

**TOWN OF JOHNSTOWN, COLORADO**

**ORDINANCE NO. 2010-17**

**AMENDING CHAPTER 16 OF  
THE JOHNSTOWN MUNICIPAL CODE**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT CHAPTER 16, ZONING, OF THE JOHNSTOWN MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:**

**Section 1:**

ARTICLE II, Definitions is amended by the additions and changes as follows:

A. New definitions are added as follows:

(1) *Child care center* means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are younger than eighteen years of age and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes, as more fully set forth in Colo. Rev. Stats. §26-6-102(1.5), as such definition may be amended from time to time by the Colorado General Assembly. (see, also, “family child-care home” for a different type of facility).

(2) *Convenience store* means a retail store occupying less than 3,500 square feet of floor space and providing some combination of groceries, general merchandise, beer (if licensed), miscellaneous auto supplies, and prepared foods. Except where listed as “convenience store with gasoline,” a convenience store does not include retail gasoline sales, car washes, or other forms of auto service.

(3) *Convenience store with gasoline* means a convenience store that offers the retail sale of gasoline, diesel and other fuels at one or more exterior islands; such a convenience store may also include a car wash, vacuums, and air pumps but shall not include auto service; an establishment with these characteristics that also includes auto service is considered a “Service Station.”

(4) *Neighborhood commercial* means a small group of retail stores and service establishments which serve a local neighborhood, including, by way of example but not of limitation, a coffee shop, convenience food store, barber shop, restaurant, shoe repair shop or laundromat.

(5) *Family child-care home* means a single-family residence that is operated and maintained by a permanent occupant of the residence for the less than twenty-four hours per day care of two to eight children who are younger than eighteen years of age and who are not related to the resident; periods of care shall be less than 24 hours per day. , as more fully set forth in Colo. Rev. Stats. §26-6-102(4), as such definition may be amended from time to time by the Colorado General Assembly.

(5) *Group home* means any of the following living in a single residential unit, with one or more care providers as required by state licensing laws or common practice: a residence serving not more than eight developmentally disabled persons, also called a “community residential home,” as defined in Colo. Rev. Stats. §27-10.5-102 (4); a residence serving not more than eight persons sixty years of age or older, as defined and limited by Colo. Rev. Stats. §31-23-303(2)(b)(II); a residence serving up to eight juveniles, but excluding sex offenders, referred by a criminal justice agency, as defined and limited by Colo. Rev. Stats. §19-1-103 (62); or a residence serving up to eight persons with mental illness (Colo. Rev. Stats. §31-23-303(2)(b.5)).

(6) *Neighborhood institutional use* means a public or quasi-public use allowed in a district that is otherwise limited to residential uses; such uses include but are not necessarily limited to public and private schools, places of worship, community centers and recreation centers. Such uses must demonstrate that they are physically and functionally compatible with the surrounding area.

(7) *Kitchen* means a room or portion of a room designed and/or used for fixing meals and including a sink with hot and cold running water and either of the following combinations: a gas or electric range and a refrigerator with a rated capacity of ten or more cubic feet; or any three of the following appliances – refrigerator (any size), microwave oven, gas or electric range, cooktop, wall oven, and/or automatic dishwasher.

(8) *Life care facility* means a facility that is not a “nursing facility” that supplies life assistance to its residents and is subject to regulation under Colo. Rev. Stats. §12-13-101 et seq. (see, also, “nursing facility,” for a different type of facility).

(9) *Nursing facility* means a facility, or a distinct part of a facility, which meets the nursing home licensing standards Health Facilities and Emergency Medical Services Division of the Colorado Department of Public Health is maintained primarily for the long term care and treatment of inpatients under the direction of a physician, and meets the requirements in 42 U.S.C. sec. 1396r for certification as a qualified provider of nursing facility services, as such definitions may be amended and revised by the Colorado General Assembly from time to time. (see, also, “life care facility” for a different type of facility).

(10) *Place of worship* means a facility used by an established religious organization holding either tax-exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where people gather to perform acts of religious faith and devotion. Accessory uses may include religious training, administrative offices, kitchen, meeting rooms. Other additional, related uses may be considered in certain zone districts under a conditional use permit.

(11) *Special trades contractor* means an individual or company which specializes in one (1) or more construction trades of which the following are examples: plumbing and heating, finish work, electrical work, glazing, insulation, carpentry and masonry. The business operation is distinguished from an office use due to storage of materials and/or parking of specialized vehicles next to the business.

B. Amended definitions are as follows:

(1) *Family*.

a. Current language: *Family* means one (1) or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group of individuals occupying a hotel.

b. Proposed language: *Family* means persons related by blood or marriage and occupying the premises together; or persons living as a factual and functional equivalent of a family and occupying the premises together. For purposes of this Chapter, a “functional family” is one that shares living spaces, shares household duties, and regularly shares meals; in contrast a group living together with separate, lock-out bedrooms, or each buying their own groceries or sharing the rent but living separately shall not be considered a family.

## 2. *Home Occupation.*

a. Current language: *Home occupation* means a gainful occupation conducted by members of the family, within its place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.

b. Proposed language: *Home occupation* means a gainful occupation conducted by members of the family, within its place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation, and provided further that this is not intended to prohibit sales by mail or other methods that do not typically involve customer visits to the dwelling unit.

## **Section 2:**

Section 16-145 of ARTICLE IX Supplemental District Regulations is amended to read as follows:

### *A. Current language:*

Sec. 16-145. Approval of building, site and operational plans.

(a) *Where required.* In the case of certain uses, the character of which could have a substantial adverse effect upon the surrounding environment and general character, such uses may be required, as a qualifying condition to their permissibility, to submit for approval of the Planning Commission building, site and operational plans.

(b) *Use by right not infringed.* Such required approval shall be limited solely to reasonable compliance with design, locational and operational requirements and shall not involve the basic permissibility of the use where such use is permitted by right.

