



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: April 17, 2023

SUBJECT: Consideration and Public Hearing for Ordinance 2023-247 Repealing Chapters 15, 16 and 17 of the Johnstown Municipal Code, and Readopting Chapter 17 of the Johnstown Municipal Code to adopt the Johnstown Land Use & Development Code by Reference

ACTION PROPOSED: Approval of Ordinance 2023-247

ATTACHMENTS:

1. Ordinance 2023-247
2. Johnstown Land Use & Development Code (Part I & II)
3. Section Map (Comparison to current code)
4. Staff Presentation

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:

The Town Council authorized the drafting of an updated Land Use & Development Code in the 2022 budget, and Town Staff and consultants have been diligently working on a complete rewrite of Johnstown Municipal Code, Chapter 15 - Annexation, Chapter 16 – Zoning, and Chapter 17 – Subdivision. These chapters are proposed as a single, more cohesive code document that addresses all areas related to land use, zoning, and development in the Town.

The proposed ordinance would repeal the current Johnstown Municipal Code Chapters 15, 16, and 17 related to Annexation, Zoning, and Subdivision, reserve Chapters 15 and 16 for future use, and replace these code sections as an updated Chapter 17 that references an external municipal code document, to be named the “Johnstown Land Use & Development Code” (Attachments 1 & 2). This code more cohesively and clearly governs and describes the Town’s zoning districts, land uses, processes, and development standards with up-to-date code language and design standards integrated into the code, replacing a patchwork of outdated, poorly organized, and confusing code sections with separate design guidelines.

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Background. The Town Council adopted a new Johnstown Area Comprehensive Plan in late 2021, and the code rewrite follows this effort to create codes that will begin to incrementally implement the themes and goals identified within that document. MultiStudio, the consultants, created an Engagement Plan, performed a Code Assessment to identify gaps, and provided a Regulatory Conformance Report in 2022. Town Staff and the consultants have also conducted several community open houses, and work sessions with the Steering Committee, Planning & Zoning Commission, and Town Council over the past year to gain insight and feedback on a variety of topics and issues that were identified as important to the community.

Overview. The proposed Land Use & Development Code (LUDC) document is being adopted by reference in the ordinance, and is presented as a separate standalone document. The purpose of utilizing an external code document is to ensure proper presentation and formatting of clarifying graphics which support the design-oriented content, easy-to-read tables, and accommodate other more complex formatting issues. This format provides the opportunity for a more user-friendly code experience, more economical and efficient code amendments over time, and the ability to present this oft-used document to our citizens, businesses, and development community in an easier to use electronic PDF format.

A Section Map document (Attachment 3) provides a quick view summary of the proposed Articles of the proposed Chapter 17 LUDC and references the topics as they are currently arranged within Chapters 15, 16, & 17 with high level summary that briefly explain the new section.

Many of the general planning and development process and concepts exist in our current code language, but with insufficient description of intent, objectives, and review criteria to adequately give staff and decision-makers the ability to support a thorough review and detailed analysis. There have also been significant changes in the legal landscape with regard to several issues, notably the regulation of signs (“content neutral”) and oil and gas facilities, and these changes will be better reflected in the proposed codes, based on current statutes, rules, and case law.

Consistency. Town Staff worked with the consultants to maintain as much consistency with current regulations and guidelines as possible, to keep the day-to-day impact of the updated code somewhat limited in terms of what an existing business, resident, or developer may notice. For example, the area of permitted wall or freestanding signs is comparable to the prior code, and Staff considered the existing body of signage in Johnstown to inform the proposed code; development review processes and requirements will be largely comparable;

The code contemplates and permits existing PUDs and previously-approved projects that will continue to move through our existing processes and systems using the current PUD standards. Staff is actively talking with those who may choose to vacate those PUDs and utilize the new code, with the intent throughout this process to create a usable flexible code that provided many of the

benefits of a PUD, without the long term administrative and enforcement complexities of managing dozens of unique sets of standards.

Noteworthy Changes.

