space within the roadway width near the intersection (i.e. within median space, narrowing lanes, or limiting on-street parking) rather than claiming space from the pedestrian area or streetscape, or rather than widening the road and right-of-way.
- E. **Traffic Calming.** In order to meet the desired speeds throughout the street network, to manage volumes in association with the street network, and to meet the intent of this section, traffic-calming strategies may be required in street plans. Traffic calming may include bulb outs and curb extensions, medians and islands, neck downs, vertical diverters, enhanced or raised crossings, and other speed management techniques as provided in the Design Standards or other industry guides addressing multi-modal transportation and urban design issues.
- F. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets, utilities, stormwater, irrigation, and other public improvements shall meet the Design Standards.



17-3-2 Open & Civic Space

- A. **Intent.** The intent of this section is to:
  1. Emphasize open and civic spaces as a key determinant of Johnstown’s community image and unique identity.
  2. Coordinate open and civic spaces with street networks to maximize the civic design and establish valuable development patterns.
  3. Value the design, function, and appropriate location of different types of open space, rather than solely the quantity of space, including distinctions for passive and active spaces.
  4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic, and urban design functions.
  5. Promote good civic design and create focal points for the community and development projects.
  6. Integrate natural systems into the design of common or public open spaces to improve stormwater management, protect water resources, preserve natural features, and enhance ecosystems.
  
- B. **Required Open Space.** Subdivision applications and development plans shall provide public or common open space as provided in this section.
  1. *Required Open Space.* All plat applications shall provide open space according to Table 3-5: Required Open Space.

Table 3-5: Required Open Space		
Context	Public Open Space	Common Open Space
Residential Zoning or Residential uses in non-residential districts	15%	<ul style="list-style-type: none"> <li>▪ &lt; 3 acres – no requirement</li> <li>▪ 3 - 20 acres –10%</li> <li>▪ 20+ acres - 15%</li> <li>▪</li> </ul>
Commercial & Mixed-uses	15%	<ul style="list-style-type: none"> <li>▪ &lt; 3 acre – no requirement</li> <li>▪ 1 - 5 acres – 3%</li> <li>▪ 3+ acres - 5%</li> <li>▪</li> </ul>
Industrial Uses	15%	n/a

\* Amount is based on net area excluding streets, alleys and easements. Any excess dedicated public open space accepted by the Town may contribute to the common open space requirement. Common open space may only count to the public open space requirement per Section 17-3-2.B.3.

2. *Fee In Lieu of Dedication.* When a subdivision or development plan cannot dedicate land acceptable to meet the public open space requirements of Section 17-3-2 due to circumstances beyond their control, the Town may evaluate the option for the applicant to pay a fee in lieu of dedication. This option shall be at the sole discretion of the Town.
  - a. The fee shall equal the fair market value of the land area required to be dedicated.
  - b. The fair market value shall be established by an appraisal commissioned by the Town at the applicant’s expense, or otherwise agreed to by the two parties.
  - c. The fee shall be due prior to recording of the final plat.
  - d. All fees shall be placed into a park fund to be utilized for the acquisition of land for park, trails and open space purposes, and shall not replace, reduce, or be used as the park fee, required by Section 17-3-5.C.



3. **Common Open Space Credit.** Common open space in excess of the amount required in Table 3-5, may be credited to the public open space requirement only upon a finding of all of the following, and approved by the Town Council at final plat:
  - a. There are no spaces within the proposed project that meet public open space standards acceptable to the Town for dedication;
  - b. There is no available open space within the vicinity that will serve the needs of the proposed project, which could be acquired with funds supplied by the fee;
  - c. The common open space amount is sufficient to meet both public and common open space requirements in Table 3-5; and
  - d. The common open space will otherwise remain open and accessible to all property for which the credit is being granted.
  
4. **Ownership and Management.** Open and civic space platted or reserved as part of a development shall require specific designation on the final plat or development as a separate tract or outlot. Ownership of the open space tract shall be in one of the following, subject to all other provisions of this section:
  - a. Dedication to a public entity as part of the rights-of-way, parks, or other community facilities element of the plat according to Section 17-3-5.B.
  - b. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
  - c. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and management.

All open and civic space shall require documentation that outlines the ongoing maintenance plans, and demonstrates the capacity for administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and guarantees, shall be filed with the clerk and recorder's office and recorded with the plat designating the open space, prior to any building permits.

- C. **Open & Civic Space System.** The proper arrangement of open and civic spaces shall coordinate with street networks, block and lot layouts, and the landscape and site amenities of individual lots. Such spaces shall be integrated into the design of developments and subdivisions, and provide an appropriate level of service based on service areas noted.
  1. **Types.** Table 3-6 specifies the type, size, and service areas of different open and civic spaces that may meet the open space requirement.



Type	Size [1]	Service Area	Bonus Multiplier [2]	Application	
				Public	Common
<b>Natural Open Space / Agriculture Preservation</b>	5-acre min.; 200' min. width; 40+ acre optimal or significant continuity with adjacent areas	n/a	1.0x to 2.0x – Determined by Director based on the community benefit and significance of the space	■	■
<b>Park - Regional</b>	40+ acres	w/in 1.5 miles		■	
<b>Park - Community</b>	10 – 40 acres	w/in 1 mile		■	
<b>Park - Neighborhood</b>	3 – 10 acres	w/in 0.5 mile		■ [3]	■
<b>Park – Small</b>	0.5 – 3 acres	w/in 0.25 mile			■
<b>Trail</b>	20' wide, min. easement.; 8' – 12' min. trail	w/in 1000'		■ [3]	■
<b>Civic Space - Green</b>	1 – 3 acres	w/in 0.25 miles	1.5x		■
<b>Civic Space - Square</b>	5K s.f. – 1 acre	w/in 1,000'	1.5x		■
<b>Civic Space – Plaza / Courtyard</b>	1K – 5K s.f.	abutting lots or on the same block	1.25x		■
<b>Enhanced Streetscape</b>	[see Section 17-3-2.D.]	abutting lots on the same block	1.25x	■ [3].	■

- [1] See Section 17-3.2.D Open Space Design Guidelines for more specifics on the size and design, and service areas of different open space types.
- [2] Areas marked with a bonus multiplier (i.e. 1.5x) can count towards the open space requirement based on the actual area times the multiplier, provided the space is designed according to the Design Guidelines in 17-3-2.D. For example, an 8,000 s.f. Green designed according to 17-3-2.E can count to as 12,000 s.f. (8,000 x 1.5) for the open space requirement for all lots within 0.25 miles.
- [3] Eligibility of Neighborhood Parks, Trails, and Enhanced Streetscape designs as part of the Public open space requirement is at the discretion of the Town, considering parks, trails, and streetscape plans, and subject to acceptance on a final plat.

2. **Location Criteria.** To coordinate open and civic spaces into a system that integrates the public realm with surrounding development, subdivision and development design shall consider the following location criteria for open spaces:
  - a. Connect and integrate open spaces with public streetscapes and other civic destinations, such as schools, to improve visibility and access;
  - b. Provide access for residents, employees, and visitors to recreation opportunities for active living, and ensure that all dwellings are within the service area of at least two types of opens spaces indicated in Table 3-6.
  - c. The opportunity to preserve and integrate natural features (particularly for Natural Open Spaces, Parks or Trails), including protection of groves of trees, prairie, streams, unusual and attractive topography and other desirable natural landscape features and views;
  - d. The opportunity for formal Civic Spaces (Green, Square, Plaza / Courtyard) to serve as gathering places and be a focal point for compact, walkable places, located as an extension of the streetscapes at highly traveled and visible locations;
  - e. The types of spaces that reinforce character of the area or create gateways and transitions to distinct places; and
  - f. Playgrounds, sport courts, and spaces for community gatherings shall be designed to ensure the area is located outside the required setbacks for oil and gas wells and facilities, per Table 5-1 and Table 6-1. These areas may be included in the open space calculations or for trails to traverse, assuming they meet all applicable criteria.



- 3. **Stormwater Facilities.** In addition to stormwater management purposes, such facilities shall be designed and integrated into the street network or open and civic space system in order to avoid redundant and inefficient facilities on individual lots. Any area used for stormwater may be counted towards the open space requirement provided:
  - a. It is integrated into the design of the space in a manner that it is an aesthetic amenity and is consistent with the design character of the space. Examples include:
    - (1) Stream channels for conveyance and filtration;
    - (2) Playing fields, with appropriate size and slopes, within intermittent detention basins;
    - (3) Formal areas when designed with detention as civic art or focal points of the space.
  - b. The design does not impact the utility of the space for either purpose (i.e., stormwater functions do not compromise the use and value of the space as intended open space, and open space designs do not compromise maintenance, management, and performance for stormwater functions).
  - c. The maintenance and management of the portion of the facility serving stormwater functions is clearly identified, whether that is a public dedication or whether it is an obligation of the owner or property owners' association.

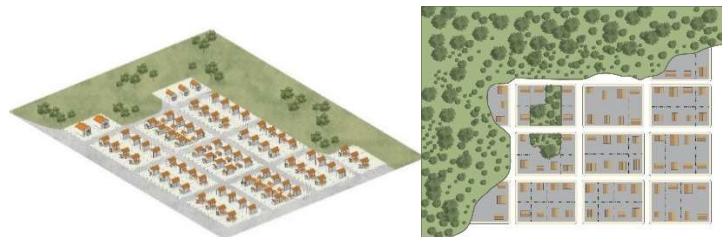
D. **Open & Civic Space Design Guidelines.** Open and civic spaces, as discussed in Table 3-6, shall be designed according to the following guidelines for each specific type:

**Natural Open Space / Agriculture Preservation**

The size, location and design of a Natural Open Space is dependent on the inherent characteristics of the land and the presence of valuable agricultural, natural amenities, or ecological resources worthy of protection. The ability to provide contiguity with similar features on adjacent sites may be important to the design and location of development and preserved areas.

**Size:** 5 contiguous acres (min.); 200' wide minimum; ideally, ability to connect 40 + acres of contiguous natural lands or agricultural lands.

**Service Area:**  
1 mile



**Design Elements & Guidelines**

- ❑ Natural Open Space includes any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant and tree types. The goal is to protect the edges and to maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, or enhance the aesthetics and amenities of the area. Active recreation such as trails and paths can be a part of these areas provided, they do not disrupt the essential natural character and ecological functions.
- ❑ In the Agriculture Overlay area indicated in the Comprehensive Plan this type of open space may also include preservation of productive agricultural lands, particularly if they are integrated as a focal point of future development.



**Park**

**Size / Service Area**

- Regional – >40 acres / 1.5 miles +
- Community – >10 – 40 acres / 1 miles
- Neighborhood – >3 – 10 acres / ½ mile
- Mini – 0.5 – 3 acres / ¼ mile



**Design Elements & Guidelines**

- Any park planned for public dedication shall be designed according to official plans, policies, and Design Standards of the Town.
- Parks should be at least 200’ wide in all directions (100’ for Mini Park).
- Fronts on 1 or more public streets for 400’ or more (100’ Mini Park); exception to street frontage if designed abutting part of a public trail system.
- One shade tree for every 30’ of street frontage; one shade tree per 50’ of internal trails or paths; 20 shade trees per acre for all other areas beyond 30’ from streets or trails; plus other landscape to support the overall park design.
- Ornamental plantings, concentrations of trees, and other enhanced landscape at gateways, entrances, and prominent corners.
- Between 15% and 50% of the area, depending on context and scale of the park, and at the discretion of the Town, shall be designed for active, programmed or structured recreation such as ball fields, playgrounds or sport courts. The remainder of the area shall be allocated to ground cover, tree areas, gardens, or other natural or formal landscape for passive recreation.

**Trail**

**Size**

20’ min. width; 30’ if includes multi-purpose trail  
May be dependent on topography and natural features.

Requires sufficient continuity to connect with existing and planned pedestrian and bicycle systems outside of project and/or connect meaningful walking and biking destinations (schools, parks, neighborhood centers, etc.)



**Service Area**

- Internal to development – ¼ mile
- Community trail – 1 mile

**Design Elements & Guidelines**

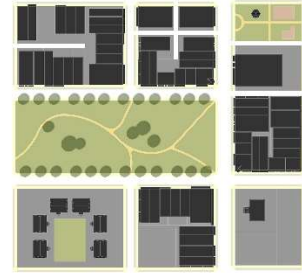
- Any trail planned for public dedication shall be designed according to official plans and policies of the Town.
- Trails corridors should include a paved or otherwise dust-free stabilized surface at least 8’ wide, and 10 to 12’ wide if a shared bike / pedestrian trail.
- The landscape area on each side of the trail should be at least 6’, and wider in places that incorporate natural features or significant vegetation.
- One shade tree for every 50’ of trail length; and one ornamental tree or small evergreen tree for every 25’ of trail length.
- Trails corridors located along rights-of-way may be integrated into the streetscape design to create the optimal multi-modal design for the street and trail, particularly along major and minor arterial streets.



**Civic Space**

**Size / Service Area**

Green – 1 – 3 acres / ¼ mile  
Square – 5K s.f. – 1 acre / 1,000’  
Plaza / Courtyard– 1K - 5K s.f. / abutting lots  
or on same block.



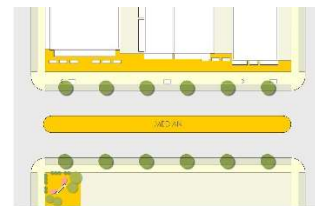
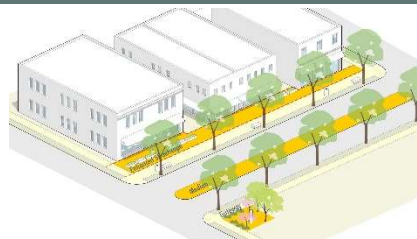
**Design Elements & Guidelines**

- ❑ Civic space shall have frontage on a public street (or internal access street) with direct pedestrian access to the streetscape and sidewalk, subject to the following;
  - Greens along at least 3 sides and at least 75% of the perimeter,
  - Squares along at least 2 sides and 60% of the perimeter.
  - Plazas along at least 1 side and at least 30% of the perimeter.
  - Courtyards along at least 20% of the perimeter, or an entrance from a gateway and passage along the street.
- ❑ Buildings shall front on and frame the civic space, and be designed with frequent entrances, transparency, and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.
- ❑ Civic spaces shall have a balance of formal gathering places (hardscape, seating, public art, etc.) and landscape (gardens, lawns, planting beds, etc.). generally, within the following:
  - Green: formal = 15% - 50%; landscape = 85% - 50%
  - Square: formal = 50% - 75%; landscape = 25% - 50%
  - Plaza: formal = 75% - 85% landscape = 15% - 25%
  - Courtyard: formal = 25% - 50%; landscape = 50% - 75%
- ❑ One shade tree for every 25’ of street frontage; and one ornamental or evergreen tree for every 2,000 square feet, located within the space and along the streetscape.

**Enhanced Streetscape**

**Size**

Gateway features: 100 s.f. – 1K s.f.  
Pedestrian / Landscape Amenity: at least 50%  
more than required for streets by Section 3.01  
Boulevard Median: 12’ collector; 16’ arterial



**Service Area**

Abutting lots along same block

**Design Elements & Guidelines**

- ❑ Gateways concentrate landscape and ornamental structures at important intersections or at entrances to distinct neighborhoods or districts. Gateways may be located more frequently throughout a neighborhood or district with smaller, subtle treatments at multiple intersections, creating a hierarchy of streetscape elements that define the character of the area.
- ❑ Gateways landscape: 1 canopy tree per 35’ of street frontage; 1 ornamental tree or evergreen tree per 250 s.f.; 3 shrubs per 100 s.f.
- ❑ Pedestrian and landscape amenity areas at least 50% greater than required by the streetscape design in Section 17-3-1.C. or landscape median of at least 12’ on collector streets or 14’ on arterial streets; may count to common open space.
- ❑ Pedestrian and landscape amenities shall include planting that is at least 50% above the rate required for the street.
- ❑ Streetscape enhancements shall generally be located in separate tracts designated on a plat or require additional right-of-way





#### 17-3-3 Blocks & Lots

A. **Intent.** The intent of the blocks and lots standards is to:

1. Ensure the proper arrangement of blocks and lots in relation to the street network and open and civic spaces.
2. Design subdivisions to be coordinated with adjacent development patterns or future development in terms of street networks, open and civic spaces, and block patterns.
3. Arrange blocks and lots in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
4. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
5. Promote appropriate site, building, and frontage designs in relation to streetscapes and open spaces.
6. Ensure that all lots are buildable according to this code and that all non-developed tracts or other parcels serve community functions in relation to the overall development pattern.

B. **Block & Lot Arrangement**

1. *General Layout.* All blocks shall be laid out to have two tiers of lots fronting streets on opposite sides, unless dictated by existing development patterns outside of the control of the project or by access management on regional transportation routes. In these cases, streetscape standards and open or civic spaces should be used to create buffers and transitions at the rear of lots.
2. *Block Size & Patterns.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 17-3-1.B.
3. *Lot Patterns.*
  - a. Lot size, width, depth, and shape shall meet the applicable zoning district standards and accommodate appropriate building location, orientation, and site design. Corner lots or irregular shaped lots may need additional space.
  - b. All lots shall front on a public street, or on an alternative access or common open space where specifically allowed by these regulations.
  - c. All side lot lines shall be as close as practical to perpendicular to front lot lines, or radial to any curves along the front lot lines. Irregular lot patterns shall only be permitted where they are used to integrate patterns of buildable lots into the overall block structure and to provide consistent relationships of lots and buildings to the streetscape.
  - d. Lots shall be designed to ensure the buildable area of any lot shall not be encumbered by the required setbacks for oil and gas wells and facilities, per Table 5-1 and Table 6-1.
4. *Easements.* All blocks shall include easements for all utilities, required improvements, access, drainage, and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. Easements shall be determined based on the specific needs of a development through development review and granted prior to construction. Unless otherwise specified through the development review process, utility easements shall be as specified in Table 3-7: Easements.



Common rear lot lines	16', 8' on each lot
Rear lots along an alley	None, provided the alley is at least 20' wide and can accept utilities
Perimeter rear lot lines w/o common boundary	10'
Side easements, where necessary	5'
Front easements (if necessary due to other site / ROW constraints)	10'

5. **Drainage.** Where a subdivision is traversed by a natural watercourse, drainageway or stream, blocks shall be laid out in coordination with these features, and they shall be integrated into the open and civic space systems.
  - a. Drainage areas shall be left in a natural state, and no encroachments shall be made on a significant natural drainage channel that impairs its stormwater and ecological function wherever practical.
  - b. A pedestrian or bikeway easement may be required where the block structure is interrupted more than permitted in Section 17-3-1.B, or where the Planning and Zoning Commission or Town Council determines the area is appropriate for active recreation or transportation uses.
  - c. All necessary rights-of-way and easements shall be dedicated to the Town or other public entity to preserve the hydrologic, environmental, or stormwater function of the watercourse, drainageway or stream.

### 17-3-4 Required Improvements & Dedications

- A. **Intent.** The intent of this section is to:
  1. Ensure that all improvements necessary to serve lots and buildings are constructed, inspected, or otherwise assured of completion prior to the issuance of building permits and other final approvals.
  2. Integrate the design and construction of public, common, and private improvements in the most effective and efficient manner.
  3. Prevent undue burden on public utility systems and community facilities serving other areas from the improper location or design of subdivisions or development projects.
  4. Provide appropriate apportionment of construction and maintenance costs for public facilities serving development.
  5. Protect against subdivisions or development projects where soil, subsoil, or flooding conditions would create potential dangers to property, infrastructure investments, or public health and safety.
  6. Coordinate construction of required improvements with other anticipated improvements and with future growth.
- B. **Applicability.** The standards and procedures of this section are coordinated with other development applications affecting the planning, design, and construction of public or common improvements. Specifically, they apply to:
  1. Preliminary feasibility plans for all required improvements associated with a preliminary plat in Section 17-2-2.D.
  2. Construction plans for all required improvements associated with a final plat in Section 17-2-2.E, a Planned Unit Development and Framework Plan in Section 17-2-4.B.2, or similar development plan.



## ARTICLE 3 – SUBDIVISION, DEVELOPMENT, & COMMUNITY DESIGN

### 17-3-4 REQUIRED IMPROVEMENTS & DEDICATIONS

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3. Site plans that are required to provide improvements for any capacity or facility deficiencies are identified in Section 17-2-6.B.2.
  4. Any other common or site improvements that serve beyond a single project or building, or where the Director determines that the procedures and guarantees of this section should apply to specific improvements.
- C. **Subdivision Improvement and Development Agreement.** The Town and the applicant shall enter into a subdivision improvement and development agreement more specifically defines the type, timing, and guarantees for all required improvements. The Director may waive this requirement for any application where the improvements are routine or minor relative to the extent of development.
1. Applicants shall be responsible for the entire cost and installation of improvements necessary to serve the proposed development.
  2. The applicant may contribute its proportionate share to any established participation agreement or for any existing facilities with the capacity to serve the project.
  3. The Town may require oversizing of facilities and establish cost sharing strategies for any improvements where it is determined to serve property in the vicinity or potential future development more efficiently.
  4. The agreement shall be recorded in association with an approved plat or development plan.
- D. **Improvements & Dedications.** The following improvements and dedications are required to be constructed, installed, or dedicated with subdivisions or development projects, except where sufficient facilities exist or will be constructed through other means.
1. **Rights-of-way.** Rights-of-way shall be dedicated meeting the widths specified in Section 17-3-1.C, or any other widths required by the Public Works Director to meet the ultimate planned street classification.
    - a. Additional rights-of-way may be required based on traffic study, long-range transportation plans, or other Town-accepted transportation policy or analysis.
    - b. The dedication of half-streets on the perimeter of a project shall not be accepted unless:
      - (1) The applicant coordinates the dedication of the corresponding half outside the project;
      - (2) The applicant provides sufficient guarantees for the cost of improvements and construction on the corresponding half street; and
      - (3) The applicant establishes acceptable plans for the timing and construction of the full street.Failure to meet perimeter conditions shall not justify an exception to the connectivity or external connection standards of Section 17-3-1.B., or otherwise enable large non-street perimeters of projects.
  2. **Streets.** Streets shall be constructed according to the street types in Section 17-3-1, including travel lanes, parking, bicycle lanes, sidewalks, landscape amenities, and street trees. This shall include all streets internal to the project, and any new streets or street upgrades external to and necessary to serve the project. Additional streetscape elements including streetlights, street name signs, traffic signal lights and signs, and crosswalk designations shall be provided according to Town Design Standards
  3. **Access.** Access shall be provided to all lots. This shall include access and alleys, driveway approaches, and other required vehicle circulation and parking components, and easements where shared or cross-access is proposed or required.



## ARTICLE 3 – SUBDIVISION, DEVELOPMENT, & COMMUNITY DESIGN

### 17-3-4 REQUIRED IMPROVEMENTS & DEDICATIONS

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4. **Open & Civic Spaces.** Open and civic spaces, whether public, common, or shared, shall be provided according to Section 17-3-2. In addition, dedication or reservation of areas to serve public or community facility needs according to Section 17-3-5 shall be provided.
  5. **Drainage.** Easements and drainage systems shall be provided to serve the project at the largest practical scale including storm sewer lines, natural and constructed conveyances, retention/detention ponds, and similar facilities. Drainage systems may be incorporated into street and open space systems where they meet the standards and design requirements for each facility.
  6. **Water & Sanitary Sewer.** Easements and utility services shall be provided to serve each lot and principal structure with sanitary sewer and potable water, connecting each lot and principal building to an existing public system.
    - a. An agreement with the Town for service of the subdivision or development defining dedication requirements per the Johnstown Municipal Code, and committing to serve the property with water and sanitary sewer service.
    - b. Raw water dedication and payment of fees is required prior to recordation of a residential plat or prior to issuance of a commercial or multi-family building permit, unless otherwise agreed to in writing with the Town.
  7. **Electric and Communication.**
    - a. Electric power and communication connections and wire shall be placed underground in raceways or conduits.
    - b. Transformers, switching bases, terminal boxes, meters cabinets, pedestal ducts, and other facilities shall be placed underground, or may be placed on the surface provided they are located and adequately screened for safety and concealment.
    - c. Electrical transmission and distribution feeder lines and communication trunk and feeder lines may be placed above ground, if determined to be appropriate by the Public Works Director.
  8. **Fire Hydrants.** Fire hydrants shall be provided at each street intersection, line terminus, and other necessary points to meet Town Design Standards Fire Code, and Fire District requirements.
  9. **Reference Monuments.**
    - a. Permanent reference monuments of stone or concrete, at least 36 inches deep and 6 inches square or round, with a suitable center point shall be located as required by the Town.
    - b. Iron pin monuments at least 24 inches long and flush with the surface shall be placed at all points on boundary lines where there is a change in direction, at all lot and block corners, and at other points required by the Town.
- E. Timing of Obligations & Improvements.** All required improvements shall be provided through the following steps unless otherwise agreed to in a subdivision improvement and development agreement:
1. **Plan Submittals.** Engineering and construction plans for the entire plat or development plan shall be submitted and approved at one time for improvements in Section 17-3-4.D
    - a. The size, type, and general location of each improvement, and estimated cost shall be included as part of the final plat submittal and review.
    - b. Plans may propose phasing for construction of improvements according to phases approved with an associated plat or development plan. Construction acceptance, financial security, and permits may be approved or released according to an approved phasing plan.



## ARTICLE 3 – SUBDIVISION, DEVELOPMENT, & COMMUNITY DESIGN

### 17-3-4 REQUIRED IMPROVEMENTS & DEDICATIONS

- c. The Johnstown Review Committee may require verification or updates of any technical study required according to Section 17-2-1.J, or other report that verifies adequacy of the required improvements.
  2. **Financial Guarantee.** The applicant shall provide a financial guarantee for 110% of the total cost of improvements, based on approved design and construction plans.
    - a. The guarantee shall be in a form approved by the Town Manager and Town Attorney.
    - b. The guarantee is due prior to commencement of construction of any improvement, except that the Public Works Director may authorize limited grading permits where there is no threat to preservation of natural areas and vegetation, adjacent properties, or other elements of the plan that may be subject to change prior to final approval.
  3. **Construction & Installation.** Required improvements shall be constructed in accordance the planning and design standards of this code, the engineering and construction requirements of the Town Design Standards, and with plans approved by the Town.
    - a. A preconstruction meeting shall be scheduled to review approved plans, Town Design Standards, required permits, and timing of construction and inspections.
    - b. Construction of improvements shall not commence until notice to proceed, or other authorized permits are issued by the Town.
  4. **Inspection & Construction Acceptance.** The applicant shall request inspection and construction acceptance for any completed improvements for a specific phase.
    - a. The Town shall inspect and may issue a letter of construction acceptance for any phase of improvements that comply with the approved plans.
    - b. Certified record drawings of improvements as built shall be submitted to the Town and certified by the contractor, project surveyor, and project engineer.
    - c. The Town may release the financial guarantee for any required improvements that have been accepted and where record drawings are submitted, but shall retain 15% of the cost of improvements as a maintenance and repair warrant.
  5. **Maintenance & Repair Warranty.** The applicant shall provide a warranty for maintenance and repair of all improvements at the time of construction acceptance through either a new obligation, or through a limited release and retention of the financial guarantee.
    - a. The maintenance and repair warranty shall be at least 15% of the cost of improvements.
    - b. The warranty shall be for at least 2 years, or until the Town issues final acceptance, whichever is later.
    - c. The applicant shall be responsible for the repair, replacement, and maintenance of any required improvement which fails to function or meet the standards of the Town, prior to final acceptance.
    - d. In the instance of repair or reconstruction of any improvement and prior to final acceptance, the Town may require the extension of the 2-year warranty period.
  6. **Permits.** The Town shall not issue building permits until construction acceptance has been issued for all public improvements for the development or applicable phase, except for the following:
    - a. **Detached Houses.** Building permits may be issued for detached houses prior to construction acceptance if limited to the following:
      - (1) No more than 50% of building permits for a particular phase may be issued prior to construction acceptance.



## ARTICLE 3 – SUBDIVISION, DEVELOPMENT, & COMMUNITY DESIGN

### 17-3-4 REQUIRED IMPROVEMENTS & DEDICATIONS

- (2) Required improvements shall be eligible for acceptance other than public landscaping, which may be delayed due to weather or seasonal planting considerations.
        - (3) No certificate of occupancy shall be issued until construction acceptance of all required improvements for the development or phase.
  - b. *Other Limited Permits.* The Director may approve other limited building permits on a case-by-case basis, in consultation with the Public Works Director, Fire Marshal, and other appropriate Town Departments when considering the following:
    - (1) Better phasing or coordination for the timing of construction of public improvements and buildings or other site improvements is proposed;
    - (2) Fire safety and emergency access is sufficiently addressed considering the type of construction; and
    - (3) Any other factors related to public health, safety, and welfare are addressed generally, no certificate of occupancy shall be issued for any part of a phase prior to construction acceptance.
  - c. *Revocation of Permits.* The Town may revoke, withhold, or stop any permits or certificates of occupancy during any period where the improvements are not constructed or maintained as required by this code or a subdivision improvements and development agreement.
7. *Final Acceptance.* The Town shall inspect the public improvements at the end of the warranty period, following a written request from the developer, submitted to the Town.
  - a. The applicant shall bring any improvements not meeting approved plans or design standards into compliance.
  - b. If identified deficiencies are not corrected and accepted within 120 days of the end of the warranty period or inspection, the Town may withhold further building permits or certificates of occupancy for the development or applicable phase.
  - c. The applicant shall provide the Town with record drawings for landscaping and irrigation that include designer and contractor certification statements of open and civic spaces. The applicant shall provide a copy of the record drawings to the property owners' association.
  - d. Upon final acceptance the Town may release the 15% maintenance and repair warranty. If final acceptance is not granted, all future maintenance and repair shall remain the responsibility of the applicant until the Town grants final acceptance of the improvements.
8. *Use of Guarantee.* With authorization by the Town Manager, the Town may execute and use any financial guarantee or maintenance and repair warranty to provide required improvements where:
  - a. The improvements were not provided as required by this code or a subdivision improvement and development agreement.
  - b. The improvements did not pass inspection and were not corrected within 120 days of notice of failure to pass inspection.
  - c. The improvements fail to be maintained according to standards during the warranty period, and the applicant failed to address or propose an acceptable plan to address the deficiency within 120 days of notice.
  - d. In the case of executing and use of any guarantee, the Towns shall keep all funds. If the actual cost to install or correct the improvements is greater than the amount retained in warranty, the Town may assess all costs against the property.



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### 17-3-5 Community Facilities & Fees

- A. **Intent.** The intent of this section is to:
1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
  2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
  3. Ensure that the most appropriate locations of public and community facilities are identified and considered prior to the premature commitment of these areas to conflicting development patterns.
  4. Locate and design public and community facilities in association with the areas they serve, and create gateways and focal points through public investment.
  5. Provide the opportunity to negotiate a fair price for land needed to develop public or community facilities beyond the impact of the particular project, or alternatively to provide an incentive to dedicate land where the lack of facilities may otherwise constrain potential future development.
  6. Ensure that land benefited by public capital investments share in obligations for construction, operation, maintenance, and replacement of these facilities proportionate to their impacts.
  7. Promote fiscal responsibility for all public entities by coordinating the planning, design, and financing of public facilities concurrent with impact the generated from proposed development.
- B. **Dedication and Reservation of Land.** The Planning and Zoning Commission or Town Council may request the dedication or require the reservation of land to the Town or other government entity with jurisdiction over public and community facilities, to facilitate the appropriate location for parks, open space, public safety, schools, utilities, or other public or community infrastructure and facilities.
1. **Dedication.** A request for dedication of land may be initiated by the Town, or on behalf of another public entity having jurisdiction over public and community facilities.
    - a. The dedication may be included on a plat, by deed of dedication, or through a separate agreement with the entity having jurisdiction.
    - b. Inclusion of the dedication on the plat shall be at the discretion of the applicant, except for the following land dedication or fee in lieu specifically required by this code:
      - (1) Open space dedications;
      - (2) School site dedications; and
      - (3) Dedications required for other public entities, such as library, recreation district, fire districts, and similar entities.
    - c. Dedication, or fee in lieu, shall be subject to approval and acceptance by the Town Council, and any other appropriate agency having jurisdiction of the public or community facility.
  2. **Reservation.** As an alternative to dedication, the Town may require that the land be reserved to permit negotiation for acquisition by a public entity, according to the following:
    - a. A requirement for reservation shall be based on plans of the entity having jurisdiction over the facility that identify the general location and extent of the facility, or some other documented need for the facility.
    - b. The reservation shall be for a set period of time established by the Planning and Zoning Commission or Town Council but not more than 5 years, unless agreed to by the applicant.
    - c. The reservation may be accompanied by a contingency plat, demonstrating how land will otherwise be developed. The contingency plat may serve as a



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preliminary plat should the property not be acquired by the public entity during the reservation period.

- d. The property shall not be developed until the reservation period expires or the property is acquired, and future development shall follow the applicable procedures in Article 2 of this code.

- 3. **Development Agreements.** Nothing in this section shall limit the Town’s authority to enter into development agreements with developers and provide dedication of land, fees, or construction of actual public and community facilities on terms different than specified in this Section.

- C. **Impact Fees Established.** The following development fees have been established by the Town by specific impact fee ordinances. Fees are payable at the time of building permit issuance, subject to an exemptions, exceptions, or appeal provisions of this section.

<b>Table 3-8: Impact Fees</b>						
Use		Development Fees [1]				
		2023	2024	2025	2026+	
Transportation Facilities Development Fee [2]	<i>Detached House</i>	\$ 3,062	\$ 3,215	\$ 3,375	\$ 3,544	
	<i>Attached House</i>	\$ 2,605	\$ 2,735	\$ 2,872	\$ 3,016	
	<i>Retail</i>	\$ 5.42	\$ 5.70	\$ 5.98	\$ 6.28	
	<i>Office</i>	\$ 3.29	\$ 3.45	\$ 3.62	\$ 3.80	
	<i>Industrial / Other</i>	\$ 2.12	\$ 2.22	\$ 2.33	\$ 2.45	
Parks & Recreation Facilities Development Fee	<i>Detached House</i>	\$ 1,316	\$ 1,382	\$ 1,451	\$ 1,524	
	<i>Attached House</i>	\$ 1,120	\$ 1,176	\$ 1,235	\$ 1,297	
Public Facilities Development Fee	<i>Detached House</i>	\$ 1,752	\$ 1,839	\$ 1,931	\$ 2,028	
	<i>Attached House</i>	\$ 1,491	\$ 1,565	\$ 1,643	\$ 1,726	
	<i>Retail</i>	\$ 0.82	\$ 0.86	\$ 0.90	\$ 0.94	
	<i>Office</i>	\$ 0.82	\$ 0.86	\$ 0.90	\$ 0.94	
	<i>Industrial / Other</i>	\$ 0.82	\$ 0.86	\$ 0.90	\$ 0.94	
Library and Cultural Facilities Development Fee	<i>Detached House</i>	\$ 1,266	\$ 1,329	\$ 1,395	\$ 1,465	
	<i>Attached House</i>	\$ 1,077	\$ 1,131	\$ 1,188	\$ 1,247	
Police Facilities Development Fee	<i>Detached House</i>	\$ 797	\$ 837	\$ 879	\$ 922	
	<i>Attached House</i>	\$ 679	\$ 713	\$ 748	\$ 786	
	<i>Retail</i>	\$ 0.75	\$ 0.79	\$ 0.83	\$ 0.87	
	<i>Office</i>	\$ 0.28	\$ 0.29	\$ 0.30	\$ 0.32	
	<i>Industrial / Other</i>	\$ 0.28	\$ 0.29	\$ 0.30	\$ 0.32	
Loveland Fire and Rescue Authority Fee [2]	<i>Single Family</i>		\$1,000			
	<i>Multi-family</i>		\$ 692			
	<i>Commercial</i>		\$ 0.60			
	<i>Industrial</i>		\$ 0.12			
Front Range Fire Rescue Fire Protection District [3]	<i>Single-family / Two-family</i>		\$ 1,087			
	<i>Multi-family</i>		\$ 692			
	<i>Any Non-residential</i>		\$ 0.60			

[1] Residential Fees are on a per unit basis and apply to any net increase in dwelling units; non-residential fees are on a per square foot basis and apply to any net increase in the square footage of a use or the increment for any change of use.





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- [2] The fire and rescue fees are applicable only in the jurisdictional boundaries of the respective fire districts – Loveland Fire and Rescue Authority and Front Range Fire Rescue Fire Protection District.
1. **Annual Inflation Adjustments.** The impact fee shall be automatically adjusted to account for inflationary increases in the cost of provided public facilities on January 1 of each year. The adjustment shall be based on the most recent data from the Engineering News Record Construction Cost Index for the Denver Metropolitan Area. Alternatively, The Town Council may determine appropriate inflation adjustments through the annual review process in Section 17-3-5.G.
  2. **Exemptions.** An applicant may request an exemption from specific impact fees on forms provided by the Town.
    - a. The Town Council shall evaluate the request and may grant an exemption in whole or in part.
    - b. The Town shall deposit funds in the amount of the exemption into the appropriate impact fee account from non-impact fee funds within a time period that is consistent with the Town capital improvements program.
  3. **Development Agreements.** Nothing in this section shall limit the Town's authority to enter into development agreements with applicants and provide dedication of land, fees, or construction of actual infrastructure improvements.
  4. **Fire and Emergency Services Providers, School District and Special Districts.** The applicant shall confer with the appropriate fire and emergency service provider, school district and any special district to determine whether an impact fee is owed and the amount of the impact fee. The Town shall confer with the provider and may withhold Town permits or approvals until any required fees have been satisfied.
  6. **Appeals.** Appeals of any decision on impact fees by an administrative official may be appealed to the Town Manager by filing a written appeal with the Town Clerk. Appeals of the Town Manager's decision shall be appealed to the Town Council following the same procedure:
    - a. Appeals shall be on forms provided by the Town and detail the specific grounds for the appeal.
    - b. The applicant shall have the burden of proving the decision was in error.
    - c. Filing and appeal shall not stay the imposition or collection of the impact fee unless a letter of credit or surety for the amount of the fee has been provided to the Town.
    - d. The Town Manager and/or Town Council shall make a decision within 30 days of filing an appeal.
    - e. No building permits or approvals shall be issued until the appeal is resolved and the appropriate fees paid. However, if a letter of credit or other surety for the amount of the fee is provided the Town may choose to issue a permit or approval with an agreement that the appropriate fee shall be paid through subsequent resolution of the appeal and surety.

#### D. **Establishment of Accounts and Funds.**

1. **Impact Fee Accounts.** An impact fee account shall be established by the Town for each category of capital improvements for which impact fees are imposed.
  - a. Accounts shall clearly identify the category, account, or fund for which the impact fee has been imposed. Subaccounts may be established for individual impact fee districts.



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- b. All impact fees shall be deposited into the appropriate impact fee account or subaccount. Accounts shall be interest-bearing with interest earned credited to and considered funds of the account.
  - c. The funds of each account shall at all times be capable of being accounted for separately from all other Town funds.
  - d. The Town shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for, and appropriated in accordance with these provisions and any other applicable legal requirements.
2. ***Appropriation of Impact Fee Funds.*** Impact fee funds may be appropriated for capital improvements and for the payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by the Town or on behalf of other applicable local governmental entities.
- a. All appropriations from impact fee accounts shall be detailed on appropriate forms and filed with the Town Treasurer.
  - b. Impact fees shall be appropriated only:
    - (1) For the particular category of capital improvements for which they were imposed, calculated, and collected; and
    - (2) Within the impact fee district where collected, except as provided in subsection 2.d.
  - c. Impact fees shall not be appropriated for funding maintenance or for operational or personnel expenses associated with the provision of the capital improvements.
  - d. Impact fee funds may be appropriated for a capital improvement located outside of the district of the new land development where collected only if the demand for the capital improvement is generated in whole or in part by the new land development or if the capital improvement will actually serve the new land development.
3. ***Procedure for Appropriation of Impact Fee Funds.***
- a. The Town Manager shall annually identify capital improvement projects anticipated to be funded in whole or in part with impact fees. The capital improvement recommendations shall be based upon the annual review in Section 17-3-5.E. and other relevant information, and may be part of the Town's annual budget and capital improvements programming process.
  - b. The recommendations shall be consistent with the intent and standards of this section, the particular impact fee ordinances, other applicable legal requirements, and any guidelines adopted by the Town Council
  - c. Impact fee-funded capital improvements in the Town's annual budget and capital improvements program shall include description, nature, location, capacity to be added, service area, need/demand for, and the anticipated timing of completion of the capital improvement.
  - d. The Town Council may authorize impact fee-funded capital improvements at other times the Town Council determines necessary and appropriate.
  - e. The Town Council shall verify that adequate impact fee funds are or will be available from the appropriate impact fee account for the particular category of capital improvements.
4. ***Refunds.***
- a. ***Eligibility.*** An applicant who has paid an impact fee may be eligible for a refund where:
    - (1) A building permit has expired or has been revoked prior to construction; or



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### 17-3-5 COMMUNITY FACILITIES & FEES

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- (2) If construction has been started and abandoned prior to a certificate of occupancy, only if the uncompleted building is completely demolished.
- b. *Applications.* Applications for a refund shall be made in writing to the Town within 60 days of expiration or revocation of a permit. The application shall include:
- (1) Evidence that the applicant is the property owner or the duly designated agent of the property owner;
  - (2) The amount of the impact fees paid by capital improvements category and receipts for the payments; and
  - (3) Evidence of the expiration or revocation of the building permit or approval of demolition of the structure pursuant to a valid Town-issued demolition permit.
- Failure to apply for a refund within 60 days following expiration or revocation of the building permit or demolition of the structure shall constitute a waiver of entitlement to a refund.
- c. *Decision.* The Town shall review the application and supporting relevant evidence and determine whether a refund is due.
- (1) The Town may, at its discretion, make refunds of impact fees by direct payment, by offsetting refunds against other impact fees due for the same category of capital improvements for new land development on the same property, or by other means subject to agreement with the property owner.
  - (2) A ten-percent administrative fee, not to exceed \$500, shall be deducted from any refund and retained in the appropriate impact fee account to defray the administrative and processing expenses.
  - (3) No interest shall be paid in calculating the amount of the refunds.
- d. *Fire, Emergency and School Services.* Any requests for refunds of the fire, emergency or school service fees shall be made to the service providers, who are solely responsible for deciding and providing refunds.
- E. **Annual Report.** At least once every year, not later than October 15 and beginning October 15, 2001, and prior to the Town Council's adoption of the annual budget and capital improvements program, the Town Manager shall prepare and submit annual impact fee report to the Board.
1. The annual report may include evaluation of capital improvements planning, analysis of annual development activity and permit statistics, assessment of funds and capital improvements expenditures, recommended updates to the fee schedules and calculation, recommended amendments to the fee ordinances and impact areas, and any other information relevant to or required by specific impact fee ordinances.
  2. The Town Council shall receive the annual report and may take any action it deems appropriate based on the information.
- F. **402 Interchange Fee.** Pursuant to the Town's authority to enact fees to recover costs of providing, maintaining, and improving infrastructure for properties within its jurisdiction, the 402 Interchange Fee is established as a special fee to recover a portion of the costs of the reconstructed interchange at Interstate 25 and State Highway 402, accomplished between approximately 2017 and 2022.
1. *Applicability.* The 402 Interchange Fee shall apply to any request for a building permit on property within the area designated on a map maintained by the Town and publicly available, except:
    - a. Alterations or expansions of existing buildings where no dwelling units are created or no nonresidential square footage added;
    - b. The construction of accessory buildings or structures that do not add dwelling units or square footage to the principal building or use of land; or



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### 17-3-5 COMMUNITY FACILITIES & FEES

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- c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same square footage.
2. *Establishment of Fee.* The 402 Interchange fee shall be levied and assessed as indicated in the current Town Fee Schedule.
3. *Use of Funds.* The revenues from the 402 Interchange Fee shall be remitted to the Street and Alley Fund.
  - a. The funds shall be used solely to reimburse the Town for the cost of improvements to and reconstruction of the Interstate 25 and State Highway 402 interchange.
  - b. The Town shall keep an accurate accounting of the cost of the improvements and revenues collected.
  - c. In the event that the total amount of the fee revenues paid to the Town equal the sum of \$ 2,500,000.00, plus interest from the effective date of the fee at a rate of 2.75% per annum, all property owners in the designated fee area shall be relieved of any further obligation to pay the 402 Interchange Fee.
4. *Not An Impact Fee or Development Charge.* The Town Council does not intend that the 402 Interchange Fee be construed as an impact fee or development charge within the meaning of Section 29-20-104.5, C.R.S., as amended, but that the 402 Interchange Fee be a special fee within the home rule authority of the Town. To the extent that the provisions of Section 29-20-104.5, C.R.S., as amended, conflict with the provisions of this section, this section shall control.



## Article 4. Districts & Uses

- 17-4-1 Establishment of Zoning Districts
- 17-4-2 Permitted Uses / Use Table
- 17-4-3 Specific Use standards
- 17-4-4 Accessory Uses
- 17-4-5 District Performance Standards

### 17-4-1 Establishment of Zoning Districts

- A. **Intent.** To carry out the purposes of this code, the following districts are established, with the intent given for the character of specific areas, the development patterns and context, and the types or intensity of uses and buildings.

**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>H-A – Holding / Agriculture.</b> The H-A district is intended for agriculture and associated uses, and may include rural residential living with detached houses on acreages or very large “pre-development” lots. Due to the development patterns and inefficiency of providing municipal services, this area receives only limited infrastructure investment. It is used as a “pre-development” district to preserve open and rural lands, or to hold areas until more coordinated, compact, and efficient growth and development can occur.</p>	<p>Limited application as a pre-development area or to preserve agriculture lands in the very low intensity areas. Alternatively, the conservation pattern can be used to cluster development areas served by infrastructure in exchange for preserving large, in-tact areas of open space, natural areas, or agriculture lands.</p>
<p><b>R-E - Rural Estate.</b> The R-E district intended for very low-density residential living (detached houses) on larger lots. These districts permit limited farming, agriculture and similar, less intense rural uses that are compatible with low density living. Due to the dispersed development intensity, this area receives lower levels of infrastructure investment and public service, unless used in association with planned conservation or agricultural preservation strategies, or in very limited application of estates as part of a border, mixed-density neighborhood pattern.</p>	<p>Limited application on the edges of neighborhoods abutting rural and natural areas, or for rural housing on the very low intensity areas. In these cases, the conservation pattern is recommended to cluster development in areas served by infrastructure in exchange for preserving large, in-tact areas of open space, natural areas, or agriculture lands</p>
<p><b>R-1 - Single-Family Neighborhood.</b> The R-1 district provides residential living (detached houses) in lower-density suburban or walkable neighborhood settings with access to supporting uses such as schools, churches, parks and other public facilities.</p>	<p>General application in low and moderate intensity areas, to provide a compatible range of lots in suburban or walkable neighborhoods.</p> <p>Limited applicability in greenbelt areas, where restricting site factors, hazards, or natural features may be properly mitigated and integrated into low density development patterns or coordinated with the conservation pattern.</p>
<p><b>R-2 – Mixed-Density Neighborhood.</b> The R-2 district provides residential living (range of small-scale residential building types) in compact, walkable neighborhood settings, allowing a mix of housing unit options, and integration or transition to complementary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character.</p>	<p>General application in moderate and high-intensity areas, as a complementary component of connected and walkable neighborhoods or the predominant residential component of downtown, mixed-use areas, and transit-served nodes.</p>



**Table 4-1: Zoning Districts & Intent**

<i>District &amp; Intent</i>	<i>Relationship to Comprehensive Plan</i>
<p><b>R-3 – High Density Neighborhood</b> The R-3 district provides residential living (small- or large-scale residential building types) in a moderate-to high-density pattern in suburban areas or walkable neighborhoods. This district should be located as a transition between lower-density neighborhoods or more intense non-residential uses, and where a high level of accessibility, public amenity and support services are immediately available.</p>	<p>General application in high-intensity areas, or limited applicability at strategic points and transitions to and within Activity Centers</p>
<p><b>MU-DT – Downtown.</b> The MU-DT district provides an integrated mix of retail, service, entertainment and civic uses, and supporting office and residential uses, in a compact and walkable format. This district preserves the historic “main street” scale and small-town character of Johnstown. It is the vibrant heart of the community with a high level of civic design, walkable urban patterns, and a concentration of diverse, small-scale uses.</p>	<p>General application for Downtown Activity Center.</p>
<p><b>MU-NC – Neighborhood Commercial.</b> The MU-NC Neighborhood Commercial District provides for small-scale and low-intensity uses that complement, support, and are integrated into surrounding neighborhoods and other higher-intensity commercial areas. It may exist in compact, walkable formats in close proximity to neighborhoods, or alternatively if automobile oriented the impacts of access and operations on adjacent areas are limited and mitigated by the small-scale format and lower intensity of the uses.</p>	<p>Limited application for nodes within the Low Intensity area to provided walkable destinations and supporting services for neighborhoods; General application within Activity Centers or commercial areas in the Moderate Intensity Area.</p>
<p><b>MU-RC – Regional Commercial.</b> The MU-RC is intended to provide regional commercial, entertainment, and/or employment destinations. While compact, walkable, or transit-served locations and formats are preferred – particularly in areas designated as activity centers, this district may accommodate some higher-intensity and larger format commercial uses – particularly if they are removed from or on the periphery of activity centers or otherwise located to not disrupt walkable patterns.</p>	<p>Limited application within Activity Centers in the Moderate Intensity areas; General application for commercial areas in the High Intensity Area</p>
<p><b>I-1 –Industrial Light.</b> The I-1 district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that will not have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses characteristics of mixed and flex business areas.</p>	<p>General application adjacent to heavier industrial areas, as a transition to less intense uses, and limited application as an employment component of mixed-use or commercial areas in the High Intensity Area.</p>
<p><b>I-2 Industrial – Heavy.</b> The I-2 district provides primarily manufacturing uses at a scale, intensity and format that could impact adjacent uses or where specific land resources, distribution facilities or other supporting infrastructure is needed. It may include limited applications of support service, employment or distribution uses.</p>	<p>Limited application in the industrial areas for more intense uses that need special siting or other infrastructure support.</p>
<p><b>PD and PUD –</b> See Section 17-2-4 for the intent and applicability of planned zoning districts.</p>	<p>General application for innovative design concepts applied to a master planned area.</p>

- B. **Official Zoning Map.** The boundaries of the districts are shown on the official Zoning Districts Map on file with the Planning and Development Department. Electronic copies and files of this map shall reference the “Official Copy” on file with the Planning and Development Department, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map.
  
- C. **Transition of Previous Districts.** The zoning districts under the previous code correspond to the zoning districts in this code as specified in Table 4-2. The Official Map under the previous code shall transition and be interpreted according to the corresponding zoning districts in this table, and all further zoning changes shall follow the districts in this code.



<b>Table 4-2: Zoning Districts Transitions</b>	
<i>Prior Code</i>	<i>This Code</i>
<i>H-A Holding Agriculture</i>	<i>H-A Holding Agriculture</i>
<i>SF-1 Single-Family Residential</i>	<i>R-1 Single-family Neighborhood</i>
<i>SF-2 Single-Family Attached Residential</i>	<i>R-2 Mixed-density Neighborhood</i>
<i>MF-1 Multi-Family Residential</i>	<i>R-3 Multi-family Neighborhood</i>
<i>NC – Neighborhood Commercial</i>	<i>MU-NC Mixed-use Neighborhood Center</i>
<i>CB – Central Business District</i>	<i>MU-DT Mixed-use Downtown</i>
<i>Gateway Commercial District</i>	<i>MU-RC Mixed-use Regional Center</i>
<i>Gateway District</i>	<i>I-1 – Industrial - Light</i>
<i>I - Industrial District</i>	<i>I-1 – Industrial - Light</i>
<i>n/a</i>	<i>I -2 Industrial - Heavy</i>
<i>Recreation and Open Space</i>	<i>n/a – integrated into all districts</i>
<i>PUDs</i>	<i>PDs - see Section 17-2-4</i>

### 17-4-2 Permitted Uses

- A. **Use Table.** To implement the intent of each zoning district, facilitate complementary transitions between districts, and to regulate a variety of compatible uses within zoning districts each district is permitted the uses indicated in Table 4-3. The table identifies uses as:
1. Permitted uses (P) subject to general district development and buildings standards and review procedures.
  2. Uses allowed by special review (S) subject to the review process and criteria for a Use by Special Review in Section 17-2-7.
  3. All uses listed in the table (whether P or S), or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in Section 17-4-3, Specific Use Standards
  4. Other accessory or temporary uses not listed in the table may be permitted according to the standards of Section 17-4-4, Accessory Uses.
  5. Uses in the table are more specifically described in Section 17-11-1, Description of Uses. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most equivalent described use considering:
    - a. The similarity of the use in terms of scale, impact, and operations to other described uses;
    - b. The typical building format and site design associated with the use based on existing relevant examples; and
    - c. The potential contribution of the use to the intent of the zoning district, and the ability to complement and be compatible with other permitted uses, based on typical formats and site designs.
- Any use that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.