(c) *Submittal.* Before issuing a building permit, the administrative official shall submit the necessary building, site and operational plans to the Planning Commission for its consideration. In the case of industrial uses permitted under Section 16-262(a), the Planning Commission shall refer such plans to the air pollution control and water pollution control sections of the State Department of Public Health for their review and recommendation. Building, site and operational plans shall be in sufficient detail to enable the Commission and other agencies to properly evaluate them and shall specifically include the following:

(1) A site plan of the property accurately dimensioned showing the location of all existing and proposed structures and uses.

(2) General building plans, including either elevations or perspective drawings showing the exterior appearance.

(3) A statement describing the basic operational characteristics of the proposed use.

(d) *Criteria.* In determining the acceptability of the building, site and operational plans, the Planning Commission shall take into consideration the following factors as well as any others it deems appropriate:

(1) The relationship of structures and uses to each other and to the site, with particular consideration of traffic circulation and access, screening of parking and storage areas and general appearance.

(2) The character of the operation in terms of its impact upon traffic facilities, sewage disposal, water supply and environmental character with particular consideration of the control of any possible noise, dust, odor or other undesirable operating characteristic.

B. Proposed language:

Sec. 16-145. Approval of site development plans.

(a) Where required. In the case of Planned Unit Developments, and other districts and uses where the character of which could have a substantial adverse effect upon the surrounding environment and community, such uses may be required, as a qualifying condition to their permissibility, to submit site development plans for review for Town approval.

(b) Use by right not infringed. Such required approval shall be limited solely to reasonable compliance with design, locational and operational requirements and unless otherwise specifically provided, shall not involve the basic permissibility of the use where such use is permitted by right.

(c) Applicability

The site development plan review required under this section shall apply to:

1) Any building, development or other project requiring design review by the Town as a condition of any zone district, approved Planned Unit Development or Annexation Agreement; and

2) Except as provided in this section, no application for a building permit for construction of or expansion of the building footprint of any building or structure shall be considered, approved or issued unless the proposed building, structure or expansion is shown on a development plan approved under this Article. This requirement shall not apply to any building shown on a plan substantially conforming to the requirements of this Article and approved by the Planning Commission or the Town Council of the Town prior to January 1, 2010.

(d) Johnstown Review Committee

1) Established. The Johnstown Review Committee is hereby established. In this Article, it may simply be referred to as "the JRC" In other ordinances and other articles of the Town Code it may be referred to as "the JRC" or by its full name. All such references shall be deemed to refer to the committee established under this section.

2) Membership. The Johnstown Review Committee shall consist of members of the Town staff, as designated by the Town Manager from time to time. The Town Manager may but

shall not be required to appoint one or more Town consultants to the Committee for review of particular types of projects or specific projects.

3) Authority and Responsibility. The Johnstown Review Committee shall have the following authority and responsibilities:

- a. To review site development plans submitted in accordance with this article;
- b. To conduct reviews assigned to such a staff committee or any committee with a similar name under approved Planned Unit Development plans and Annexation Agreements; and
- 4) To perform such other duties as may be assigned to it under other ordinances of the Town.

(e) Review and Decision Procedures

The following procedures shall apply to development plan review under this Article or to the review of any other plan required to be reviewed by the Johnstown Review Committee (JRC):

1) Types of Reviews. All development plans subject to this Article shall be reviewed under one of the following procedures:

a) Administrative. Any development plan for a site falling in a Planned Unit Development (PUD) which is subject to performance standards or design guidelines approved by the Town under an annexation agreement shall be subject to the administrative review. The JRC shall be responsible for all reviews and decisions.

b) Planning and Zoning Commission Review. Any development plan for a site not subject to sub-paragraph a), immediately above, but that falls in the Central Business District or a Gateway Zoning District shall be subject to Planning and Zoning Commission Review. Under this process, the Town staff shall provide the initial review of the proposed development plan and make a recommendation to the Planning Commission, which shall be responsible for all further reviews and decisions on such a development plan.

c) Full Review. Any other development plan shall be subject to a Full Review. Under the Full Review Process, Town staff shall provide the initial review of the proposed plan and make a recommendation to the Planning and Zoning Commission; the Planning Commission shall make its own recommendation on the development plan. The recommendation of the Planning and Zoning Commission shall be sent forward to the Town Council, along with the application. The Town Council shall be responsible for all further reviews and decisions on a development plan subject to Full Review.

2) Application Submittal and Initial Review. An applicant for site development plan review shall submit an application containing all of the information required under Sec. 16-154 to the Town Planner; the application shall include a cover sheet provided by the Town and shall be submitted in the number of copies and format specified on the cover sheet or accompanying instructions.

3) If the JRC has the final review authority on a proposed development plan under Sec. 16-157(1) a), it shall approve, approve with conditions or deny approval to a proposed development plan. Where practicable, it shall take action within forty-five (45) days of the complete application submittal.

4) If the Planning Commission is simply the recommending body on a proposed development plan under Sec. 16-153(c) 3), it shall make a recommendation on the proposed development plan;

5) If the Planning Commission has the final review authority on a proposed development plan under Sec. 16-157(1)(b), it shall approve, approve with conditions or deny approval to a

proposed development plan. Where practicable, it shall take action at the first meeting at which the proposed plan is considered. The Commission may, for good cause stated or on the request of the applicant, continue a proposed development plan to the next meeting of the Commission. If the Commission grants conditional approval to a proposed development plan and the conditions are sufficiently extensive such that it believes that it needs to review the plan again, the conditions may include a requirement that a revised development plan, conforming to the stated conditions, be presented to the Commission for review;

6) A development plan recommendation by the Planning Commission shall be considered by the Town Council at the next meeting of the Council occurring at least ten (10) days after the meeting at which the Committee made its recommendation, unless the applicant shall request that the matter be deferred to a future meeting. The Town Council shall give due consideration to the respective recommendations of the JRC if one is required and the Planning Commission but the Town Council shall retain the full authority to approve, approve with conditions or deny approval to the proposed development plan based on the standards and guidelines of this Article, regardless of the recommendation of the other review bodies;

7) Meetings at which development plans are reviewed shall be considered public meetings. The applicant and any person directly affected by the development plan, including owners of adjoining properties to which there will or may be pedestrian or vehicular connections, and public utilities, shall have the right to be heard. The review body may, in its discretion, choose to hear other persons;

8) Decisions by the JRC and the Planning and Zoning Commission may be appealed to the Town Council by any person aggrieved by filing a written notice of appeal with the Town Clerk within thirty days of the action of the Committee.

