

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2023-247**

**AN ORDINANCE REPEALING CHAPTERS 15, 16 AND 17 OF THE JOHNSTOWN MUNICIPAL CODE, READOPTING CHAPTER 17 OF THE JOHNSTOWN MUNICIPAL CODE TO ADOPT THE JOHNSTOWN LAND USE & DEVELOPMENT CODE BY REFERENCE THEREIN AND ADOPTING THE JOHNSTOWN LAND USE & DEVELOPMENT CODE**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

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

**WHEREAS**, based on the recommendation of the Town Planning and Development Director, on or about August 16, 2021, the Town Council retained Gould Evans, Inc., a Kansas corporation, n/k/a Multistudio, Inc., a Kansas corporation (“Gould Evans”), to prepare an updated land use and development code for the Town to replace Chapters 15, 16 and 17 of the Johnstown Municipal Code; and

**WHEREAS**, in order to draft a land use and development code that satisfies the needs, expectations and desires of the Town, Gould Evans worked diligently with Town staff and, through numerous work sessions, obtained extensive input from the Town Council as well as input from the public and developers; and

**WHEREAS**, based on such input, Gould Evans drafted an updated land use and development code, referred to as the “Johnstown Land Use & Development Code;” and

**WHEREAS**, on April 17, 2023, after due notice to the public, the Town Council held a public hearing to consider adoption of the Johnstown Land Use & Development Code; and

**WHEREAS**, after considering the evidence presented at the public hearing and reviewing the Johnstown Land Use & Development Code, the Town Council finds that adoption of the Johnstown Land Use & Development Code promotes the public health, safety and welfare of the Town, implements the strategies and objectives of the Town Council and is consistent with the goals set forth in the *Johnstown Area Comprehensive Plan*; and

**WHEREAS**, for the foregoing reasons, the Town Council desires to adopt the Johnstown Land Use & Development Code to replace the rules and regulations contained in Chapters 15, 16 and 17 of the Johnstown Municipal Code; and

**WHEREAS**, the Town Council further 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, safety, welfare 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. Repeal.** Chapters 15, 16 and 17 of the Johnstown Municipal Code are hereby repealed in their entirety.

**Section 2. Reservation.** Chapters 15 and 16 of the Johnstown Municipal Code are hereby reserved for subsequent use.

**Section 3. Readoption.** Chapter 17 of the Johnstown Municipal Code is hereby readopted to read in full as follows:

## **CHAPTER 17 – LAND USE AND DEVELOPMENT CODE**

### **Article I – Adoption.**

#### **Sec. 17-1 – Adoption by Reference.**

The Johnstown Land Use & Development Code is hereby adopted by reference and incorporated with the same force and effect as if fully set forth herein. A copy of the Johnstown Land Use & Development Code is on file at the office of the Town Clerk and is available on the Town's website at [www.johnstown.colorado.gov](http://www.johnstown.colorado.gov).

**Section 4. Johnstown Land Use & Development Code.** The Johnstown Land Use & Development Code, attached hereto and incorporated herein by reference as Exhibit A, is hereby adopted. The Johnstown Land Use & Development Code shall hereinafter regulate land use and development in the Town and supersede and replace the rules and regulations previously contained in Chapters 15, 16 and 17 of the Johnstown Municipal Code.

**Section 5. Penalty Provision.** Section 17-1-8(C) of the Johnstown Land Use & Development Code provides as follows:

**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 Article IV of Chapter 1 of 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.

**Section 6. 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 7. Code revisions.** Minor changes such as the format and other changes to unify the revised Land Use & Development 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 8. 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. 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 are 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 17<sup>th</sup> day of April, 2023.

ATTEST:

By: Hannah Hill  
Hannah Hill, Town Clerk



**TOWN OF JOHNSTOWN, COLORADO**

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 \_\_\_\_\_, 2023.

ATTEST:

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

**TOWN OF JOHNSTOWN, COLORADO**

By: \_\_\_\_\_  
Gary Lebsack, Mayor