**ARTICLE 4 – DISTRICTS & USES**

17-4-2 PERMITTED USES

**Table 4-2: Permitted Uses**

P = Permitted, subject to general district standards S = Permitted, only by special review and discretionary process = Blank means the use is not permitted		H-A	R-E	R-1	R-2	R-3	MU-NC	MU-DT	MU-RC	I-1	I-2	Specific Conditions
<b>Residential Uses</b>												
Household Living	One-unit Dwelling	P	P	P	P	P						
	Multi-unit Dwelling				P	P						
	Live / Work Dwelling				S	S	P	P	P			17-4-3.A
	Dwelling – Mixed-use					S	P	P	P			17-4-3.B
	Mfgd. / Small Format Home Community				PD	PD	PD	PD	PD			17-5-6
<b>Group Living</b>												
Group Living	Established Residential (all building types)						P	P	P	P	P	
	Group Home – Small	P	P	P	P	P	P	S	S			17-4-3.C
	Residential Care – Limited	S	S	S	S	S	P	S	P			17-4-3.D
	Residential Care – General					S		S	P			17-4-3.D
<b>Public / Institutional Uses</b>												
Assembly	Limited (< 400 capacity / < 2 ac.)	P	P	P	P	P	P	P	P	P		
	General (400–800 capacity / 2 – 5 ac.)					P	P	P	P	P		
	Large (800+ capacity / 5+ acre)								P	P		
Civic & Institutional Buildings	Government and Town	P	P	P	P	P	P	P	P	P		
	Library, public				P	P	P	P	P			
	Museum, cultural						P	P	P			
	School			P	P	P	P	P	P			
Park and Open Space	Athletic Field			S	S	S	S	S	P	P	P	
	Recreation Center or Grounds			S	S	S	S	S	P	P	P	
	Park, Trail, Civic Space (See 17-3-2)	P	P	P	P	P	P	P	P	P	P	
Utilities	Utility Major									S	P	
	Utility – Minor (principal use)			S	S	S	S	S	S	S	S	
<b>Agriculture Uses</b>												
Agri-tourism	Roadside Stands	P	S	S	S	S	S	S	S	P		
	Farmers Market	P	S			S	P	P	P	P		
	Community Farm	P	S	S								
Farming	Farming - Limited	P	S	S								
	Farming - General	P										
	Farming - Industrial	S									S	
	Agriculture Industrial Services									P	P	
<b>Commercial Uses</b>												
Animal Care / Sales	Limited - <3K – no boarding						P	P	P	P	P	
	Small - 3K – 8K or limited boarding	S							P	P	P	
	General -8K – 30K or boarding	S								P	P	
	Large – Outdoor or > 30K)	P								S	P	
Dependent Care	Dependent Care – Limited (< 3K)	S	S	S	S	S	P	P	P	S		
	Dependent Care – General (3K – 8K)				S	P	P	P	P	S		
	Dependent Care – Large (> 8K )						S	S	P	S		
Entertainment & Recreation	Indoor / Limited (< 8K)						S	P	P	P	S	
	Indoor / General (8-30K+)							S	P	P	S	





ARTICLE 4 – DISTRICTS & USES

17-4-2 PERMITTED USES

**Table 4-2: Permitted Uses**

P = Permitted, subject to general district standards S = Permitted, only by special review and discretionary process = Blank means the use is not permitted		H-A	R-E	R-1	R-2	R-3	MU-NC	MU-DT	MU-RC	I-1	I-2	Specific Conditions
	Indoor / Large (30K+)							S	P	P	S	
	Outdoor							S	S	S	S	
	Restaurant – Limited (< 3K)						P	P	P	P		
Food & Beverage Service	Restaurant – Small (3K – 8K)						S	P	P	P		
	Restaurant – General (> 8K)							S	P	P		
	Bed & Breakfast (up to 5 rooms)	S	S			S	P	P	P			17-4-3.E
Lodging	Inn (6 to 40 rooms)						P	P	P			
	Hotel / Motel (40+ Rooms)							S	P	S		
	Limited - < 8K s.f.					S	P	P	P	P	S	
Medical Service	General – 8K – 30K s.f.								P	P	S	
	Large – Hospital Complex –30K+ s.f.								P	P	P	
	Limited (<8K or < 33% of MU project)					S	P	P	P	P	P	
Office	General (8K – 30K)							P	P	P	P	
	Large (30K+)								P	P	P	
	Limited (<3K or < 33% of MU project)					S	P	P	P	P	S	
Personal Service	Small (3K – 8K)							P	P	P	S	
	Large (>8K)								P	P	S	
	Limited (<3K or <33% of MU projects)					S	P	P	P	S		
Retail	Small (3K-8K)						P	P	P	S		
	General (8K-30K)							S	P	S		
	Large (> 30K)								P	S		
	Retail – Outdoor & Equipment Sales								S	S		
	Small (< 8K)					S	P	P	P	P		
Retail -Grocery Store	General (8K – 30K)							P	P	P		
	Large (30K +)								P	P		
	Gas Station – Limited (1-8 Pumps)						S	S	P	P	P	17-4-3.G
Vehicle & Equipment Uses	Gas Station – General (9-16 pumps)								S	P	P	17-4-3.G
	Gas Station – Large (17+ pumps)								S	P	P	17-4-3.G
	Automobile Repair - Limited						S	S	P	P	P	17-4-3.H
	Automobile Repair - Body Shop									P	P	
	Automobile, RV, Equip. Sales / Rental								S	S		
	Car Wash and Automobile Detailing						S		S	P		
<b>Manufacturing / Industrial Uses</b>												
Industrial Service	Contractors Office & Fleet Services								S	P	P	
	Industrial Service, Light									P	P	
	Industrial Service, Heavy										S	
	Vehicle / Fleet Maintenance Facility									S	P	
Manufacturing	Limited / Artisan						P	P	P	P	P	17-4-3.I
	Brewery, Distillery, or Winery						S	S	S	P	P	17-4-3.J
	Manufacturing - Light								P	P	P	
	Manufacturing - Heavy										S	
Warehouse / Storage	Wholesale & Distribution									P	P	
	Indoor Storage									S	S	17-4-3.K



**Table 4-2: Permitted Uses**

P = Permitted, subject to general district standards S = Permitted, only by special review and discretionary process = Blank means the use is not permitted	H-A	R-E	R-1	R-2	R-3	MU-NC	MU-DT	MU-RC	I-1	I-2	Specific Conditions
	Outdoor storage									S	
Fuel Storage (principal use)									S	S	
Automobile Wrecking / Salvage Yard										S	
Hazardous Waste Handling										S	
Waste / Salvage Recycling Operation, Enclosed									S	S	
Recycling Operation, Unenclosed									S	S	
Waste transfer Station										S	

**17-4-3 Specific Use Standards**

The following uses may have impacts different than those generally enabled in the zoning districts, and have standards specific to the uses. These standards shall be met whether the use is a generally permitted use, accessory use, or a Use by Special Review according to Table 4-3. The uses in this section may include more specific types or formats of the uses generally enabled in Table 4-3.

- A. **Live-Work Dwelling.** In districts where Live / Work Dwellings are permitted, they shall meet the following standards and conditions to be compatible with the context.
  - 1. Commercial uses shall be limited to those uses that are otherwise permitted in the district, or uses allowable through the Use by Special Review process in Section 17-2-7.
  - 2. Any commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other public space or publicly accessible common area.
  - 3. Commercial activity, and any accessory assembly, production of fabrication shall be scaled and operated in a way that is compatible with other residential uses in the area.
  - 4. The commercial occupancy shall not be considered accessory to the residential dwelling, and therefore not subject to the accessory home occupation standards. However, the resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. Any greater percentage shall be treated as a mixed use or multi-unit building.
  
- B. **Mixed-use Dwelling.** In districts where mixed-use dwellings are allowed uses, the following standards shall apply:
  - 1. In the mixed-use districts, at least 50 percent of the ground floor of a mixed-use building shall be in a non-residential land use. In the R-3 Zoning District, no more than 50 percent of the total gross floor area of a structure containing a mixed-use, including basement area, shall be devoted to non-residential uses.
  - 2. In the R-3 zone, the use shall be located on a collector street or higher, or otherwise located as a transition between residential and non-residential uses.
  - 3. In the R-3 zone, only commercial uses permitted in the MU-NC district are allowed, and they may be further conditioned, limited, or prohibited through the Use by Special Review process in Section 17-2-7.
  - 4. Mixed-use dwellings in commercial and mixed-use zones may include any commercial use permitted within that zoning district.



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- 5 The design and character of all buildings and sites shall be compatible with the predominant character of the surrounding neighborhood. The operating characteristics of a non-residential land use in a predominantly residential neighborhood shall be compatible with the residential uses. For the purposes of this section, operating characteristics shall include, but not be limited to, hours of operation, number of employees and visitors, lighting, noise and traffic.
- C. **Group Home - Small.** In districts where group homes are enabled, they shall meet the following standards and conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods.
1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with those standards.
  2. In the R-1 districts, no group home shall be located less than 750 from another existing group home, except that the Director may waive the is requirement if separated streets, parks, civic spaces or other transitions that establish different neighborhoods
  3. Group homes shall be supervised at all times, and may include up to 2 resident care givers.
  4. Group homes shall be licensed by, operated by, or owned by a governmental agency or non-profit qualified to provide care and supervision.
  5. Group homes shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities qualifying as residential care – institutional.
- D. **Residential Care – Limited and General.** When Residential Care – Limited or General uses are located in residential districts, they shall meet the following:
- 1 The use shall be located on a collector street or higher, or otherwise located as a transition between the neighborhoods and non-residential uses.
  2. The building and site shall meet all residential design standards so that the use, building, and site is compatible with the neighborhood in terms of scale and intensity of activity.
  3. Any facilities necessary to serve the residents, guests, or to support the staff, which are non-residential in nature shall be located on the most discrete portions of the site and building, and otherwise designed and screened to mitigate impacts on adjacent property.
- E. **Lodging – Bed & Breakfast.** In districts where lodging – bed & breakfast is allowed; it shall meet the following standards.
1. Except when located in the H-A district or non-residential districts, the use is in or within ¼ mile of a mixed-use center, such that guests may experience the convenience of nearby retail, office, entertainment, and recreation amenities;
  2. The applicant shall occupy a residence on the site and must demonstrate a sufficient ability for site maintenance and property management; If the resident occupant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
  3. There shall be no more than 5 guest rooms.
  4. Meals or food served in the bed and breakfast shall be prepared in a central kitchen on-site and served solely for bed and breakfast occupants. Cooking facilities, other than convenient in-room appliances and fixtures shall not be permitted in guest rooms.
  5. One off-street parking space shall be provided per guest room on site, although this provision may be waived by the Director if the context and circumstances of each



dwelling unit prove the space unnecessary. However, all parking and access shall be sited to meet all frontage design and site design standards applicable in the district.

**F. Marijuana Uses.**

1. *Intent & Findings.* It is the intent of this Section to prohibit certain uses related to medical marijuana, and, in furtherance of its intent, the Town Council makes the following findings:
  - a. The Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., clarifies Colorado law regarding the scope and extent of Article XVIII, Section 14, of the Colorado Constitution.
  - b. The Colorado Medical Marijuana Code specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses."
  - c. The Colorado Medical Marijuana Code specifically authorizes a municipality "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses...based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana."
  - d. Based on careful consideration of the Colorado Medical Marijuana Code, Article XVIII, Section 14, of the Colorado Constitution, and the potential secondary effects of the cultivation and dispensing of medical marijuana, and the retail sale, distribution and manufacturing of medical marijuana-infused products, such land uses have an adverse effect on the health, safety and welfare of the Town and its inhabitants.
  - e. As a matter of the Town's local land use and zoning authority, and consistent with the authorization provided by the Colorado Medical Marijuana Code, no suitable location exists within the Town for the operation of medical marijuana centers, medical marijuana cultivation operations or medical marijuana-infused products manufacturing.
  - f. Patients and primary caregivers should otherwise be afforded the protections of Article XVIII, Section 14, of the Colorado Constitution, and Section 25-1.5-106, C.R.S., as further clarified under House Bill 10-1284 adopted by the Colorado Legislature in its 2010 Session and known as the Colorado Medical Marijuana Code.
2. *Authority.* The Town's authority to adopt this Section is found in: the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S.; the Local Government Land Use Control Enabling Act, C.R.S., Section 29-20-101, et seq., C.R.S.; Section 31-23-101, et seq., C.R.S. (municipal zoning powers); and Section 31-15-501, C.R.S., (municipal authority to regulate businesses). The Town Council has authority to prohibit business uses related to recreational marijuana in the Town, deriving from, among other sources, Article XX, Section 6, of the Colorado Constitution, State statutes, including but not limited to C.R.S. § 31-15-401, and Article XVIII, Section 16, of the Colorado Constitution.
3. *Uses Prohibited.* It is unlawful for any person to operate, cause to be operated or permit to be operated any of the following uses:
  - a. Medical marijuana centers, an optional premises cultivation operation or a medical marijuana-infused products manufacturing facility.
  - b. Recreational marijuana establishments
  - c. Marijuana consumption establishments.



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4. *Patients and Primary Caregivers.* Nothing in this Section shall be construed to prohibit, regulate or otherwise impair the protections of the use of medical marijuana by patients as provided in Article XVIII, Section 14, of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with Article XVIII, Section 14, of the Colorado Constitution, the Colorado Medical Marijuana Code, and rules promulgated thereunder.
- G. **Gas Stations.** In districts where gas stations are allowed uses, the following standards shall apply:
1. No displays, storage of merchandise, service areas, or other equipment and facilities shall be located closer than 20 feet from the street right-of-way line
  2. If on-site convenience store or other retail or service component is provided, the design, location and operation of these facilities shall meet all applicable non-residential design standards based on the zoning district, building type, and frontage type.
  3. Vehicle circulation shall avoid potential pedestrian/vehicle conflicts on the site and along the streetscape.
    - a. Adequate stacking spaces for automobiles shall be provided on site and outside of setbacks to eliminate any impact on public streets.
    - b. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public streets and from internal pedestrian or parking areas.
    - c. No access or queuing area or service area shall be provided between the building and the street on any pedestrian oriented streetscape. (Pedestrian Street types in Section 17-3-1 or A Frontages in Section 17-6-3). Use of alleys, internal access streets, and vehicle service areas to the rear of buildings for service areas is required to preserve the streetscape design and development patterns of these areas.
  4. The site shall comply with all landscape and screening standards in Article 8 and the following specific requirements:
    - a. A 6 feet masonry wall shall be installed along property lines where the use abuts residential districts or uses.
    - b. A Type 1 buffer shall be applied along all non-building street edges.
    - c. Any accessory vehicle service areas or entrances shall be setback at least 50 feet from the right-of-way, or screened according to Section 17-8-3.
  5. The maximum height of a canopy shall be 20 feet for flat roofs and 24 feet for pitched roofs.
    - a. Canopies shall be architecturally compatible with the principal building and all other accessory structures on the site with the same or complementary materials, architectural style and colors.
    - b. The material used on the underside of the canopy shall not be highly reflective.
    - c. Setbacks for the canopy shall be measured from the outside edge of the canopy.
    - d. All light sources, including canopy, perimeter and flood lights and lenses, shall be shielded or fully recessed within the roof canopy so that light is contained on-site.
- H. **Automobile Repair – Limited.** In districts where automobile repair – limited is allowed, it shall comply with the following:
1. Motor vehicles being serviced or stored while waiting to be parked in legal parking spaces for that purpose, and shall not be parked on streets, alleys, public sidewalks, or other areas not specifically intended for parking on the approved site plan.



2. All work shall be performed within an enclosed structure.
  3. No equipment, scrap, materials or parts may be deposited or stored on the premises outside of an enclosed structure.
  4. Any area subject to wheeled traffic or storage shall be screened from adjacent or adjoining residential districts by a solid wall or fence, or other buffer that completely screens this area according to Section 17-8-3.
- I. **Manufacturing – Limited / Artisan.** In districts where limited / artisan manufacturing uses are allowed, it shall comply with the following:
1. A retail or service use, such as a display room, sales area, or other sampling is permitted as an accessory use to the manufacturing use.
  2. The total area of the facility shall be less than 10,000 square feet.
  3. No byproducts such as smell, waste, smoke or noise result from the manufacturing that is distinctly different or of greater intensity than other principal commercial uses in the area.
  4. Traffic, customer, and shipping patterns and activities from the manufacturing use are not distinctly different from the principal commercial use in terms of intensity and hours of activity.
- J. **Manufacturing - Breweries, Distilleries, and Wineries.** In districts where breweries, distilleries, and wineries are permitted, they shall comply with the following:
1. In the MU-NC, MU-DT and MU-RC districts these uses shall be permitted only in conjunction with a restaurant, tavern, retails sales, or sales room located on the same premises as the manufacturing of the beverage.
  2. Additional conditions of the site improvement plan or Use by Special Review process may be applied to ensure the use is designed and operated in a manner that does not create nuisance impacts on surrounding uses and is appropriate to the scale, intensity, and character of the district.
- K. **Storage.** In districts where indoor or outdoor storage is permitted by special review, they shall be subject to the following additional conditions:
1. Uses shall be evaluated for whether they are a short-term or interim use of land based on the extent of changes occurring in the area; the type, extent, and character of planned future growth; and the level of investment in the proposed used.
  2. Uses shall be separated from any other indoor or outdoor storage area in the growth management area by at least 3 miles.
  3. Outdoor storage shall be fully screened from adjacent properties.
  4. Security measures are taken to ensure controlled access and 24/7 monitoring of the site, which may require an on-site caretaker residence.

#### 17-4-4 Accessory Uses

- A. **Accessory Uses, Generally.** All principal uses may include accessory uses. All accessory uses, and any accessory use not specifically mentioned in this section, shall be subject to the following general standards:
1. The use and any structure are clearly incidental and subordinate to a principal use and customarily associated with the principal use.
  2. The use is on the same lot as an active principal use.
  3. The use is operated and maintained under the same ownership, or by the same lessee, as the principal use.



4. The use and any structures or other site design elements meet the generally applicable dimension, development, and design standards applicable to the lot.
5. The use is compatible with the general character of the area and comparable in scale and intensity to other uses in the vicinity.
6. Any structures or site design elements to support the use are not significantly different from what is typical for other allowed uses in the district, or where different can be screened or located to minimize impact on adjacent property.
7. No unusual traffic patterns or increases in activity that impact the use and design of streets and public spaces differently than other allowed uses will result.
8. All uses are conducted, and structures are maintained in a way that is conform with the intent and objectives of all other design and development standards applicable to the property, are consistent with the intent of the zoning district, and do not adversely affect adjacent property in a manner different from other permitted principal uses.