(f.) Site Development Plans

1) Plans may be drawn with scaled dimensions and need not be an engineering drawing with calculations or dimensions and survey closures. The plan must be clear and easy to read and review. The plan shall be prepared at a scale of not less than 1" = 100' and shall contain all information including but not limited to that required below:

- a. Legal description of the site, referring to an approved subdivision;
- b. Outer boundary lines of the site;
- c. Existing and immediately surrounding development, including collector and arterial streets, existing public sewers, public water supply and storm drainage systems;
- d. Location and dimensions of all existing streets, alleys, utility easements, drainage areas, irrigation ditches and laterals and all other significant features;
- e. Existing streets or rights-of-way adjacent to the site; name, right-of-way width and location; type, width and elevation of surfacing; curbs, gutters, sidewalks and culverts;
- f. Location of all existing buildings and other structures on the site, indicating which buildings and structures will remain and which will be removed during the site development process;
- g. Location of all proposed buildings and other structures on the site, including any proposed expansions of existing structures;
- h. Location, dimensions and purpose of all existing or proposed easements and rights-of-way to be reserved or dedicated for public use, such as those for utilities, storm drainage or other purposes;

i. A topographic map of ground elevations on the site based on the United States Geological Survey datum plane or a datum plane approved by the Planning Commission showing contours at two (2) foot intervals;

j. An engineered drainage plan, or, if the subdivision of which the lot is a part includes a Town- approved drainage plan, relevant portions of the approved plan and any proposed modifications to it;

k. The physical location of all proposed elements of the drainage system, including but not necessarily limited to ponds, swales, storm drains, collection and discharge facilities;

l. A utilities plan, to include location and size of existing utilities within and adjacent to the lot, including water, sewer, electricity, gas and telephone, and the location of existing and proposed utility easements through any portion of the site;

m. A proposed landscaping plan, including calculations and plant materials list which demonstrate that the proposed plan conforms to the Town's landscaping and buffering requirements;

n. A proposed site circulation plan for vehicles, including but not necessarily limited to: access lanes for parking, fire and emergency access lanes, connections to adjoining development other than single-family dwellings; driveways and other access points to the public street system;

o. A proposed site circulation plan for pedestrians, including but not necessarily limited to: safe pedestrian access from parking areas to buildings on the site; safe pedestrian access from buildings on the site to public sidewalks; safe pedestrian access from buildings on the site to adjoining land uses, including residential neighborhoods to which there may not be direct vehicular connections;

p. A proposed parking plan, supported by calculations showing that the proposed plan conforms to off-street parking requirements of the Town;

q. A proposed parking or storage plan for bicycles;

r. For any development with proposed drive-up or drive-through facilities, proposed stacking areas, supported by calculations showing that the proposed plan conforms to stacking requirements of the Town;

s. For any manufacturing, wholesale, retail, warehouse or similar use involving the manufacture, storage or sale of goods as a principle business activity, proposed loading areas;

t. For any use for which outdoor sales or storage of goods is contemplated or may occur, proposed areas for outdoor sales, display or storage, including proposed screening of such areas;

u.. A plan which shows proposed outdoor lighting, including the size, type and height of fixtures. For development adjoining residential uses, a photometric analysis with an engineer's certification that the proposed lighting plan will meet a lighting level of 0.2 foot-candle or less at the property line;

v. Building elevations and details for all sides of all buildings included in the project; for a project including multiple buildings following a general plan, the applicant may submit typical elevations and details;

w. A master signage plan showing the size, height, location, design and lighting of all signs that will or may require a permit. Informational or directional signs not requiring a permit (such as on-site traffic signs, "no parking" signs and other non-commercial signs) need not be shown on the plan. For a project including multiple tenants, the master signage plan shall indicate how total permitted signage is to be allotted among individual tenants or other users. The master signage plan included for review shall not include any reference to the message to be included on such signs; design shall be illustrated with representative, placeholder words; and

x. Such additional information as may reasonably be required to determine that the proposed development conforms to all applicable regulations of the Town.

(g.) Standards for Review

Site development plans may be approved if they are found to conform to all of the following standards:

1) Zoning. The location and height of all buildings on the development shall conform to applicable height, bulk, yard, setback and building coverage standards applicable to the zoning district affecting the development or set forth in an approved Planned Unit Development or similar plan for the site;

2) Design Guidelines. Conformance with approved performance standards or design guidelines;

3) Utilities. The site design and proposed utility easements shall provide for safe and adequate access and connections to all utilities and allow for reasonable access for future repairs;

4) Stormwater and Drainage. The proposed stormwater and drainage design for the site conforms to the Johnstown Stormwater Master Plan and Public Improvement Design Criteria and Construction Regulations.

5) Parking. The number, location and design of proposed parking spaces meets all of the following requirements:

a) The location, size and design conform to Section 16-143 of the Zoning Ordinance or to any successor section controlling off-street parking;

b) the proposed parking areas will not be reduced by loading, stacking, outdoor sales or display of products, or any allowed locations for temporary structures for on-site storage;

c) The location and design are consistent with plans for safe and efficient pedestrian and vehicular circulation on the site;

d) Any site required to have 20 or more vehicular parking spaces shall provide one bicycle parking space for each 20 vehicular spaces; such bicycle parking spaces shall include bike racks or lockers that allow a user to lock a bike and shall be located within a short walking distance of the principal entrance(s) to buildings on the site. With the approval of the review body, one required vehicular parking space may be eliminated for each 20 bicycle parking spaces provided;

6) Loading. The size, location and design of proposed loading areas shall conform to Section 16-144 of the Zoning Ordinance or to any successor section controlling off-street parking;

7) Stacking. If any proposed use will involve drive-through or drive-up facilities, the development plan includes adequate stacking spaces (generally five stacking spaces for each drive-through or drive-up lane) for such facilities, with such stacking spaces or areas located and designed so that they do not impair site circulation for vehicles or pedestrians and do not have the effect of reducing available parking spaces;

8) Landscaping. The proposed landscaping conforms to the Town of Johnstown Landscape Standards and Specifications, adopted July 19, 2004, as such standards and specifications may be amended from time to time;

9) Lighting. The proposed lighting conforms to applicable provisions of the Zoning Ordinance (some of which vary by zoning district);

10) Signs. The location, size and height of any freestanding signs shall conform to the standards of Article XX of the Zoning Ordinance.



11) Circulation – Vehicular. The site design provides for safe and efficient vehicular circulation, including driveway connections conforming to the Town of Johnstown Transportation Plan, and including such shared driveways or cross-access easements and ways to adjoining uses (existing or future) as may be practicable;

12) Circulation – Pedestrian. The site design provides for safe and efficient pedestrian and vehicular circulation, including:

a) Safe walkways from parking areas to buildings on the site, minimizing the extent to which pedestrians must cross vehicular travel lanes and providing narrowed or distinctive pavement to increase the safety of such crossings;

b) Safe walkways between buildings on the site;

c) Connections to existing or planned public sidewalks on the same side of any streets adjoining the site;

d) Pedestrian connections to adjoining residential neighborhoods that may not have direct vehicular connections to the site.

(h.) Final Version for File

(a) After approval of the site development plan, the applicant shall provide to the Town Planner a final copy for the records of the Town. That plan shall incorporate all changes, amendments and conditions to the development plan that resulted from the review process.

(i.) Effect of Approved Site Development Plan

After approval of a site development plan, the following actions may be taken by applicant only if they are consistent with the approved development plan as to location, extent and design, as well as with all applicable ordinances of the Town:

1) Construction of any building or other structure, including building elevation and design; if any proposed building differs from approved typical elevations, the revised elevations for the individual building may be submitted to the Town for separate review;

2) Installation of any permanent sign or similar structure;

3) Installation or placement of any accessory or temporary structure, including trailers and modular units used for storage or other purposes;

4) Paving, layout or actual use of any parking area;

5) Installation or permanent removal of any landscaping (routine replacement of landscaping materials with like materials is allowed);

6) Installation or construction of any fence or wall;

7) Outdoor display or sale of merchandise;

8) Installation and operating of outdoor lighting on the site; or

9) Any other site disturbance or construction that will permanently add, remove or significantly alter any visible physical feature of the site (routine excavations for repairs, allowed construction and other purposes consistent with the development plan shall not be affected).

(j.) Standards for Review

The Johnstown Review Committee, or Planning and Zoning Commission and Town Council, as applicable, shall approve a proposed development plan application if and only if it conforms to all of the following standards:

1) Zoning. The location and height of all buildings on the development will conform to applicable height, bulk, yard, setback and building coverage standards effective in the zoning

district affecting the development or set forth in an approved Planned Unit Development or similar plan for the site;

2) Utilities. The site design and proposed utility easements provide for safe and adequate access and connections to all utilities and allow for reasonable access for future repairs;

3) Stormwater and Drainage. The proposed stormwater and drainage design for the site conforms to the Johnstown Stormwater Master Plan and Public Improvement Design Criteria and Construction Regulations;

4) Parking. The number, location and design of proposed parking spaces meets all of the following requirements:

a) The location, size and design conform to Section 16-143 of the Zoning Ordinance or to any successor section controlling off-street parking;

b) the proposed parking areas will not be reduced by loading, stacking, outdoor sales or display of products, or any allowed locations for temporary structures for on-site storage;

c) The location and design are consistent with plans for safe and efficient pedestrian and vehicular circulation on the site;

d) Any site required to have 20 or more vehicular parking spaces shall provide one bicycle parking space for each 20 vehicular spaces; such bicycle parking spaces shall include bike racks or lockers that allow a user to lock a bike and shall be located within a short walking distance of the principal entrance(s) to buildings on the site. With the approval of the review body, one required vehicular parking space may be eliminated for each 20 bicycle parking spaces provided;

5) Loading. The size, location and design of proposed loading areas conform to Section 16-144 of the Zoning Ordinance or to any successor section controlling off-street parking;

6) Drive-through lane capacity. If any proposed use will involve drive-through or drive-up facilities, the development plan shall provide adequate capacity (generally five vehicles for each drive-through or drive-up lane) for such facilities, with such spaces or areas located and designed so that they do not impair site circulation for vehicles or pedestrians and do not have the effect of reducing available parking spaces;

7) Landscaping. The proposed landscaping conforms to the Town of Johnstown Landscape Standards and Specifications, adopted July 19, 2004, as such standards and specifications may be amended from time to time;

8) Lighting. The proposed lighting conforms to applicable provisions of the Zoning Ordinance (some of which vary by zoning district);

9) Signs. The location, size and height of any freestanding signs shall conform to the standards of Article XX of the this Chapter.

10) Circulation – Vehicular. The site design provides for safe and efficient vehicular circulation, including driveway connections conforming to the Town of Johnstown Transportation Plan, and including such shared driveways or cross-access easements and ways to adjoining uses (existing or future) as may be practicable;

11) Circulation – Pedestrian. The site design provides for safe and efficient pedestrian and vehicular circulation, including:

a) Safe walkways from parking areas to buildings on the site, minimizing the extent to which pedestrians must cross vehicular travel lanes and providing narrowed or distinctive pavement to increase the safety of such crossings;

b) Safe walkways between buildings on the site;

c) Connections to existing or planned public sidewalks on the same side of any streets adjoining the site;

d) Pedestrian connections to adjoining residential neighborhoods that may not have direct vehicular connections to the site.

(k.) Additional Guidelines for Review

The Johnstown Review Committee, Planning and Zoning Commission or Town Council, as applicable, may consider the additional guidelines listed below in deciding whether to approve a proposed development plan. In case of any conflict between the Municipal Code including the standards set forth in Sect. 16-158, and any of these guidelines, the Municipal Code shall control: Copies of any documents identified below must be readily available to applicants for development plan approval; if the Town cannot immediately produce and provide a copy of any such document to an applicant, the review body may not rely on that document in reviewing the applicant's proposed plan. Guidelines included under this section include:

1) The Town of Johnstown Transportation Master Plan, as amended in 2008 and as amended from time to time;

2) The Town of Johnstown Area Comprehensive Plan, as amended in 2006 and as amended from time to time;

3) The Town of Johnstown Design Guidelines, as adopted in 2005 and as amended and updated from time to time; and

4) Downtown Design Guidelines as adopted in 2009 and as amended from time to time; and

5) Any design or similar guidelines adopted under an annexation agreement or planned unit development approval that includes the site under review.

**Section 3.**

Section 16-182 of ARTICLE XI Single-Family Residential SF-1 District is amended as follows:

a. Sec. 16-182. Use regulations.

A building or lot may be used for the following uses and no other:

(1) Principal uses permitted by right:

Add: d. Family child-care homes

(3) 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.

a. Current language:

b. Nursing and rest homes;

c. Churches;

b. Proposed language:

b. Nursing homes and life care facilities;

c. Places of Worship

## **Section 4**

Section 16-202 of ARTICLE XII Single-Family Attached Residential SF-2 District is amended as follows:

Sec. 16-202. Use regulations.

A building or lot may be used for the following purposes and no other:

(1) Principal uses permitted by right:

a.. Current language:

- a. Single-family attached dwellings of two (2) or more units, but not more than six (6) dwelling units per structure.
- b. Public parks and recreation areas.
- c. Public and private schools.

b. Proposed language:

- a. Single-family attached dwellings of two (2) or more units, but not more than six (6) dwelling units per structure.
- b. Public parks and recreation areas.
- c. Public and private schools.
- d. Group homes;
- e. Family child-care homes;

(3) 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.

Add: c. Place of Worship

## **Section 5**

ARTICLE XIII Multifamily Residential MF-1 District is amended as follows:

Sec. 16-222. Use regulations.

A building or lot may be used for the following purposes and no other:

(1) Principal uses permitted by right:

a. Current language:

- a. Multifamily dwellings of two (2) or more units; and
- b. Public parks and recreation areas.

b. Proposed language:

- a. Multifamily dwellings of two (2) or more units;

- b. Group homes;
- c. Family child-care homes;
- d. Public parks and recreation areas.

(2) 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: any conditional use permitted in the Single-Family Residential SF-1 District.

Add: c. Place of Worship

**Section 6:**

ARTICLE XIV Central Business CB District is amended to read as as follows:

*a. Current Language:*

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 a center of community activity. It is the further intent of this district to conserve and enhance the existing central business area for the benefit of the community as a whole

*b. Proposed language:*

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 nearby shopping and services.

Sec. 16-242. Use regulations is amended as follows:

*a. Current language:*

Sec. 16-242. Use regulations. A building or lot may be used for the following purpose and no other:

(1) *Principal uses permitted by right:*

- a. Retail stores:
  - 1. Food store, supermarket;
  - 2. Food store, convenience;
  - 3. Delicatessen;
  - 4. Bakery goods store;
  - 5. Liquor store;

6. Hardware store; and
  7. Drugstore.
- b. Customer service establishments:
    1. Barber and beauty shops;
    2. Restaurant and bar;
    3. Shoe repair shop;
    4. Laundromat and coin-operated dry cleaning establishment; and
    5. Fine art studio.
  - c. Business and professional offices;
  - d. Banks and savings and loans;
  - e. Medical and dental clinics;
  - f. Public administrative offices and service buildings;
  - g. Public utility offices and installations;
  - h. Public library;
  - i. Private club or lodge;
  - j. Commercial lodging;
  - k. Theater;
  - l. Minor repair, rental and servicing establishments; and
  - m. Passenger transportation terminals, not including trucking terminals.

(2) *Permitted accessory uses.* The following subject to approval by the Planning and Zoning Commission of building, site and operational plans as provided in Section 16-145:

- a. Garages for storage of vehicles used in conjunction with the operation of a business;
- b. Off-street parking and loading areas;
- c. Signs;
- d. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business;
- e. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

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

- a. Commercial parking facilities; and
- b. Gasoline service stations.
- c. Motor vehicle repair and maintenance

b. Proposed language:

Principal uses permitted by right. The following uses shall be permitted in this district subject to approval by the Planning and Zoning Commission of a site development plan. Change of permitted uses and minor changes to site plans within existing properties and buildings is subject to administrative site development plan review for compliance with parking, loading and signage requirements.

(1) Principal uses permitted by right;

a. Retail stores:

1. Food store, supermarket;
2. Food store, convenience without vehicle fuel sales
3. Delicatessen;
4. Bakery goods store;
5. Liquor store;
6. Hardware store;
7. Drugstore;
8. Clothing and accessories store;
9. Media stores including music, magazines, and newspapers.
10. Ice cream shops;

b. Customer service establishments:

1. Barber and beauty shops;
2. Restaurant and bar, excluding drive-up or drive-thru windows;
3. Shoe repair shop;
4. Laundromat and coin-operated dry cleaning establishment; and
5. Fine arts or crafts studio, including a “live-work” space occupied by an artist or craftsperson and also used as a studio and/or sales gallery

- c. Business and professional offices, excluding special trades contractors.
- d. Banks and savings and loans;
- e. Medical and dental clinics;
- f. Public administrative offices and service buildings;

- g. Public utility offices;
- h. Public library;
- j. Private club or lodge subject to requirements of sub-section (2) of this section regarding frontage.
- k. Commercial lodging;
- l. Theater; live stage or recorded media, subject to restrictions of sub-section (2) of this section regarding frontage.
- m. Places of worship, subject to sub-section (2) of this section regarding frontage.
- .n. Passenger transportation terminals, not including trucking terminals; and
- o. Dwelling units located above the first floor.
- p. Elderly housing, including assisted living facilities and skilled nursing facilities.

(2) Conditions on Public Assembly Uses. To maintain a pedestrian-friendly experience along the major streets of the CBD, any theater, club, lodge, religious institution or other place of public assembly located in the CBD district shall be subject to the following limitation. Such use shall not have more than 50 feet of blank wall (i.e., no active storefront windows) along street frontage on the first floor:

(3) Permitted accessory uses, subject to site development plan review.