- New and transitioning zoning districts will mark a distinct shift for Johnstown. All existing zoning districts, except PUD, will transition to a comparable district, as noted in the LUDC (i.e., “SF-1” = “R-1”, remaining a single family detached zone). Unused districts were removed. Additional districts are proposed to permit a wider range of scale, intensity, and density to be reflected in our “straight zones” – expanding to 4 residential zones, 3 mixed use zones (commercial and residential), and 2 industrial zones (Article 4).
- Design issues within overall neighborhood layout of streets and open spaces, as well as architectural considerations for residential and non-residential development, have been integrated into this LUDC to replace the early-2000s “Town Design Guidelines” that tended to be light on specifics and requirements and challenging to administer and implement. Major themes of masonry and high-quality materials, minimum area of windows on elevations, entry features, and mixing street character, open spaces and connected trails to create neighborhood character are all included in this proposed code.
- Housing Diversity. Multiple housing units types as well a minimum mix of housing types are introduced in an effort to create more livable, interesting, and integrated neighborhoods.
- Clarification of processes with a specific descriptions of applicability, review criteria, procedure, and effects of decisions. The introduction of “Alternative Compliance” speaks to creating the ability to provide limited flexibility from strict interpretation of the code, allowing for the consideration and evaluation of innovative and creative design solutions that meet the intent and design objectives of the stated code standards.
- Expansion of definitions (Article 11) that help clarify uses and specific terminology.

Next Steps & Expectations.

- Town Staff will begin implementation and application of this code with new developments and develop worksheets and guides to assist the development community. We intend to host a meeting, or a series of meetings if needed, with our development community in late Spring / early Summer.
- Johnstown utilized the PUD zoning district as a default zone for annexing properties for nearly 20 years, and it leaves our zoning map dotted with undeveloped and unplanned PUD zones that may not reflect the current context or intent of the Town, as reflected in the Comprehensive Plan, or where a similar pattern of development may be achieved with the LUDC. Staff anticipates further analysis and the potential to propose updated zoning districts, as a legislative action, where a different district may serve to implement current Town development and land use goals.

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- Town Staff anticipates finding small errors and omissions as we begin to actively implement this code. We also intend to stay abreast of emerging trends in new land use & legal issues, and design and development issues and will propose regular amendments to address those in an effort to maintain the long-term relevancy of this code such that a full wholesale overhaul, as proposed with this LUDC, is not required again for the foreseeable future.
- Given the complexity and scope of this proposed LUDC, Staff will continue to coordinate with the Town Attorney on their review. The consultant who drafted the code is a planner and a land use attorney, and Staff feels confident in the overall legal validity of the code, as proposed, but anticipates nuanced and town-specific comments to yet emerge from an internal legal review that may result in proposed amendments.
- Development is dynamic and there are always new opportunities or concerns that develop over time. From a broad lens, Staff can see the potential for future code efforts to accommodate consideration for uses such as solar facilities, surface mining, large-scale industrial development, finalized floodplain study and revised panels expected in 2023, future housing initiatives, and small-area planning efforts to maintain or develop a specific character in a given area.

LEGAL ADVICE:

Ordinance was prepared by the Town Attorney.

Consulting counsel, Chris Brewster, J.D., AICP, with MultiStudio, Inc., prepared the proposed Johnstown Land Use & Development Code.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approval of Ordinance 2023-247 Repealing Chapters 15, 16 and 17 of the Johnstown Municipal Code, and Readopting Chapter 17 of the Johnstown Municipal Code to adopt the Johnstown Land Use & Development Code by Reference

SUGGESTED MOTIONS:

For Approval

I move that the Town Council Approve Ordinance 2023-247 Repealing Chapters 15, 16 and 17 of the Johnstown Municipal Code, and Readopting Chapter 17 of the Johnstown Municipal Code to adopt the Johnstown Land Use & Development Code by Reference, on First Reading.

To Remand back to Staff

I move that the Town Council remand this Ordinance and proposed Johnstown Land Use & Development Code back to Town Staff for further revisions and consideration based on the discussions and input received.

To Deny

I move that the Town Council Deny Ordinance 2023-247.

Reviewed and Approved for Presentation,



Town Manager