**B. Accessory Dwelling.** In addition to the standards applicable to all accessory uses in Section 17-4-4.A, the following additional standards apply to accessory dwellings:

1. Accessory dwelling units may be permitted when associated with a detached house, as indicated in Table 5-1, Residential Building & Lot Standards.
2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic, basement, or rear apartment).
3. The floor area of the accessory dwelling shall not be more than 1,000 square feet or 50% of the principal dwelling unit, whichever is less.
4. One additional parking space per unit shall be provided on site. The Director may waive this requirement if the context and circumstances prove the space unnecessary due to access to transit, availability of on-street parking on the block, or the configuration of parking available for the principal dwelling having additional options.
5. Accessory dwelling units shall meet the development and design standards for the lot in Article 5.
6. The accessory dwelling shall be compatible with principal building, and whether within the principal building or in a detached structure in the following ways:
  - a. The dwelling shall be clearly subordinate to the principal dwelling through the location of access, building entrances, parking, and other design features that accommodate the dwelling.
  - b. Entrances and exterior stairs shall be located towards the interior of the lot or alley, and away from the side lot line of adjacent property.
  - c. Attached accessory structures shall be to the side or rear of the principal structure, or otherwise integrated into the principal dwelling structure.
7. Prior to occupancy of the unit all building and occupancy permits shall be approved, and inspections conducted demonstrating compliance with applicable building and fire safety codes. These approvals may be conditioned on correcting any deficiencies in the primary dwelling and/or accessory dwelling.
8. The applicant shall provide a signed and notarized affidavit to be recorded with the applicable county clerk and recorder, attesting to the following occupancy and use standards.
  - a. An individual holding an ownership interest in at least 50% of the property shall occupy either the principal dwelling or the accessory dwelling as their permanent address demonstrated by two forms of proof of residency
  - b. Occupancy of each unit shall comply with all other rules and standards, though each dwelling may be considered as an independent dwelling unit.
  - c. The owner shall verify compliance with these conditions with the Town on an annual basis.
9. All permitting and impact fees applicable to new construction shall apply to an accessory dwellings, including the provision of additional raw water, per municipal code.



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10. Accessory dwellings shall connect to water and sewer lines of the principal dwelling, subject to the requirements of the Town.
- C. **Home Occupation.** In addition to the standards applicable to all accessory uses in Section 17-4-4.A, the following additional standards apply to home occupations:
1. Home occupations are permitted on any property where the principal use is residential dwellings.
  2. The building and site shall retain all appearances as a residence, and no alterations to entrances, storage, window or merchandise displays, parking or other facilities that alter the residential character or clearly indicate non-residential uses shall be permitted.
  3. Employment shall be limited to residents of the principal dwelling and 1 additional non-resident.
  4. The activity shall be operated entirely within the dwelling or accessory buildings, and limited to occupy no more than 50% of the combined floor area of all structures on the property, except permitted home care accessory uses may use the entire space.
  5. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
    - a. Activity from deliveries, customer, or patron visits shall generally be limited to between the hours of 7 a.m. and 9 p.m.
    - b. Except for permitted home care accessory uses, customer visits shall be limited to no more than 8 per day and no more than 2 customers at a time.
    - c. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling meeting the applicable Residential Building and Site Design standards in Section 17-5-3.
  6. Sale of any merchandise shall be limited to items that have been made, grown, or prepared on site, or to remote or mail-order sales, where storage and exchange do not happen on site.
  7. No equipment, machinery or operation shall be used in such activities that are perceptible off the premises because of noise, smoke, odor, dust, glare, radiation, electrical interference, or vibration.
  8. In-home dependent care (distinct from commercial buildings and uses), may be permitted subject to all required state licensing and operation provisions.
  9. Home occupations shall not be permitted for the following businesses:
    - a. Animal care or medical services.
    - b. Automobile service, detailing, and repair.
    - c. Food or beverage services.
    - d. Any use involving storage, operation, or parking of equipment and large vehicles such as towing, landscape maintenance, or construction businesses.
    - e. Any use involving the dispensing, use, storage, or processing of hazardous materials.
    - f. Funeral home or mortuary.
    - g. Manufacture or sale of wine, distilled spirits, malt beverages, or similar.
- D. **Outdoor Storage, Residential.** Accessory outdoor storage may be permitted in the residential zoning districts subject to the following standards:
1. *Portable Storage Containers.* Portable storage containers may be permitted subject to the following limitations.
    - a. On lots less than 10 acres, no more than one 40-foot in length container, or two 20-foot in length storage containers, limited to a maximum of 320 square feet and 2,700 cubic feet is allowed
    - b. On lots greater than 10 acres, for each 10-acre increment, one 40-foot in length container, or two 20-foot in length storage containers is allowed.





- c. Containers shall be placed on a paved surface and not over any easement or right-of-way, or otherwise create any sight obstruction.
      - d. Placement is limited to a period reasonably necessary to complete the associated project or task, not to exceed 30 days in one calendar year on the site.
    2. **Recreational Vehicles.** Outdoor storage or parking of recreational vehicles shall be subject to the standards of the Johnstown Municipal Code. Recreational Vehicles do not meet the standards for a dwelling unit, and therefore may not offer long term residential use.
    3. **Other Storage.** All other accessory outdoor storage, other than ordinary and incidental residential accessories, shall either be:
      - a. Completely screened from adjacent property and public streets; or
      - b. Be limited to no more than 72 hours in any 30-day period; or
      - c. Be associated with an active building permit and in which case the storage may extend for the duration of the permit and subject to all other permit conditions.
- E. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:
  1. In the MU-NC, MU-DT, and MU-RC districts, the storage area shall be located behind the front building line of the principal building.
  2. The storage area shall be fully screened from adjacent properties and public spaces according to the standards and design requirement of Section 17-8-3 and Section 17-8-5, and no materials shall be stacked higher than the screening.
  3. The storage area shall be located in the most remote section of the site or building as possible, but no closer than 20 feet to any street or right-of-way in any in all cases.
  4. Storage areas shall be limited to:
    - a. No more than 200 square feet in the MU-NC district.
    - b. No more than 500 square feet in the MU-DT districts.
    - c. No more than 25% of the building footprint in the MU-RC district.
    - d. No more than 100% of the building footprint in the I-1 district.
  5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free and all-weather surface may be used in the I-1 district.
  6. All other outdoor storage shall only be permitted through a Use by Special Review process subject to Section 17-2-7, or where outdoor storage is permitted as a principal use.
- F. **Drive-Through Service Facilities.** In addition to the standards applicable to all accessory uses in Section 17-4-4.A, the following additional standards apply to drive-through service facilities:
  1. Drive-through service facilities may be permitted on any property where the principal use is commercial or service uses.
  2. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for the site. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets the criteria in this section.
  3. Vehicle circulation shall avoid potential pedestrian/vehicle conflicts on the site and along the streetscape.
    - a. Adequate stacking spaces for automobiles shall be provided on site and outside of setbacks to eliminate any impact on public streets.
    - b. Stacking areas shall generally accommodate at least 3 vehicles for non-food service uses and 8 vehicles for food-service uses, but may be modified for greater or lesser stacking dependent on the use and the context of the site.



- c. Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public streets and from internal pedestrian or parking areas.
      - d. No access or queuing area shall be provided between the building and the street on any pedestrian oriented streetscape. (Pedestrian or Parkway / Bikeway street types in Section 17-3-1 or A Frontages in Section 17-6-3). Use of alleys, internal access streets, and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
  - 4. Service areas and windows shall be located in the most remote location possible, considering adjacencies to public streetscapes, residential property, or other sensitive adjacencies.
    - a. Signs, speakers, or service facilities shall not be visible or audible from the residential property. Operational limitations and additional screening or buffers may be required beyond the standards of Section 17-8-3 to ensure compatibility.
    - b. Signs, speakers, or service facilities shall be located on the side or rear of buildings to minimize impact on streetscapes.
    - c. To the maximum extent practicable, drive-through lanes shall not be located between the principal building and street or other public gathering places. Where this is not possible, they shall be setback at least 20 feet for the right-of-way to permit additional landscape design and impact mitigation.
    - d. Any stacking area, drive-through circulation lanes or drive-through facilities visible from the streetscape shall require enhanced landscape and frontage design elements beyond the standards of Section 17-8-2 and 17-6-3.
  - 5. The Director may require any drive-through service facility that does not clearly meet these standards and criteria to be reviewed subject to the procedures for Use by Special Review in Section 17-2-7.
- G. **Outdoor Display and Service Areas.** In addition to the standards applicable to all accessory uses in Section 17-4-4.A, the following additional standards apply to outdoor display and service areas, such as sidewalk seating and dining or sidewalk sales:
  - 1. Outdoor display and service areas may be permitted on any property where the principal use is commercial or service uses.
  - 2. Outdoor display and areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of buildings along streets designed to the Pedestrian standards in Section 17-3-1 or A Frontages in Section 17-6-3.
  - 3. The area shall be limited to no more than 50% of the ground floor area of the principal use, or may be subject to special use review for larger areas..
  - 4. Display and service areas shall not be arranged where they interfere with pedestrian movements or building access, or with clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall remain clear and unobstructed by any display or service areas located on a sidewalk.
  - 5. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
  - 6. The display and service area may be excluded from required parking for that retail square footage, up to 40 spaces.
  - 7. The area shall be at least 100 feet from any residential zoning district and screened from view along any property line abutting a residential use.
  - 8. The hours of operation shall be between 7 a.m. and 10 p.m., except where the use is more than 500 feet from any residential district.
  - 9. Any outdoor display or service area beyond these requirements may only be permitted as an allowed outdoor sales principal use or subject to the general accessory use provisions in 17-4-4.A.



- H. **Small Renewable Energy Equipment.** Consumer-scale renewable energy equipment may be an accessory use to another permitted use subject to the following additional standards, and provided it meets all other requirements for a building permit. Any renewable energy facility that does not meet the limits of this section shall be considered a public utility service use and only allowed as permitted in Table 4-4 as a principal use of land.

<b>Table 4-4: Accessory Renewable Energy Equipment</b>		
	<i>Accessory Use by Building Permit</i>	<i>Accessory Use through Use by Special Review</i>
<b>Solar</b>		
<i>Building Mounted</i>	<ul style="list-style-type: none"> <li>▪ 8" max. off and parallel with pitched roof</li> <li>▪ 5' max. off a flat roof</li> <li>▪ Any installation projecting more than 3' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building.</li> </ul>	<ul style="list-style-type: none"> <li>▪ 8' max. off a roof or building wall</li> </ul>
<i>Ground Mounted</i>	<ul style="list-style-type: none"> <li>▪ 6' high max</li> <li>▪ 10' setback min.               <ul style="list-style-type: none"> <li>▪ Screened from adjacent property and the ROW in the same manner as all other mechanical equipment.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ 10' max high</li> </ul>
<b>Wind</b>		
<i>Building Mounted</i>	<ul style="list-style-type: none"> <li>▪ 4' max. above roof (residential buildings)</li> <li>▪ 8' max. above roof (non-residential buildings)</li> </ul>	<ul style="list-style-type: none"> <li>▪ 12' max. above roof (residential buildings)</li> <li>▪ 20' max. above roof (non-residential buildings)</li> </ul>
<i>Ground Mounted</i>	<ul style="list-style-type: none"> <li>▪ 30' max. height (residential districts)</li> <li>▪ 45' max. height (non-residential districts)</li> </ul>	<ul style="list-style-type: none"> <li>▪ 45' max. height (residential districts)</li> <li>▪ 60' max. height (non-residential districts)</li> </ul>

- I. **Craft Food & Beverage Manufacturing.** Production, retail sale, and distribution of food and beverages, such as micro-brewery, bakery, or other on-site manufacturing, is allowed accessory to an otherwise permitted restaurant or customer service use, provided:
1. That all manufacturing areas, or any warehousing, shipping and distribution facilities are clearly subordinate to the principal use as a restaurant.
  2. No byproducts are generated such as offensive smell, waste, smoke or noise resulting from the manufacturing that is distinctly different or of greater intensity than the principal use or similar permitted principal uses in the district.
  3. Traffic, customer, and shipping operations and activities from the manufacturing use are not distinctly different than the principal use, both in terms of intensity and hours of activity.
- Otherwise such uses are only permitted as a principal manufacturing use.

- J. **Recycling Collection Point.** Small recycling collection areas or similar drop-off kiosks may be accessory use to an existing commercial or industrial land use, limited to the following:
1. Facilities shall not be located within 250 feet of any residential zoning district.
  2. Permeant or temporary structures are limited to no more than 300 square feet and shall be setback at least 20 feet from any public right-of-way.
  3. Facilities shall permit adequate circulation and access for drop off of materials, and for the periodic removal of materials by larger vehicles.
  4. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.
  5. Facilities shall be placed on a more remote portion of the site, appropriately screened from adjacent property or rights-of-ways, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.
  6. The facility shall accept only non-perishable recyclable waste, or may be a collection point for donation of reusable, non-perishable household items such as books or clothing.
  7. No processing or other power-driven mechanical devices or facilities are permitted.



8. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, and shall have sufficient capacity according to a collection schedule. All material shall be stored in the unit and shall not be left outside of the unit when unattended.
9. The facility shall be maintained in a clean and sanitary manner, free of litter and any other undesirable materials.
10. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the containers.

**17-4-5 District Performance Standards**

A. **General Operation & Performance Standards.** All principal and accessory uses in mixed-use and non-residential districts shall be operated in a manner that meets the performance standards in Table 4-5.

<b>Table 4-5: Non-residential District Performance Standards</b>				
	<i>MU - NC</i>	<i>MU-DT &amp; MU-GC</i>	<i>I-1</i>	<i>I-2</i>
<b>Daytime Noise.</b> Noise levels during business hours (7AM-10PM) [1]	60db	60db	70db	80db
<b>Nighttime Noise.</b> Noise levels during quiet hours (10PM – 7AM) [1]	50db	55db	65db	75db
<b>Impacts Outside the Building.</b> No heat, odor, dust, glare, radiation, vibration, smoke, or fumes shall be produced that is perceptible outside a building and could become a nuisance to adjacent uses shall be produced. [2]	☑	☑		
<b>Impacts Beyond the Property Line.</b> No heat, odor, dust, glare, radiation, vibration, smoke, or fumes shall be produced that is perceptible beyond the property line and could become a nuisance to adjacent uses shall be produced. [2]	☑	☑	☑	
<b>Impacts to Health or Property.</b> No heat, odor, dust, glare, radiation, vibration, smoke, or fumes shall be produced that be damaging to humans or property beyond the property line. [2]	☑	☑	☑	☑
<b>Lighting &amp; Right-of-way.</b> Lighting measured at the property line adjacent to right-of-way	1.0 FC	1.5 FC	1.0 FC	1.0 FC
<b>Lighting &amp; Residential Uses.</b> Lighting measured at the property line adjacent to residential uses	0.1 FC	0.5 FC	0.1 FC	0.1 FC
<b>Lighting &amp; Same or More intense Uses.</b> Lighting measured at the property line adjacent to the same or more intense zoning districts	1.5 FC	2.0 FC	2.0 FC	2.0 FC

[1] Noise standards shall be enforced consistent with the Town noise control standards in the Johnstown Municipal Code. In the hours between 7:00 a.m. and the next 7:00 p.m. the noise levels may be increased by ten dB for a period not to exceed fifteen minutes in any one-hour period.

[2] Pollution and general nuisance standards shall be enforced in accordance all other health, sanitation, and nuisance standards of the Johnstown Municipal Code

B. **Conditions & Compatibility.** The Town may impose conditions upon the approval of any development application or any permit to ensure that it is compatible with adjacent uses and compliant with the district performance standards. Conditions may include:

1. Hours of operation and deliveries.
2. Location, design, and screening of outdoor activity areas or other site activities that generate potential adverse impacts to adjacent uses.



## ARTICLE 4 – DISTRICTS & USES

### 17-4-5 DISTRICT PERFORMANCE STANDARDS

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3. Placement of facilities that require regular service of large or utility vehicles, such as trash receptacles or loading areas.
4. Location of outdoor speakers, communication, or other amplification systems.
5. Light height, intensity, shield and design, and hours of partial and full illumination.



## Article 5. Residential Development & Design

- 17-5-1 Intent & Applicability
  - 17-5-2 Residential Building Types
  - 17-5-3 Neighborhood Design
  - 17-5-4 Courtyard Pattern
  - 17-5-5 Conservation Pattern
  - 17-5-6 Manufactured & Small Format Housing District
- 

### 17-5-1 Intent & Applicability

A. **Intent.** The Residential Development Standards have the following intent.

1. Provide housing variety within neighborhoods and among different neighborhoods, and ensure compatible transitions between different residential building types.
2. Improve the appearance and livability of neighborhoods with good civic design.
3. Design and locate parks, trails and other open spaces as focal points that shape neighborhood character.
4. Design neighborhoods with slow-speed streetscapes, well-connected sidewalks and trails, and shade, and enclosure provided by street trees
5. Reinforce the distinct character of different neighborhoods based on their context:
  - a. Prioritize housing and walkable neighborhoods with convenient access to services, amenities, and destinations.
  - b. Promote lower-density rural neighborhoods with access to large, contiguous open spaces and natural areas.
6. Orient all buildings and lots to the public street or to common open spaces, and locate active social spaces along the streetscape
7. Design buildings with human-scale details such as entry features, windows and doors, massing elements, and ornamental features, particularly where these features create compatibility among a mix of building types.
8. Promote lasting and sustained investment in neighborhoods with quality design.

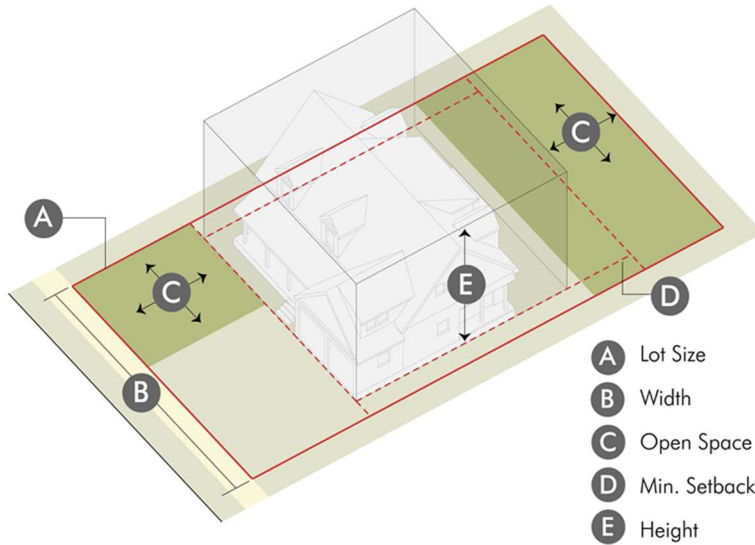
B. **Applicability**

1. The standards in this Article shall generally apply to all residential development, except where stated that sections only apply to specific building types, specific districts, or specific scales of projects.
2. Modification or additions to buildings or sites shall meet these standards to the extent of the modification or addition, except that the Director may waive any requirement that conflicts with the consistent design of an existing building or conflicts with the prevailing character on the block or immediate vicinity of the project.
3. The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building may not occur in a manner that moves the building further from compliance with these standards.



17-5-2 Residential Building Types

A. **Building Types & Development Standards.** The development standards for residential zone districts shall be based on the different building types permitted in each zone district, specified in Table 5-1, Residential District Building & Lot Standards. The design standards in other sections of this article, or any other adopted design guidelines, may further affect the design and location of each building type in a specific application.



**Figure 5-1 Building Types**

Building types in Table 5-1 are distinguished based on lot sizes, unit configuration, building footprints, building massing, building placement, and frontage designs. This diagram illustrates these key standards in Table 5-1 applied to a typical lot.



ARTICLE 5 – RESIDENTIAL DEVELOPMENT & DESIGN

17-5-2 RESIDENTIAL BUILDING TYPES

Zoning Districts								# of Units		Development Standards							
A	RE	R-1	R-2	R-3	MU	PD-M	Building / Lot Types	Principal	Accessory	Minimum Lot Standards			Minimum Setbacks [4]				Building Height
										Size	Width [1]	Lot Open Space	Front [2]	Interior Side	Corner Side [1]	Rear	
■	■						Detached House – Farmstead	1	1	40 ac.	200' +	n/a	35'	25'	35'	50'	35' / 2.5 stories
	■	■					Detached House – Estate Lot	1	1	40K s.f.	80' +	n/a	35'	25'	35'	50'	35' / 2.5 stories
		■	■				Detached House – Large Lot	1	1	12K s.f.	65'	50%	25'	7'	15'	20'	35' / 2.5 stories
		■	■	■			Detached House – Standard Lot	1	1	6K s.f.	50'	30%	25'	5'	10'	20'	35' / 2.5 stories
		◇	■	■			Detached House – Small Lot	1	n/a	4K s.f.	35'	20%	15'	4'	10'	8'	35' / 2.5 stories
			◇	◇		■	Detached House – Compact Lot	1	n/a	1.5K s.f.	28'	n/a	15'	4'	10'	8'	24' / 2 stories
			■	■			Duplex / Multi-unit House	2 - 6	n/a	6K s.f.; 2.5K s.f. per unit	50'	25%	25'	5'	10'	20'	35' / 2.5 stories
			■	■	■		Row House	3 - 8	n/a	1.5K s.f. per unit	18' per unit	15%	15'	5' [3]	10'	8'	40' / 3 stories
			□	■	■		Apartment – Small Lot	3 - 12	n/a	5K – 14K s.f.	50' – 100'	Per Table 3-5	15'	5' [3]	10'	20'	40' / 3 stories
				■	■		Apartment – Medium Lot	13 - 24	n/a	14K – 30K s.f.	100' – 200'	Per Table 3-5	25'	5' [3]	10'	20'	50' / 4 stories
				□	□		Apartment – Large Lot / Complex	25 +	n/a	30K + s.f. +	100' +	Per Table 3-5	25'	5' [3]	20'	20'	65' / 6 stories
■	■	■	■	■			Accessory Buildings	see 17-4-3.B		See Residential Accessory Buildings in Section 17-5-2.C							
						■	Small Format Housing Project			See Small Format & Manufactured Housing Projects in section 17-5-6.							

■ Permitted

◇ Limited to Courtyard Pattern only per Section 17-5-4 or to meet the housing diversity requirements of Section 17-5-2.D

□ Limited to locations along Collector or Arterial streets, or otherwise incorporated into lots or blocks that are part of the civic and open space system in Section 17-3-2.

[1] Corner lots shall add at least 5' to the required lot width. Otherwise, all lots shall meet both the minimum width and size specified in the table, and width is determinative of the building / lot type.

[2] Front setbacks may be modified based on context and the Frontage Design standards in Section 17-5-3.A.

[3] Row Houses and Apartments shall have a minimum 10' side setback when abutting lots with a detached house, and at least 6" for every 1' of building height.

[4] Buildings and structures shall be setback from plugged and abandoned wells at least 50 feet; and from oil and gas facilities at least 250 feet.





**B. Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-1: Residential Building Type & Development Standards.

1. **Lot and Building Configurations.**

- a. Row houses and side-by-side duplexes may have individual units platted on separate lots, provided the building meets the standards in Table 5-1 and each unit meets any per-unit or proportional standards for each lot.
- b. Side lot easements between abutting lots may be granted in association with a plat to have the effect of “zero lot line” patterns. Easements for exclusive use of the side yard may be granted to the abutting owner to meet the lot open space requirements and design standards in Section 17-5-3.C for the grantee yet maintain the required setbacks from the platted lot line for each building in Table 5-1 for the grantor. Easements shall be identified on a recorded plat or in an agreement, and account for all access and maintenance scenarios for the lots, open space, and buildings.
- c. The front setbacks for each building may be modified according to the frontage types and Frontage Design Standards in Section 17-5-3.A.
- d. Lots may be configured in a Courtyard Pattern as provided in Section 17-5-4.
- e. Lots may be configured in a Conservation Pattern as provided in Section 17-5-5.



**Figure 5-2 Side Lot Easements**

Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements and have the effect of a zero-lot line configuration. (17-5-2.B.1.b.).

2. **Setback Encroachments.** The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.

- a. Primary entrance features such as an open sided front porch may encroach beyond the required front building line, as specified in Section 17-5-3.A.3.
- b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 2 feet from any lot line. This exception shall be limited to no more than 20% of the total area of a building elevation.
- c. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback but no closer than 3 feet to any lot line.
- d. Ground-mounted mechanical equipment, condensers, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that



it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.

3. **Height Exceptions.** The following are exceptions to the height limits in Table 5-1:
  - a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other elements essential to a quality appearance may extend up to 6 feet above the roof deck of a flat roof.
  - b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory elements may extend up to 50% above the actual building height, provided they are integral to the specific architectural style of the building and are less than 15% of the building footprint.
  - c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes provided they are screened according to the standards of this code.

**C. Accessory Buildings - Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building or use and are subject to the following additional limitations.

1. **Accessory Building Standards.** Accessory buildings shall be permitted based on the lot size and type of structure, subject to the standards in Table 5-2: Residential Accessory Structures:

Table 5-2: Residential Accessory Structures				
Type	Quantity	Size	Height	Setbacks
Minor Structure (small shed, and similar structures)	<ul style="list-style-type: none"> <li>▪ 1 / lot;</li> <li>▪ + 1 / each 10k s.f.;</li> <li>▪ Maximum of 3</li> </ul>	<ul style="list-style-type: none"> <li>▪ 200 s.f. max each structure</li> </ul>	<ul style="list-style-type: none"> <li>▪ 12' max</li> </ul>	<ul style="list-style-type: none"> <li>▪ 5' side or rear</li> <li>▪ Behind the rear building line of the principal structure</li> </ul>
Secondary Building (detached accessory building, garage, etc.)	<ul style="list-style-type: none"> <li>▪ 1 / lot</li> <li>▪ 2 / lot, over 40K s.f.</li> <li>▪ Apartments: Min. Needed to provide parking or storage for units</li> </ul>	<ul style="list-style-type: none"> <li>▪ 50% of principal building footprint up to 1,000 s.f. max. each structure</li> </ul>	<ul style="list-style-type: none"> <li>▪ 16' max,</li> <li>▪ 25' if an ADU or living space is over a functional garage;</li> </ul>	<ul style="list-style-type: none"> <li>▪ At least 10' behind the front building line of the principal structure</li> <li>▪ Per Table 5-1</li> </ul>
Any building over 10' high or more than 120 square feet shall meet the design standards in Section 17-5-2.C.3.				
Out-building (large storage building, barns, etc.)	<ul style="list-style-type: none"> <li>▪ 1 / lot over 40K s.f.</li> <li>▪ + 1 / each 3 ac.</li> <li>▪ Maximum of 5</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2,500 s.f. max</li> <li>▪ No size or height limit in H-A district, provided structure is accessory to agriculture use.</li> </ul>	<ul style="list-style-type: none"> <li>▪ 25' max</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10' from side and rear;</li> <li>▪ 35' from any street side; and</li> <li>▪ Behind the rear building line of the principal structure</li> </ul>

2. **General Standards.**
  - a. All accessory buildings shall be clearly incidental and subordinate to the principal building and use, in terms of scale, location, and orientation.
  - b. Minor accessory structures 200 square feet or less, less than 10 feet high, and not on a foundation or slab should be movable and are subject to meeting all easement conditions.



3. **Secondary Building Standards.** In any residential zone district, secondary buildings over 200 square feet or over 10 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
  - a. The wall height shall be no more than 9 feet above each finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
  - b. The roof peak or other top of structure shall not exceed 20 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
  - c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof pitch and form.
  - d. Secondary buildings with vehicle access directly from an alley or shared easement shall be situated to avoid parking that encroaches in the alley or easement. They may be built with the access 3 feet from the alley or shared easement, or with the access at least 20 feet from the alley or shared easement.

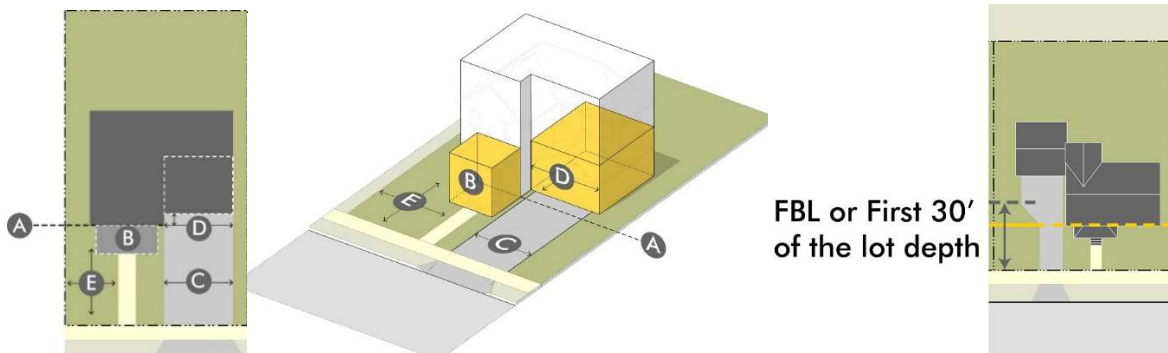
D. **Housing Diversity.** Residential projects shall meet the following housing diversity guidelines based on the scale and context of an overall development. Diversity shall be based on the categories and building types indicated in Table 5-3 and be applied according to Table 5-4.

Table 5-3: Housing Categories & Building Types		
Category I: Detached Houses	Category II: Mixed & Multi-unit Housing	Category III: Multi-family and Mixed Use
<ul style="list-style-type: none"> <li>▪ Detached House -Large Lot</li> <li>▪ Detached House -Standard Lot</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detached House – Small Lot</li> <li>▪ Detached House – Compact Lot</li> <li>▪ Duplex / Multi-unit House</li> <li>▪ Row house</li> <li>▪ Apartment - Small</li> </ul>	<ul style="list-style-type: none"> <li>▪ Apartment – Medium</li> <li>▪ Apartment – Large / Complex</li> <li>▪ Apartment – Mixed-use Building</li> </ul>

Table 5-4: Housing Diversity	
Project Scale	Required Mix
< 40 Units	no requirement
40 – 80 Units	<ul style="list-style-type: none"> <li>▪ At least 2 building types</li> <li>▪ No more than 70% of one type</li> </ul>
81 - 200 Units	<ul style="list-style-type: none"> <li>▪ At least 3 building types</li> <li>▪ No more than 50% of one type</li> <li>▪ At least 25% Category II</li> </ul>
201+ Units	<ul style="list-style-type: none"> <li>▪ At least 4 building types</li> <li>▪ No more than 50% of one type</li> <li>▪ At least 50% from Category II</li> </ul>

17-5-3 Neighborhood Design

- A. **Frontage Design.** The design of lot frontages establishes the relationship of buildings and lots to the streetscape. Frontage design includes building placement, lot access, garage extent and location, and entry features. Frontage Types designed according to the standards and design objectives of this sub-section may be used to modify the front setback established in Table 5-1.
1. *Design Objectives.* Frontage types shall be applied to meet the following design objectives:
    - a. Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.
    - b. Design frontages to the context of the neighborhood, block, and street.
    - c. Coordinate development across several lots, considering the cumulative impacts on streetscapes from access, parking, and landscape design.
    - d. Orient all buildings and lot frontages to the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
    - e. Limit the impact on the neighborhood streetscape from frontages designed for car access, particularly on narrower lots or walkable streets and neighborhoods.
    - f. Provide outdoor social spaces that activate the streetscape.
    - g. Use front entry features to reinforce neighborhood character, promote unique design, create subtle variation in building patterns, and create a consistent, human-scale connections to the streetscape.
  2. *Frontage Design Standards.* Frontage types shall be designed according to the standards in Table 5-5, Residential Frontage Types & Design Standards. Sub-sections following the table provide specific design strategies and techniques to be used to meet these standards. Where multiple frontage types are permitted, the applied frontages should be similar for all lots on the same block face or gradually transition to different building placement and frontage types on adjacent lots. In general, the front building line (FBL) of adjacent buildings shall not differ by more than 5 feet.



**Figure 5-3 Frontage Design Standards**

This diagram illustrates the key elements of frontage design in Table 5-5: (A) front building line; (B) front entry features, (C) driveway widths (applies to the first 30' of frontage depth or up to the front building line); (D) garage extent and location, and (E) landscape areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.



**Table 5-5: Residential Frontage Types & Design Standards**

Frontage Element	Terrace Frontage	Neighborhood Frontage	Suburban Frontage	Buffer Frontage
Illustrative Concept				
Application	A RE R-1 R-2 R-3	■ ■ ■	■ ■	■ Any permitted non-residential building in all residential districts Limited to Apartments – Large/Complex on lots wider than 200'
Front Building Line	10' – 25'	25' – 60'	25' +	35'+
Front Entry Feature	Required, Section 17-5-3	Required, Section 17-5-3	Required, Section 17-5-3	Optional
Driveway Width	15% of lot width, up to 20' maximum	20% of lot width, up to 20' maximum	40% of lot width, up to 27' maximum	25% of lot width, up to 36' maximum
Garage Limitations	<ul style="list-style-type: none"> <li>20% of front facade;</li> <li>Flush or behind FBL;</li> <li>up to 35% if 12'+ behind FBL</li> </ul>	<ul style="list-style-type: none"> <li>35% of front facade;</li> <li>Flush or behind FBL;</li> <li>up to 45% if 12'+ behind FBL</li> </ul>	<ul style="list-style-type: none"> <li>50% of front facade;</li> <li>12' in front of FBL, max</li> <li>Up to 60% of facade if behind FBL</li> </ul>	<ul style="list-style-type: none"> <li>45% of front facade; and</li> <li>12' in front of FBL, max; or</li> <li>No requirement if set back more than 60' from front lot line and behind FBL.</li> </ul>
Frontage & Front Yard Landscape [1]	<ul style="list-style-type: none"> <li>60% minimum landscape; and</li> <li>40% maximum hardscape.</li> </ul>	<ul style="list-style-type: none"> <li>75% minimum landscape; and</li> <li>25% maximum hardscape.</li> </ul>	<ul style="list-style-type: none"> <li>50% minimum landscape; and</li> <li>50% maximum hardscape</li> </ul>	<ul style="list-style-type: none"> <li>Type I: 6' + buffer on constrained sites or minor streets.</li> <li>Type II: 15' + buffer generally.</li> <li>Type III: 30' + buffer on sites over 2 acres or major streets.</li> </ul>

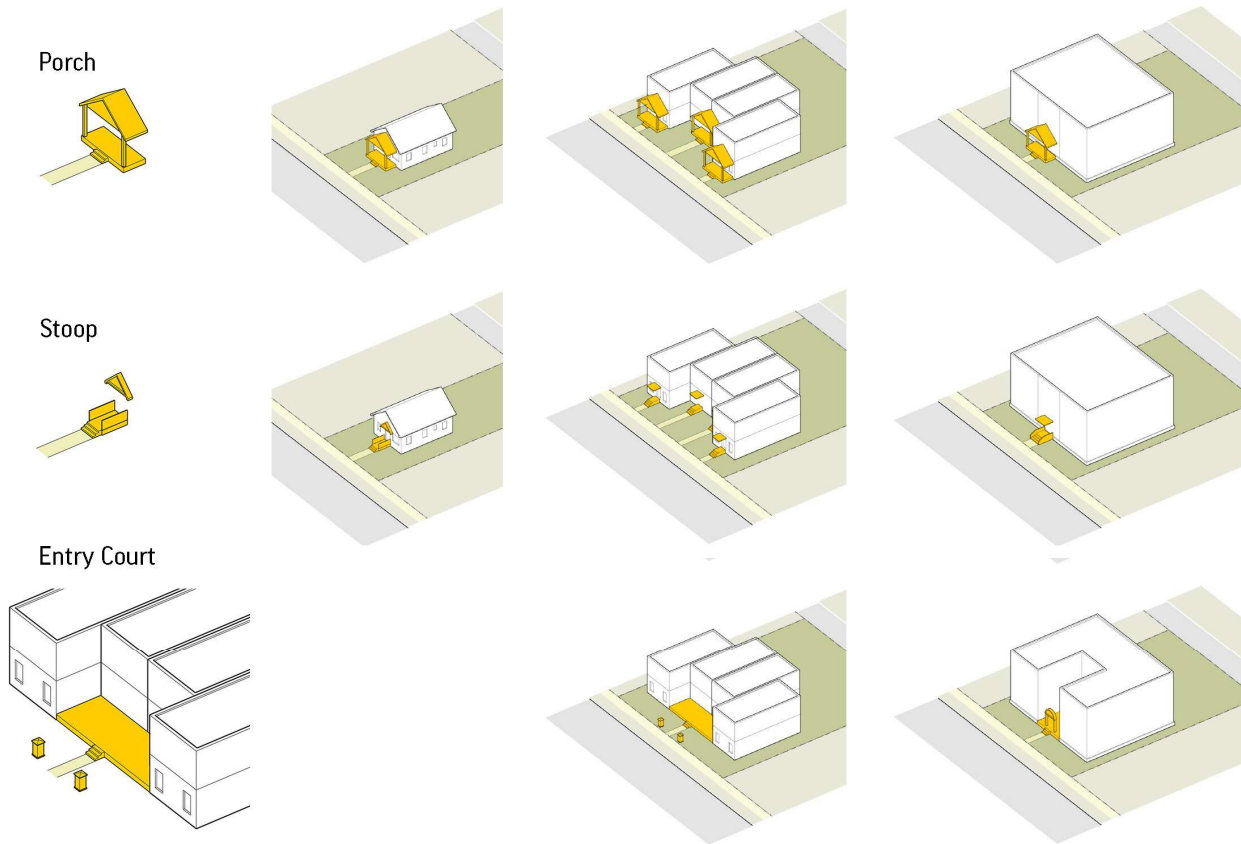
■ Permitted

[1] Landscape refers to allocation of space between front lot line and front building line. See Section 17-8-2 Landscape Design for planting requirements, standards, and specifications.



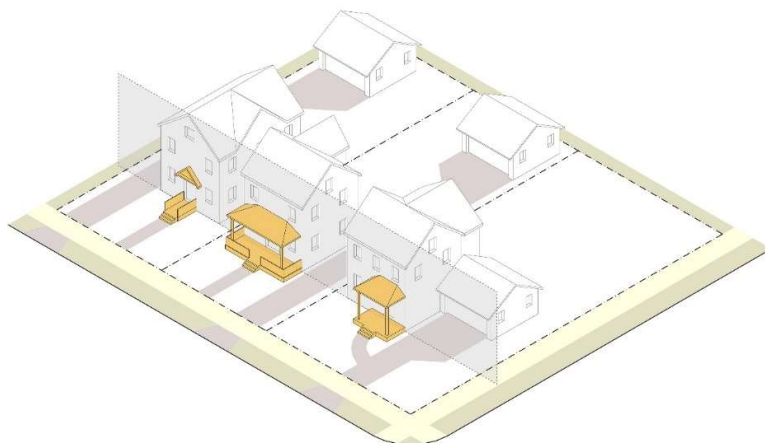
3. **Front Entry Features.** Front entry features create human-scale massing elements that relate buildings to the frontages and streetscape, and provide outdoor social spaces that activate the streetscape. The entry feature standards and design techniques in Table 5-6 shall be used where entry features are required by frontage types in Table 5-5, and are otherwise recommended to meet the standards of Table 5-7, Building Design Standards and achieve the design objectives of this Section.

<b>Table 5-6: Front Entry Features</b>			
<b>Design Element</b>	<b>Minimum Width</b>	<b>Minimum Depth</b>	<b>Details &amp; Ornamentation</b>
<i>Porch</i>	10'	7'	<ul style="list-style-type: none"> <li>▪ Decorative railing or wall 2.5' to 4' high along at least 50% of the perimeter.</li> <li>▪ Covered by a roof, canopy, pediment, or similar structure.</li> </ul>
<i>Stoop</i>	8'	6'	<ul style="list-style-type: none"> <li>▪ Decorative railing or walls along steps and side of stoop.</li> <li>▪ Ornamental features accent the front entrance, such as a canopy, pediment, transom windows, enlarged trim and molding, or other similar accents that emphasize the door over other facade features.</li> </ul>
<i>Entry Court</i>	12', but not >50% of front facade	8'	<ul style="list-style-type: none"> <li>▪ Recessed entry within the building footprint.</li> <li>▪ Ornamental pillars, posts, or landscape accent the pedestrian entrance and create a gateway into the entry court.</li> </ul>
<i>General Design</i>	<ul style="list-style-type: none"> <li>▪ Entry features shall have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk or street or internal civic space. For Suburban or Buffer Frontages this can connect via the driveway.</li> <li>▪ Entry features shall be integrated into the overall building design including compatible materials, roof pitch and forms, and architectural style and details.</li> <li>▪ Entry features shall be single-story, so that any roof structure and any ornamentation occur between 8' and 14' above the floor-level of the entry feature.</li> <li>▪ Entry features meeting these standards may encroach up to 10 feet in front of the front building line, but not closer than 5 feet to a public or common property line, provided they are unenclosed on all sides that project into the setback.</li> <li>▪ Any building with more than 150 feet of front facade, or any side greater than 200 feet and permitted within 20 feet of the street, shall have 1 entry feature for every 100 linear feet of building frontage on the street.</li> </ul>		



**Figure 5-4 Front Entry Features - Types**

The porch, stoop, and entry court are three distinct types of entry features that create active, social spaces and human-scale details on the residential frontages. Spaces with a minimum width (A) and depth (B) specified in Table 5-6 provide usable social spaces, activate the streetscape and frontage, and contribute to the massing and modulation required by the building design standards.



**Figure 5-5 Primary Entry Feature - Encroachments**

Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks. (Table 5-6)

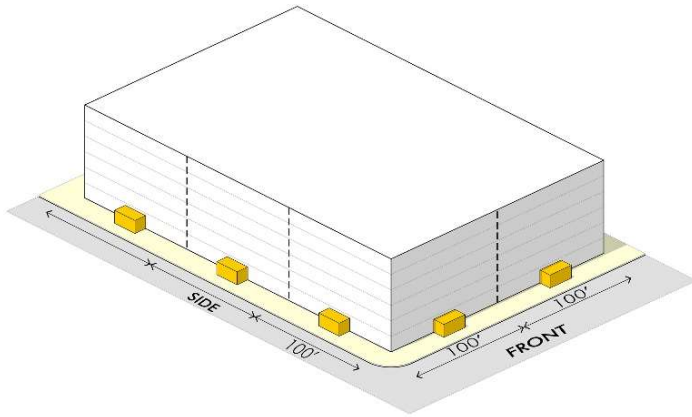


Figure 5-6 Primary Entry Feature - Large Buildings
Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (Table 5-6)

- 4. Driveway Limits. The following driveway standards apply to the driveway limits in Table 5-5: Residential Frontage Types & Design Standards:
a. Front driveway access is prohibited for any lot served by an alley.
b. Driveway width limits apply to the first 30' of the lot depth, or up to the Front Building Line, whichever is less.
c. Any garage meeting the location and design standards may have a driveway expanded to the width of the entry in front of the garage entry, but no closer than 10 feet to the front lot line.
d. In cases where standards prohibit front-loaded driveways and garages and on a particular lot, a range of options with different access patterns and garage locations may be used, including detached garages, single-line or shared drives, and internal common lanes or alleys.
e. All required parking shall be sited outside of the frontage area.
f. Driveways and parking areas are subject to Design Standards for width and access connections to any public right of way or alley.

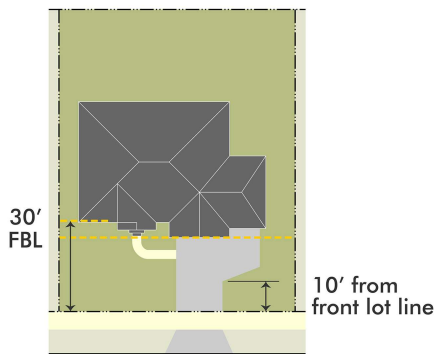


Figure 5-7 Application of Driveway Limits
Driveway limits shall apply to the first 30' or up to the Front Building line, whichever is less; except any front-loaded garage meeting these standards may have a driveway expanded to the width, provided the expanded area is no closer than 10' from the front lot line.





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5. **Front-Loaded Garage Design.** The following garage design standards apply to the garage limits in Table 5-5: Residential Frontage Types & Design Standards:
- a. Garage limits apply to front-loaded garages. Alternatives such as detached garages, side- or rear-loaded garages, or attached garages that are accessed from the front but located on the rear of buildings are not subject to the limits.
  - b. Garage limits shall be measured by the exterior walls of the floor plan or other clearly distinguished massing element on the front façade, not including trim.
  - c. Any front-loaded garage permitted to project in front of the main mass of the house shall:
    - (1) Have a front entry feature associated with the non-garage mass of the building that projects in front of or is no more than 4 feet behind the garage entry and is at least 10 feet wide; and
    - (2) Be limited to wall planes of no more than 200 square feet with garage entries, using step-backs of a bay by at least 4 feet and/or ornamental features such as canopies, eyebrows, or cantilevers to break up the wall plane.
6. **Alternative Compliance.** Alternative compliance to the frontage design standards established in Section 17-5-3.A, Frontage Design may be authorized according to the process and criteria in Section 17-2-6, Alternative Compliance, and any of the following additional applicable criteria:
- a. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
  - b. An alternative design allows the building, garage, and access to be sited in a way that preserves significant or unique topography or other natural features on the site.
  - c. The specific standard is not practical due to the context and location of the lot or other physical conditions beyond the specific building and site not created by the landowner; and
  - d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts to other design standards applicable to the building or site.
- B. **Building Design.** Building design refines the scale and form of buildings beyond basic height, setback, and lot coverage standards.
1. **Design Objectives.** The following design objectives shall be used in applying the building design standards in this section.
- a. Relate buildings to public realm and streetscape in a consistent manner and create compatible massing along the block face.
  - b. Arrange buildings in a way that creates meaningful outdoor spaces on the site, with building designs that define and activate these spaces.
  - c. Blend a variety of building sizes and types and create compatible transitions between adjacent buildings of different scales by mimicking similar massing and proportions nearest to adjacent development.
  - d. Use materials and human-scale architectural features to create depth, texture, variation, and visual interest, particularly on larger facades, along streetscapes, near active open spaces, or near adjacent lots and buildings.
  - e. Encourage unique architectural expression and promote the use of key details and design characteristics inherent in the chosen style for the building.
  - f. Promote enduring investments with the application of durable, quality materials.



2. **Residential Building Design Standards.** Table 5-7, Building Design Standards provides standards for massing and facade design to meet the design objectives. Sub-sections following the table provide specific design strategies and techniques to be used to meet these standards.

Table 5-7: Residential Building Design Standards			
Design Detail	Building Type	Detached House (all), and Multi-Unit House	Row House, Apartment (all)
<p><b>Wall Plane Limits.</b> Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.</p>		800 s.f. or 45 linear feet	1,200 s.f. or 70 linear feet
<p><b>Blank Wall Limits.</b> Maximum wall plane without modulation on at least 20% of the wall plane.</p>		500 s.f. or 30 linear feet	800 square feet or 45 linear feet
<p><b>Roof Plane Limits.</b> Maximum roof plane without offset of at least 2', complex planes, dormers or gables.</p>		600 s.f. or 35 linear feet	1,000 s.f. or 50 linear feet
<p><b>Transparency.</b> Minimum window and door openings per elevation</p>		<p>Front – 20% Side – 8% Street-side - 15% Rear - 8%</p>	<p>Front – 20% Side – 8% Street-side - 15% Rear - 8%</p>
<p>Materials</p>		<p>Exterior walls of garages may be excluded from this requirement, provided the wall is not street-facing, and other architectural details and materials are used to meet any applicable blank wall limits.</p> <ul style="list-style-type: none"> <li>▪ Primary Material – 55% - 75%</li> <li>▪ Secondary Material -20% - 30% (limit 2, one of which must be masonry)</li> <li>▪ Accent Material - 5% - 15% (limit 2, which may include architectural decorative metals)</li> <li>▪ Limit – 4 materials total</li> </ul>	

3. **Wall & Roof Plane Limits.** Massing techniques use changes in the building footprint, height, or significant shifts in wall and roof planes to break down the volume of larger buildings. Wall planes that exceed the wall and roof plane limits in Table 5-7 shall have at least 25% of the elevation differentiated by one or more of the following massing techniques:
- a. Break the building into distinct masses (primary mass, secondary mass, and wings), where portions of the building are offset from the main mass by at least 8 feet or are otherwise noticeably smaller and subordinate to the main mass.
  - b. Step back portions of the building footprint or upper stories by at least 4 feet in association with meaningful outside space, such as a balcony, deck, patio, or entry court.



- c. Use cantilevers on upper stories that provide at least a 2 feet overhang of other portions of the wall plane.
- d. Provide single-story entry feature that project at least 6 feet from the wall plane.
- e. Articulate rooflines by stepping the roof, using gables and dormers, dropping eaves, and using prominent overhangs to create offsets and projections of at least 2 feet.
- f. Where larger buildings are next to smaller buildings, or are along a block with smaller buildings, step the height of the building or offset secondary masses to create compatible massing nearest to adjacent structures.

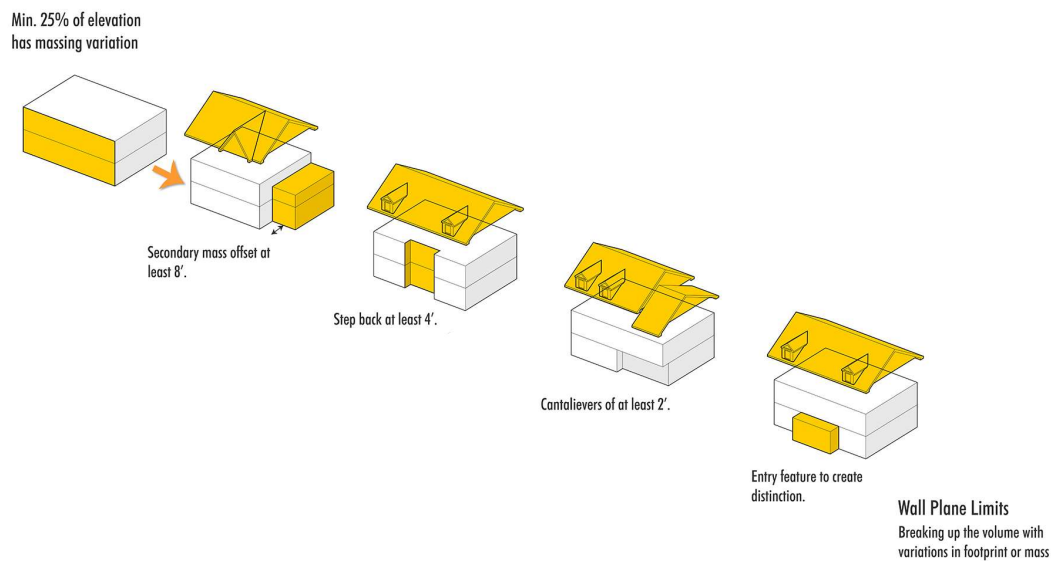


Figure 5-10 Wall Plane Limits

Wall planes over the size specified in Table 5-7 shall be broken up with a range of techniques so that at least 25% of the elevation is differentiated with distinct wall planes. (17-5-3.B.3.).

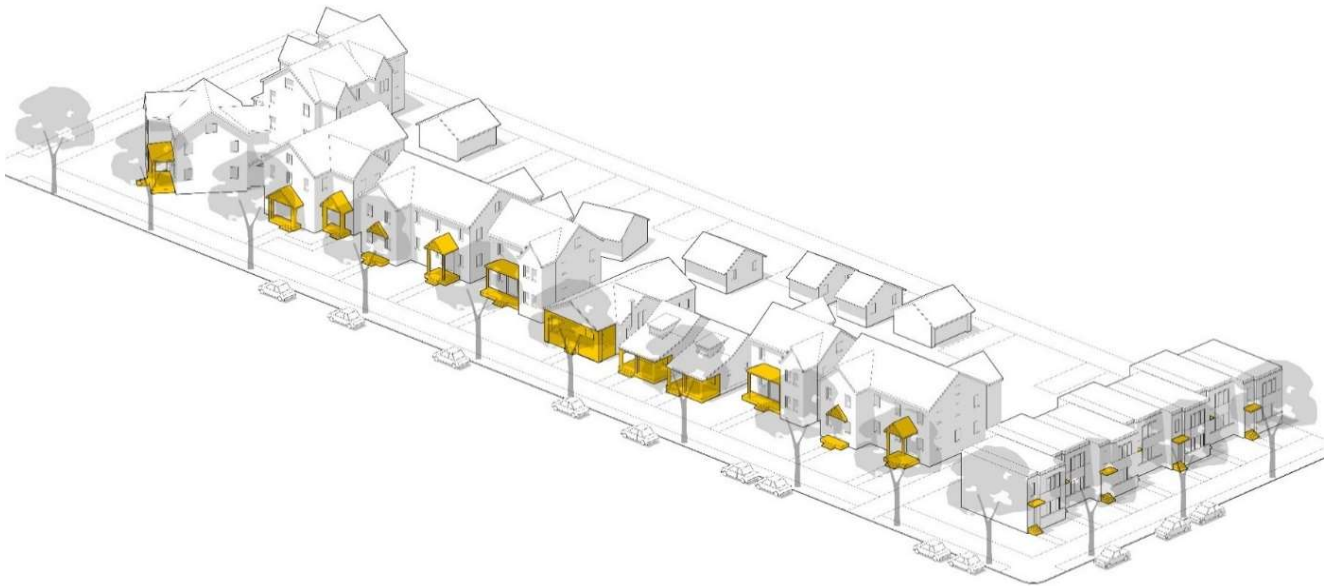
- 4. **Blank Wall Limits.** Modulation uses materials, ornamental details, and subtle variations in the wall plane to break up blank wall planes. Street-facing wall planes that exceed the blank wall limits in Table 5-7 shall use three or more of the following techniques so that at least 20% of the facade is distinguished by modulation:
  - a. Create projections in the wall planes with bay windows, balconies, awnings, or canopies that project at least 4 feet from the wall plane.
  - b. Create voids in the wall plane with step-backs of upper stories or balconies that recess at least 4 feet from the wall plane.
  - c. Differentiate stories, roofs, or other masses with prominent trim materials and/or incorporate material changes on different modules of the building. Significant trim or ornamentation used to break up blank walls or wall planes shall project between 2 inches and 2 feet from the wall and be at least 8 inches wide.
  - d. Use color changes and accent materials to emphasize distinct components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element or occur in association with a significant trim or ornamentation to give a finished and unified appearance to the element.
  - e. Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows, doors, or architectural details.