- a.. Signs;
- b. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business;
- c. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

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

- a. Commercial parking facilities;
- b. Gasoline sales.
- c. Motor vehicle repair and maintenance, within an enclosed structure.
- d. Residential uses

Sec. 16-243. Intensity of Use.

The intensity of use of a site shall not exceed a floor/area ratio of three-to-one.

Sec. 16-244. Building location.

There are no minimum or maximum setbacks in this district. There is no minimum offset in this district.

Sec. 16-245. Open space.

There is no minimum required open space in this district, regardless of whether a building includes one or more dwelling units.

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

The parking standards of Section 16-143 shall apply to uses in the CBD District, except as set forth in this section. To maintain the walkable character of the CBD, it is the policy of the Town to discourage to the maximum extent practicable the location of off-street parking or garages with driveways onto South Parish and South First Streets. Alternative parking arrangements, including shared parking, off-site parking, reserved or otherwise designated public parking or other arrangements are encouraged and shall be considered for appropriateness and adequacy as part of the site plan review process. The Town may provide additional downtown public parking



paid for by a fee-in-lieu-of-parking spaces in which developers would contribute to the cost of constructing such parking. 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 the variance does not exceed 10%.

Sec. 16-247. Off-street loading requirements.

To maintain the walkable character of the CBD, loading for retail uses is allowed from streets and alleys. Other permitted uses shall provide off-street loading that conforms to the requirements of Section 16-144, but off-street loading areas shall not be located along or with direct access to or from South Parish or South First Streets.

### **Section 7:**

A new ARTICLE XIV-B Neighborhood Commercial NC District is added, as follows:

Sec. 16-251. Statement of intent.

This district is intended to provide for the development of small, walkable, neighborhood friendly commercial developments within or adjoining planned residential developments.

Sec. 16-252. Use regulations.

A building or lot may be used for the following purpose and no other:

(1) Principal uses permitted by right:

a. Retail stores:

b. Customer service establishments:

c. Business and professional offices;

d. Banks and savings and loans, without drive-up or drive-through facilities;

e. Medical and dental clinics (out-patient treatment only);

f. Public administrative offices and service buildings;

g. Dwelling units above the first floor;

(2) Size limitations. No single use in this district shall occupy more than 3,000 square feet of gross leasable area. No center or other combination of uses on a single site in this district shall occupy more than 10,000 square feet of gross leasable area.

(3) Permitted accessory uses. The following uses shall be permitted subject to approval by the Planning and Zoning Commission of development plans as provided in Section 16-145:

a. Signs;

b. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business;

c. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

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

a. Accessory off-street parking areas;

Sec. 16-253. Intensity of Use.

The intensity of use of a site shall not exceed a floor/area ratio of two. Building height shall not exceed that of adjoining residential.

Sec. 16-254. Building location.

The maximum front setback is five feet. The minimum setback from any lot containing or zoned for a single-family dwelling is 30 feet. The minimum offset is five feet.

Sec. 16-255. Open space.

At least twenty (20) percent of the area of any site shall be maintained as required open space.

Sec. 16-2564. Off-street parking requirements.

The off-street parking requirements of Section 16-143 shall apply to uses in the NC District, except as set forth in this section. To maintain the walkable character of the NC District, it is the policy of the Town to discourage to the maximum extent practicable off-street parking areas that disrupt the pedestrian-oriented character of shopping in NC districts or the pedestrian connections to adjoining and nearby residential neighborhoods. Alternative parking arrangements, including shared parking, off-site parking, reserved or otherwise designated public parking or other arrangements are encouraged and shall be considered for appropriateness and adequacy as part of the site plan review process. Uses shall be credited with available on-street parking spaces directly in front of the proposed uses on the same side of the street. The Planning 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 it finds that the parking needs of the proposed uses can be met without using on-street parking in front of existing or future single-family residential uses.

Sec. 16-257. Off-street loading requirements.

The off-street loading requirements of Section 16-144 do not apply in this district; such loading areas are not permitted.

**Section 8:**

A new ARTICLE XV-B Gateway Commercial GC District is added, as follows:

**Sec. 16-278. Statement of intent.**

This district is intended to provide for a variety of highway-oriented, vehicle-oriented, high traffic generating commercial uses. (Ord. 526, 1996)

Sec. 16-279. Use regulations.

(a) Principal uses permitted by right. The following uses shall be permitted in this district:

1. Food store, supermarket;
2. Food store, convenience with or without gasoline sales;
3. Delicatessen;
4. Bakery goods store;
5. Liquor store;
6. Retail sale of gasoline, auto supplies and parts;
7. Home improvement store, lumber yard, hardware store or any similar use;
8. Nursery and/or garden supply store;

9. Drugstore, with or without drive-up or drive-through facilities; and
10. Media store;
11. Furniture store;
12. Appliance store;

b. Customer service establishments:

- c. Business and professional offices;
- d. Banks and savings and loans, with or without drive-up or drive-through facilities;
- e. Medical and dental clinics, including same-day surgery and similar facilities;
- f. Public administrative offices and service buildings;
- g. Public utility offices and facilities;
- i. Private club or lodge;
- j. Hotel or motel;
- k. Multi-screen theater complex;
- m. Place of worship;
- n. Indoor recreational facilities, including but not limited to swimming pools, gymnasiums, dance studios, and skating rinks;
- o. Outdoor recreational facilities not involving the use of motorized vehicles other than golf carts;
- p. Passenger transportation terminals, not including trucking terminals;
- q. Printing and publishing houses and related activities;
- r. Automobile and light truck service, not including body repair shops;
- s. Public utility offices and installations;
- t. General administrative offices, except construction trade with service vehicles;

(b) Permitted accessory uses:

1. Office, storage, power supply and other such uses normally auxiliary to the principal industrial use;
2. Parking and service areas;
3. Accessory signs;
4. Residential quarters for guards or caretakers; and
5. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

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

1. Auto, heavy truck and/or equipment sales and rental including, but not limited to, farm implements, manufactured housing,, construction equipment and recreational vehicles;
2. Auto, Heavy truck or equipment service.

