

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2021-198

**AN ORDINANCE AMENDING ARTICLE XIV OF CHAPTER 16
OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING THE
CENTRAL BUSINESS DISTRICT**

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Article XIV of Chapter 16 of the Johnstown Municipal Code (“Code”) concerns the Central Business CB District; and

WHEREAS, the Town staff recommends that Article XIV of Chapter 16 of the Code be revised to reflect that: (i) single-family residential uses, in structures originally built as detached single-family dwellings and otherwise in compliance with the Single-Family Residential SF-1 District or the Single-Family Attached Residential SF-2 District, be permitted as a use by right in the Central Business CB District and (ii) the Planning and Zoning Commission have the authority to reduce or otherwise adjust the off-street parking requirements as part of the site plan review process by up to fifty percent (50%); and

WHEREAS, based on the recommendations of the Town staff, the Town Council desires to amend Article XIV of Chapter 16 of the Code; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Section 16-241. Section 16-241 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 16-241. - Statement of intent.

This district is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as the center of community activity with the walkable character, activity and concentration of development found in a traditional downtown area. It is the further intent of this district to conserve and enhance the historic qualities of existing central business area for the benefit of the community as a whole. Specialized housing for elderly residents is

encouraged to take advantage of walkability for shopping and services. Single-family residential uses may continue to co-exist with commercial interests within the district as they have historically co-existed.

Section 2. Section 16-242(1). Subsection (1) of Section 16-242 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended to add subpart (q) and shall read as follows:

Sec. 16-242. - Use regulations.

...

(1) Principal uses permitted by right:

...

(q) Single-family residential uses, in structures originally built as detached single-family dwellings and in accordance with the requirements contained in the SF-1 or SF-2 district.

Section 3. Section 16-242(4). Subpart (d) of subsection (4) of Section 16-242 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended to read as follows:

Sec. 16-242. - Use regulations.

...

(4) Conditional uses. The following uses shall be permitted in this district upon approval of a conditional use grant as provided in Article VII of this Chapter:

...

(d) Residential uses, except those otherwise permitted by Section 16-242(1)(q) .

Section 4. Section 16-244. Section 16-244 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 16-244. - Building location.

There are no minimum or maximum setbacks in this district. There is no minimum offset in this district. Notwithstanding the foregoing, residential uses permitted by Section 16-242(1)(q) shall meet the minimum lot size, setback and offset requirements in accordance with the requirements contained in the SF-1 or SF-2 district.

Section 5. Section 16-245. Section 16-245 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 16-245. - Open space.

There is no minimum required open space in this district, regardless of whether a building includes one (1) or more dwelling units. Notwithstanding the foregoing, residential uses permitted by Section 16-242(1)(q) shall meet the minimum requirements in accordance with the requirements contained in the SF-1 or SF-2 district.

Section 6. Section 16-246. The last sentence of Section 16-246 of Article XIV of Chapter 16 of the Johnstown Municipal Code is hereby amended to read as follows:

Sec. 16-246. - Special off-street parking requirements.

. . . The Planning and Zoning Commission shall have the authority to reduce or otherwise adjust the off-street parking requirements as part of the site plan review process, provided that the adjustment does not exceed fifty percent (50%).

Section 7. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 8. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 9. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town’s Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance shall be available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 7th day of June, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: Diana Seele
Diana Seele, Town Clerk

By: Gary Lebsack
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor