



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: May 1, 2023

SUBJECT: 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

ATTACHMENTS:

1. Ordinance 2023-245
2. Land Use & Development Code

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:

The Council held a public hearing on April 17, 2023, and approved Ordinance No. 2023-247 on first reading. The ordinance will 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 with an updated Chapter 17 that references an external code document, to be named the “Johnstown Land Use & Development Code” (Attachment 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standards with up-to-date code language and design standards integrated into the code, replacing a patchwork of outdated, poorly organized, and confusing code sections with separate design guidelines.

Planned Amendments and Additional Issues Research.

As noted in the April 17th Staff Memo, Town Staff is pursuing several items for future amendments including a review by the Town Attorney and additional clarifying graphics. During the April hearing, Council noted several additional issues that warrant staff attention and research to bring to Council for consideration, to include:

- Beyond the maximum lighting performance standards provided in Sec. 17-4, Staff will perform additional research on appropriate expansion for “Dark Skies” lighting requirements, which generally implements site and building lighting techniques and fixtures that minimize the impact of lighting on the environment and surrounding lands.

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Staff will provide a recommendation on what may be most applicable and appropriate for Johnstown with the initial amendment package to Council.

- Town Staff will research and propose minimum guest parking requirements for developments that include cluster-style housing where full-depth driveways are not available to use as additional/guest parking.
- Council noted consideration of a wider mailing radius as well as clarification on how that radius is calculated.
 - With the minor editorial leeway provided in Section 7 of Ordinance 2023-247 and prior to final publication of the document, Staff has updated the language in Sec 17-2-1.F (page 2-5) to better clarify how that distance is measured:
 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, **measured from the property boundaries;**
 - Also note that subsection “b” provides the Planning & Development Director with discretion to expand the notice area up to 2,000 feet where there may be a specific or unusual circumstance or impact or a more controversial project proposed.
 - In the past few years, Council has reviewed this issue and at that time, Staff determined that 500 feet is a commonly-used distance utilized throughout Northern Colorado for the majority of development project types, and no change was made. Staff will plan to resurvey comparable jurisdictions and report back to Council with findings for further direction which can then be included with the initial amendment request.
- Council indicated a desire for Staff to research the ability and implementation of standards that would identify and protect the “view sheds” of individual properties. An initial effort indicates this present be a more complex legal and planning issue. Staff will continue to pursue this research and report on progress and findings in conjunction with the initial amendment package.
- Short term utilization of grazing livestock for the purposes of weed mitigation and control of grasses was mentioned as a potential issue where this practice is potentially used on solar facilities. Livestock is addressed in Chapter 7 of the Johnstown Municipal Code. Town Planning Staff will pursue this discussion this with the Town Attorney and Police Department to determine is there are any appropriate amendments to the Code that could ensure the ability of future developments or projects to use this as a viable option.

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Staff will research and evaluate these additional issues for inclusion in upcoming code amendments to further craft this Code to meet the needs of the community. The initial amendment set is anticipated to be compiled and presented to Council in late June or early July.

The adoption of this Ordinance and Land Use & Development Code will permit Town Staff to begin implementation and application of this proposed code, as presented.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance. Consulting counsel drafted the Land Use & Development Code.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

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.

Reviewed and Approved for Presentation,



Town Manager