Sec. 16-279A. Limitation on external effects of uses.

All fuel, raw materials and products stored outdoors shall be enclosed by a solid fence, wall or permanent landscape planting adequate to conceal such fuel, raw materials and products from adjacent residential and commercial districts and from adjacent streets.

Sec. 16-279B. Lot size.

The minimum lot area is thirty thousand (30,000) square feet.

Sec. 16-279C. Building location.

The minimum setback is thirty (30) feet.

The minimum offset is twenty (20) feet. Where this district adjoins a residential district, structures located in this district shall be set back or offset a minimum distance of two hundred (200) feet and shall be permanently screened with a vegetative screen area at least six (6) feet wide and fifteen (15) feet high.

Sec. 16-279D. Off-street parking requirements.

See Section 16-143.

Sec. 16-279E. Off-street loading requirements.

See Section 16-144.

### **Section 9:**

ARTICLE XV-A Gateway District is amended to read as follows

Sec. 16-272. Use regulations.

1. Add: Retail sales of products fully assembled or manufactured on the premises provided that such use occupies no more than 25% of the total area of the primary use.

Amend Sec. 16-273. Limitation on external effects of uses, as follows:

a. Current language:

(b) All fuel, raw materials and products stored outdoors shall be enclosed by a solid fence or wall adequate to conceal such fuel, raw materials and products from adjacent residential and commercial districts.

b. Proposed language:

All materials and products stored outdoors shall be fully concealed from view of persons in adjacent residential and commercial districts and public streets by a solid fence or wall up to eight (8) feet in overall height.

### **Section10:**

Amend Section 16-301 Purpose and Intent of Article XVII, Planned Unit Development, as follows:

a. Current language:

(b) The following classifications of Planned Unit Development shall be permitted where consistent with the designated land uses of the Comprehensive Plan:

PUD-R Planned Unit Development  
Residential District

PUD-I Planned Unit Development  
Industrial District

PUD-B Planned Unit Development  
Business District

PUD-MU Planned Unit Development  
Mixed Use District

The above-listed zoning clarifications may be established through initial zoning when petitioning for annexation. In addition, a PUD may be established in an existing residential, commercial or industrial zoning district as an overlay. Principal permitted uses and, subject to appropriate criteria, conditional and accessory uses of the underlying zoning district are permitted in the PUD; however, the restrictions, controls and incentives of the applicable PUD classification shall apply to the overlay. PUD-R may be processed as an overlay in the SF-1, SF-2 and MF-1 districts; PUD-B in the CB and SC districts; and PUD-I in the I-1 and Gateway districts. The application of an overlay district does not require rezoning, therefore the property shall retain its existing zoning classification. The PUD classification PUD-MU in all cases and in all other PUDs when associated with an annexation shall not be considered as an overlay district, and therefore shall be subject to initial zoning or rezoning procedures.

(c) The following chart identifies whether the respective PUD districts may be used as an overlay or involves rezoning:

	<u>Overlay</u> <u>In Town</u>	<u>Rezone</u> <u>In Town</u>	<u>New Zone</u> <u>Annex*</u>	
PUD-R	yes		no	yes
PUD-I	yes	no	yes	
PUD-B	yes		no	yes
PUD-MU	no		yes	yes

\*The property owner has the option of requesting a straight base zone (e.g. SF-1, CB, I-1) or PUD zone at the time of annexation. The property owner is not required to initiate the PUD review and approval process in order to obtain PUD zoning along with an annexation petition. Reference should be made to the Town's annexation procedures to identify requirements for ultimate annexation.

b. Proposed language:

(b) The following classifications of Planned Unit Development shall be permitted where consistent with the designated land uses of the Comprehensive Plan:

PUD-R Planned Unit Development Residential District

PUD-MU Planned Unit Development Mixed Use District

PUD-V Planned Unit Development Village Center District

The above-listed zoning clarifications may be established through initial zoning when petitioning for annexation. In addition, a PUD may be established in an existing residential, commercial or industrial zoning district as an overlay. Principal permitted uses and, subject to appropriate criteria, conditional and accessory uses of the underlying zoning district are permitted in the PUD; however, the restrictions, controls and incentives of the applicable PUD classification shall apply to the overlay. PUD-R may be processed as an overlay in the SF-1, SF-2 and MF-1 districts; PUD-B in the CB district. The application of an overlay district does not require rezoning, therefore the property shall retain its existing zoning classification. The PUD classification PUD-MU in all cases and in all other

PUDs when associated with an annexation shall not be considered as an overlay district, and therefore shall be subject to initial zoning or rezoning procedures.

(c) The following chart identifies whether the respective PUD districts may be used as an overlay or involves rezoning:

	<u>Overlay In Town</u>	<u>Rezone In Town</u>	<u>New Zone Annex*</u>
PUD-R	yes	no	yes
PUD-MU	no	yes	yes
PUD-V	yes	yes	yes

\*The property owner has the option of requesting a straight base zone (e.g. SF-1, CB) or PUD zone at the time of annexation. The property owner is not required to initiate the PUD review and approval process in order to obtain PUD zoning along with an annexation petition. Reference should be made to the Town's annexation procedures to identify requirements for ultimate annexation.

Amend Section 16-302 (d) as follows:

a. Current language:

(d) PUD-MU, Planned Unit Development Mixed-Use District:

(1) Intent. The PUD-MU District is created to allow the integration of residential, commercial and industrial development within an area so as to facilitate the formation of a self-sustaining project. Light industrial uses, including those permitted in I-1 and Gateway zones, are permitted, provided they complement the commercial uses and do not substantially negatively impact the residential uses. The following provisions apply to the PUD-MU District:

a. The developer must establish that a special type of business and professional community will be created in which the addition of residential units would be a benefit to the business and professional development and the citizens who occupy the residential units.

b. The Town shall pay special attention as to how the design of the PUD-MU District will affect the environment of the citizens who would occupy the residential units.

c. The number of residential units that may be built is flexible, but said number must achieve an acceptable balance for self-supporting neighborhoods.

d. If retail uses are proposed for mixed use developments, said uses shall be consistent with the land use designation of the Comprehensive Plan or otherwise be consistent with the criteria for neighborhood or convenience commercial.

e. Commercial and industrial development within a PUD shall be located so as not to create undue traffic congestion or street hazards. Location of sufficient off-street parking and loading area shall be determined as appropriate to the particular PUD. Consideration shall be given to anticipated pedestrian, bicycle and vehicular impacts, adjacent development providing multiple use of off-street parking facilities and the types of commercial uses implicated.

f. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics and lighting shall be designed as integrated portions of the total PUD.