5. **Transparency.** Windows and doors provide transparency, detail, and visual rhythm on the facade, and they break up blank walls with the location, pattern, and proportions of these openings. The following techniques should be used to achieve the design objectives of this sub-section and to meet the windows and doors requirements of Table 5-7, Building Design Standards:
  - a. Create relationships to outdoor spaces near buildings with the location, pattern, and proportions of windows and doors
  - b. Incorporate distinct and visually significant windows and doors (size, orientation, and ornamentation) to emphasize key locations on the facade or to relate to important social spaces.
  - c. Locate windows doors to create a coordinated facade composition considering the entire facade as a whole, and to break up large expanses into different components with the grouping of windows and doors.
  - d. Locate and design windows strategically in relation to privacy concerns in adjacent spaces and buildings but maintain consistent exterior patterns and façade composition. High-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled are better may be used to deliver privacy as opposed to omitting windows.
  - e. Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize openings; or to gang groups of openings. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide) or that group widows with significant details may count these additional features for up to 25% of the window and door requirement.
  - f. The window requirement may be waived on sides of buildings that are closer than 3 feet to the property line, if necessary to meet applicable building code requirements.
  
6. **Materials.** Building materials with texture and patterns create visual interest and signify quality construction and detailing. The following techniques should be used to meet the material standards of Table 5-7, Building Design Standards and achieve the design objectives of this section:
  - a. Primary materials shall be natural materials, such as painted or natural finish wood siding (horizontal lap, tongue-and-groove, board and batten or vertical), brick, stone, stucco, ceramic or terra cotta tile. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals.
  - b. At least 20% of all materials, whether primary or secondary, shall be masonry, brick, or stone.
  - c. Coordinate changes in color and materials in association with changes in massing and modulation of the building.
  - d. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings 3 stories or more.
  - e. In multi-building projects, use subtle variations in building materials and colors on different buildings, to create variety among buildings within a consistent palette of materials and colors for the project.
  - f. Percentage coverage shall apply to the façade and any street-facing wall, and shall be measured from the first-floor elevation to the tope eave, not counting the doors and windows or interim roof features, but does include garage doors.
  
7. **Variations of Buildings.** All projects involving three or more buildings shall provide variations in the elevations from the two buildings on each adjacent side, and the three nearest buildings on the opposite side of a facing block, with at least two of the following:



- a. Variations in the front entry features as indicated in Section 17-5-3.A.3. Variations should include combinations of at least two of the following changes:
  - (1) Different types of entry features: such as porch, stoop, or entry court;
  - (2) Different roof styles associated with the entry feature: such as gable, hip, shed, flat, arched, or no roof;
  - (3) Different locations and extent of the same entry feature: such as centered, shifted left or right, or wrapped; projecting or embedded; and half or full lengths; and/or
  - (4) Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.
- b. Variations in the facade composition, including massing, modulation, window types and placement, materials, and details and ornamentation, to the extent that the buildings have a distinct appearance;
- c. Variations of the roof forms considering the type of roof, orientation of gables, or use and placement of dormers; or
- d. Variations of the building type or models of the same type with distinctively different floor plans that lead to different massing. Mirror images of the same model and floor plan shall not be used to meet the variation requirement.
- e. In the case of multi-unit buildings:
  - (1) For duplexes / multi-unit houses that are intended to mimic the scale and form of detached houses, a hierarchy of doors and entrances shall be used to create the appearance of a single building, and the variation shall apply between buildings.
  - (2) For row houses and similar buildings that are clearly designed for multiple units, subtle variations in the materials and entry features shall apply to emphasize different units, and the variation shall apply between units in the building.



**Figure 5-13 Front Entry Features - Variety**

*Using a wide variety of entry feature types, styles and designs is a way to create subtle distinctions between the same or similar building types and can add common human-scale patterns among different types or scales of buildings. (17-5-3.A.3 and B.7.a)*



8. **Alternative Compliance.** Alternative compliance to the building design standards established in Section 17-5-3.B, Building Design may be authorized according to the process and criteria in Section 17-2-6, Alternative Compliance, and any of the following additional applicable criteria:
  - a. The requirement is not consistent with the particular architectural style selected for the building based on reputable resources documenting the style.
  - b. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area.
  - c. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
  - d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there is no negative impact on other design standards applicable to the building or site.
- C. **Block & Lot Open Space Design.** A system of different types of open spaces shapes the neighborhood character and creates unique identities for different neighborhoods. Block and lot open spaces complement the overall civic and open space system and provide active gathering places and aesthetic enhancements to the buildings and lots.
  1. **Design Objective.** The following design objectives shall be used to apply the open space standards Section 17-3-2, Open & Civic Spaces and in Table 5-1, Residential Building & Lot Standards.
    - a. Promote the arrangement of neighborhoods, blocks and lots in a way that responds to the existing natural features.
    - b. Ensure access to a variety of different types of open spaces including natural areas, park and recreation amenities, and formal gathering spaces.
    - c. Use open spaces to create gateways, focal points, connections, and transitions in coordination with the street network, block structure, and lot arrangement.
    - d. Design all unbuilt areas to serve as valuable neighborhood features, considering the aesthetic, ecological, recreation, or community-serving potential of these spaces.
    - e. Require all lots and buildings have access and proximity to usable open space, whether public, common, or private, and whether neighborhood-scale, block-scale, or building- and lot-scale spaces.
  2. **Required Site Open Space.** Each building type shall provide the open space specified in Table 5-1, (Residential Building & Lot standards; Lot Open Space) within the lot or project. With the exception of Detached Houses, lots platted through a final plat with common open space may credit the common open space towards the lot open space requirement, provided it meets the following standards:
    - a. The space is public or remains accessible to the public; or
    - b. If private or common space, the lot applying the credit has access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.
    - c. The space shall be on the same lot, or on the same block within 1,000 feet of the lot, and meet the design standards for one of the open and civic space types in Section 17-3-2.
  3. **Lot Open Space Design.** Lot and building open space required for each building type shall create a common or private amenity for the site and building. Buildings and open spaces on a lot shall be arranged to create usable outdoor spaces that meet one or more of the following types:



- a. Public or Common open space designed and platted according to the standards in Section 17-3-2, Open & Civic Space, subject to the limitations in subsection C.2 above;
  - b. Private yards and spaces, including:
    - (1) Frontage areas designed according to Section 17-5-3.A., excluding any driveways, parking areas or other automobile space;
    - (2) Courtyards, meeting the standards of Section 17-5-4;
    - (3) Rear yards provided they are part of an open area of at least 375 square feet and at least 15 feet in all directions; and
    - (4) Private uncovered decks or patios provided they are part of an open area at least 120 square feet and at least 10 feet in all directions. This space is limited to no more than 25% of the requirement for lot and building.
  - c. For apartment or mixed-use buildings, rooftop decks provided they are at least 300 square feet, and at least 15 feet in all directions – this space is limited to no more than 25% of the requirement for the lot and building; or
  - d. For apartment or mixed-use buildings, private balconies or patios, provided they are at 80 square feet, and at least 6 feet in all directions – this space is limited to no more than 25% of the requirement for the lot and building.
4. *Alternative Compliance.* Alternative compliance to the open space design standards established in this Section 17-5-3.C. may be authorized according to the process and criteria in Section 17-2-6, Alternative Compliance, and any of the following additional applicable criteria:
- a. The specific standard is not practical due to the context and location of the lot and meeting the requirement would otherwise result in improper arrangement of the building or site.
  - b. In instances of infill development or a context where a clear pattern of existing buildings and lots on the same block and opposite block face present a different arrangement in terms of buildings and lot open spaces.
  - c. The lot and building have access to at least two different active open spaces within 1,000 feet which meet the design and service area standards in Section 17-3-2, Open & Civic Space.
  - d. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this Section, and there are no negative impacts on other design standards applicable to the building or site.

#### 17-5-4 Courtyard Pattern

- A. **Design Objective.** A courtyard pattern can integrate multi-building projects into the neighborhood pattern by connecting formal open space to the street frontage and using that space as an organizing element for buildings and lots. It is an effective infill strategy or is appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on the design standards in this section.
- B. **Applicability.** The courtyard pattern is appropriate where:
  1. Courtyards are arranged within the block structure and designed as an extension of the public streetscape and open and civic space system for the neighborhood;
  2. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
  3. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.



- C. **Eligible Building Types.** The following building types are eligible for this pattern, subject to the limitations stated:
1. Small Apartments, up to 5 buildings or 36 units, whichever is less.
  2. Row Houses, up to 4 buildings or 24 units, whichever is less.
  3. Duplex/Multi-unit Houses and Detached Houses, up to 10 buildings or 24 units, whichever is less.
- D. **Design Standards & Exceptions.**
1. The minimum lot size per building may be reduced up to 20%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
  2. The courtyard shall be designed according to the standards in Section 17-3-2 and have frontage on a public street or be accessible from the streetscape by a pedestrian passage.
  3. Lots may front on the courtyard, rather than along a street. Building frontage standards shall apply on the courtyard and on the public street frontage.
  4. The front setback may be reduced to 5 feet from the courtyard boundary.
  5. Any buildings fronting on the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section.
  6. Vehicle access and parking for each lot shall be coordinated for all lots and buildings, be designed in a way that minimizes the impact the courtyard and lot frontages, and meet all frontage standards along the public street.

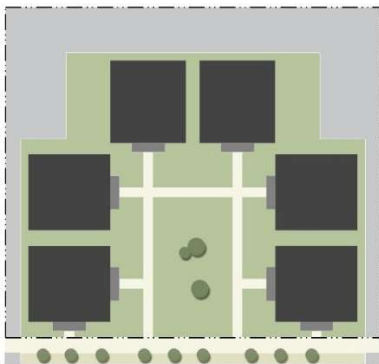
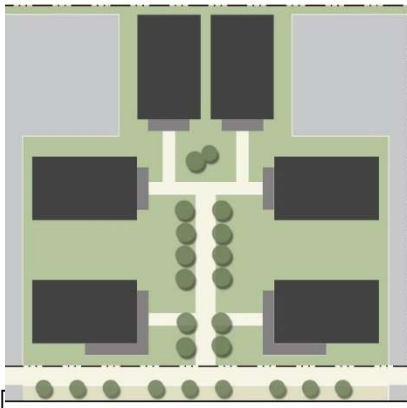






Figure 5-14 Courtyard Pattern

The courtyard pattern allows for a different configuration of buildings in specific contexts. The pattern arranges buildings on smaller lots with a common frontage on the courtyard. The courtyard and the front buildings provide to the streetscape, while other buildings may relate direction to the courtyard. Vehicle access is shared and limited to more remote or discrete portions of the project.

17-5-5 Conservation Pattern

- A. **Design Objective.** Residential lots and buildings may be arranged around an open space system that will preserve greater amounts of intact open and natural spaces or agricultural uses that are designed as a focal point and community amenity.
- B. **Applicability.** The conservation pattern is appropriate in more remote areas, and specifically is eligible in the A or RE zoning districts. It requires a planned development application as outlined in Section 17-2-4.
- C. **Density Bonus.** The base density and open space required shall be based on a typical and practical layout according to the underlying zoning district (A or RE). The following density bonus may be granted based on the amount of additional intact open space to be preserved in the plan. The “bonus” units shall not require additional open space, other than the space specified in Table 5-8.

Table 5-8: Conservation Design Density Bonus					
Preserved Area [1]	Bonus Units Above Base Density	Project Size	Example Using RE Base Zoning		
			Base Density Yield	Additional Units	Developed area
20% - 30%	0 (but concentration on smaller lots permitted)	10 ac.	10 units	0	10 units on 7 – 8 acres
31% to 40%	100%	10 ac.	10 units	10 units	20 units on 6 – 7 ac.
41% to 50%	200%	10 ac.	10 units	20 units	30 units on 5 to 5.5 ac.
51% to 60%	300%	10 ac	10 units	30 units	40 units on 4 – 5 ac.
> 60%	TBD by Town Council based on plan	10 ac.	TBD	TBD	TBD on less than 4 ac.

[1] Total percentage of the project area preserved as open space meeting the Natural Open Space, Trail , or preservation of productive agriculture lands criteria in Section 17-3-2.

- D. **Lot Sizes & Building Types.** The resulting density based on the plan after the density bonus is applied may be allocated in the developed portion of the project with the following building types. No combination of these building types may be used to allow more units than authorized by the density bonus. All other standards applicable to each building type in Table 5-1 shall apply within the developed portion of the plan.
  1. Detached house – farmstead, estate lot, large lot, standard lot, small lot, or compact lot
  2. Duplex / multi-unit house
  3. Row house
- E. **Open Space.** Open space shall meet the design criteria of Section 17-3-2 for Natural Open Space, Trail, or include prime farmland or other existing and productive agriculture lands designed to be a focal point and community amenity. All lots shall have access to the public or



common open space preserved as part of the plan within 1,000 feet, measured along pedestrian or trail routes.



**Figure 5-15 Conservation Pattern**  
 The conservation pattern allows both a greater number of units and a greater concentration of those units in exchange for greater quantities and more coordination of larger open spaces.

**17-5-6 Manufactured & Small Format Housing District**

- A. **Intent.** The intent of this section is to provide manufactured or other small-format homes in a neighborhood or community that includes common neighborhood amenities, and with site designs that limit impacts on adjacent property and promotes development patterns that are compatible with the surrounding areas.
- B. **Applicability.** Small format home communities are permitted in the Manufactured and Small Format Housing District – PD-M, and implemented as a planned development project according to Section 17-2-4 These standards shall not apply to: (1) mobile homes, trailers or similar temporary buildings used as an interim structure associated with an ongoing construction project under valid permits; (2) interim or temporary housing strategies to address emergencies; or (3) detached houses that are assembled off site and “manufactured,” provided they meet all other design standards of the applicable zoning district.
- C. **Development Standards.** Except as otherwise modified through a development plan according to the approval procedures and criteria in 17-2-4, the general development standards for manufactured and other small format home projects are included in Table 5-9.

Table 5-9: PD-M Development Standards	
Project	Amount of Bonus Units Above Base Density
Project Size:	3 acre minimum, 200' minimum frontage an arterial or collector  <i>Exception:</i> The Director may recommend a plan for as small as 2 acres and 100 feet of public street frontage if the plan demonstrates exceptional community design and layout for the common areas within the community, a high-quality and well-designed housing concept, and special attention to integrating and relating the project to surrounding areas.
Project Intensity:	7 units per acre, maximum



Table 5-9: PD-M Development Standards	
	<i>Exception:</i> Up to 15 units per acre for any project with more than 30% of the project area designed as useable open space meeting Open Space types in Section 17-3-2.
Perimeter Setbacks	25' minimum from any street boundary; 15' from any property boundary (See Article 8 – Type III Buffer; or Neighborhood Frontage Type.)
<b>Home Sites</b>	
Lot Size	3,000 s.f. minimum,  <i>Exception:</i> 1,500 s.f. minimum for any project with more than 30% of the project areas designed as useable open space meeting the types in Section 17-3-2.
Lot Width	30' minimum, <i>Exception:</i> 24' for projects meeting the open space bonuses above. Frontage shall be on a public street, common internal street, or common open space with street access at the rear of the site.
Setbacks	Front: 10' from the lot/home site line, or 15' from the edge of the internal street, whichever is greater Side: 5', or 3' minimum with 10' between buildings Rear: 10' All buildings shall meet the project perimeter setback.
Height	30' maximum
Site Design	Each home site shall have a private patio, courtyard or similar outdoor amenity of at least 120 square feet. Any structure associated with this outside amenity may be located within 5 feet of the lot or home site boundary. Each home site may have an accessory storage building up to 160 square feet, up to 8 feet tall. The accessory storage building shall be set back at least 50 feet from any public or internal street, or behind the dwelling unit. Accessory buildings shall be separated by at least 5 feet from any other structure.
Parking	Each home site shall have at least one on-site parking space, and at least one excess or guest space within 200 feet of the unit. The excess or guest space may be "on-street" where streets are designed for parking or in a common area.

D **Uses.** In addition to any uses enabled for the PD-M district in Table 4-2, projects may include the following specific uses:

1. Dwelling units consisting of modular homes, mobile homes, or other similar small, detached dwellings.
2. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings, storage areas, maintenance and utility facilities, or other community services.

E. **Common Areas.** All common areas not dedicated as home sites according to the development standards in subsection C shall be designed as part of the Development Plan (See Section 17-2-4.B, Planned Development procedures). This space shall be allocated to:

1. Internal vehicle circulation for the community, laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least two entrance points from public streets for each project. Internal roadways shall be 20' where no parking is permitted, 24' wide where parking is permitted on one side, and 28' wide where parking is permitted on both sides.
2. Open and Civic Space meeting one of the design types specified in Section 17-3-2 at a rate of at least 300 square feet per dwelling or 20% of the overall project, whichever is greater. Projects with more than 30% dedicated to usable open space (non-street, circulation or parking space) may be eligible for exceptions to the standards noted in



## ARTICLE 5 – RESIDENTIAL DEVELOPMENT & DESIGN

### 17-5-6 MANUFACTURED & SMALL FORMAT HOUSING DISTRICT

Table 5-8. All open and civic spaces shall be designed and located in a manner that ensures adequate accessibility for all units in the community.

3. At least one of these spaces shall include a community building, which is centrally located, for recreation and meeting functions, laundry facilities, or other common amenities. The community building shall be at 1,500 square feet, or 15 square feet per dwelling unit, whichever is greater.
4. Other internal circulation or open space such as walkways, landscape buffers or other site design amenities that improve the quality of the community and its relationship to surrounding areas. Pedestrian connections shall be accounted for on all streets or at greater intervals through a trail or path system.
5. A storm shelter shall be provided which may be included with the clubhouse.
6. A common storage and utility area shall be provided within the plan including at least 100 square feet per unit. This area may be used for storage of large equipment, recreational vehicles, maintenance or other utility functions for the community. This area shall be screened from the project and from surrounding property according to the buffer standards in Article 8.

#### F. **Building Design.**

1. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
2. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport or garage, is no larger than 440 square feet, but in no case larger than the dwelling unit.
3. Any structure shall meet all applicable building and fire codes, and be situated on a permanent foundation.

#### G. **Landscape & Parking Design.** The standards of Articles 7 and 8 are generally applicable to PD-M district development plans, except as modified through a development plan based on the approval procedures and criteria in Section 17-2-4.

#### H. **Subdivisions.** Each home site may be individually platted if:

1. All lots shall have public utility access as provided in Article 3, including public easements for access to each home site and all other standards and criteria of the subdivision standards are met;
2. There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas, Building Design and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association.