(2) Size. There is no minimum size for the PUD-MU District.

(3) Uses permitted. Within a PUD-MU District, the following uses shall be permitted subject to meeting all applicable criteria and regulations: any permitted, conditional or accessory use allowed in any zone.

(4) Supplemental mixed use regulations. Multifamily dwellings may be constructed above commercial uses provided:

a. Separate access to dwelling units is provided.

b. No commercial uses shall occupy the same floor as occupied by dwelling units.

b. Proposed language:

(1) Intent. The PUD-MU Mixed Use District is created to allow the integration of higher-density residential, commercial and employment/light industrial development within an area so as to facilitate the formation of a self-sustaining project. Light industrial uses are permitted, provided they complement the commercial uses and do not substantially negatively impact the residential uses. The following provisions apply to the PUD-MU District:

a. The developer must establish that a special type of business and professional community will be created in which the addition of residential units would be a benefit to the business and professional development and the citizens who occupy the residential units.

b. The land use arrangement, physical design and amenities of PUD-MU District will be considered for their benefit to the citizens who would occupy the planned residential units.

c. The number of residential units that may be built is flexible, but said number must achieve an acceptable proportion with commercial development to allow the development to be self-supporting. A fiscal impact study may be required to determine if the plan is self-supporting.

d. Retail uses shall be consistent with the land use designation of the Comprehensive Plan or otherwise be consistent with the criteria for neighborhood or convenience commercial.

Mixing various types of residential units and neighborhood commercial uses is typically appropriate in an MU PUD. If larger or more intensive commercial uses or warehouse or industrial uses are included, it is the intent of the Town that they have access from arterial streets that do not pass through residential neighborhoods in the PUD, that truck access be isolated from typical pedestrian and light vehicle circulation patterns, and that such uses be buffered from residential and mixed-use neighborhoods with appropriate combinations of separation, berms, landscaping, walls and fences.

The following residential unit types are allowed in an MU PUD: any residential unit type allowed in the SF-2 District; any residential unit type allowed in the MF-1 District; in commercial areas of an MU PUD, residential uses above the first floor.

The following commercial uses are allowed in residential or mixed residential-commercial portions of an MU PUD: any commercial use allowed in the NB District; the size limit on individual establishments set forth in the NB District shall apply in the residential or mixed residential-commercial portions of an MU-PUD, but the size limits imposed on centers and the setback requirements from other uses applicable to the NB District shall not apply in these sections of the MU-PUD.

Commercial and industrial development within a PUD shall be located so as not to create undue traffic congestion or street hazards. Location of sufficient off-street parking and loading area

shall be determined as appropriate to the particular PUD. Consideration shall be given to anticipated pedestrian, bicycle and vehicular impacts, adjacent development providing multiple use of off-street parking facilities and the types of commercial uses implicated.

Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics and lighting shall be designed as integrated portions of the total PUD.

(2) Size. There is no minimum size for the PUD-MU District.

(3) Uses permitted. Within a PUD-MU District, the following uses shall be permitted subject to meeting all applicable criteria and regulations: any permitted, conditional or accessory uses allowed in PUD-R, PUD-B, PUD-NC, Gateway and Gateway Commercial.

(4) Supplemental mixed use regulations.

a. Multifamily dwellings may be constructed above commercial uses provided that there is separate access to dwelling units.

b. No commercial uses shall occupy the same floor as occupied by dwelling units.

## **Section 11**

Add new Section 16-302 (e) as follows:

(e) PUD-V, Planned Unit Development Village District

A new ARTICLE XIV-B Neighborhood Commercial NC District is added, as follows:

Sec. 16-. Statement of intent.

This district is intended to provide for sub-regional and community commercial developments as well as an assortment of medium-density housing options. Village centers will typically occupy 20 acres or more.

Sec. 16-. Use regulations.

A building or lot may be used for the following purpose and no other:

(1) Principal uses permitted by right:

a. Retail stores

b. Customer service establishments;

c. Business and professional offices;

d. Banks and savings and loans, with or without drive-up or drive-through facilities;

e. Medical and dental clinics (out-patient treatment only);

f. Public administrative offices and service buildings;

h. Neighborhood Institutional uses;

(2) Permitted accessory uses. The following uses shall be permitted in this district subject to approval by the Planning and Zoning Commission of development plans as provided in Section 16-145:

a. Signs;

b. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business;

c. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.



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

- a. Convenience store with gasoline sales;
- b. Automobile and light truck service and repair excluding body and paint shops

Sec. 16-253. Intensity of Use.

The intensity of use of a site shall not exceed a floor area to site area ratio of three to one. Building heights shall not exceed heights of adjoining existing development.

Sec. 16-254. Building location.

The minimum setback and offset requirements shall be as approved in the development plans.

Sec. 16-255. Open space.

At least twenty (20) percent of the area of any site shall be maintained as required open space.

Sec. 16-256. Off-street parking requirements.

The off-street parking requirements of Section 16-143 shall apply to uses in the District, except as set forth in this section. To maintain the walkable character of the District, it is the policy of the Town to discourage to the maximum extent practicable off-street parking areas that disrupt the pedestrian-oriented character of shopping in districts or the pedestrian connections to adjoining and nearby residential neighborhoods. Alternative parking arrangements, including shared parking, off-site parking, reserved or otherwise designated public parking or other arrangements are encouraged and shall be considered for appropriateness and adequacy as part of the site plan review process. Uses shall be credited with available on-street parking spaces directly in front of the proposed uses on the same side of the street. 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 it finds that the parking needs of the proposed uses can be met without using on-street parking in front of existing or future single-family residential uses.

Sec. 16-257. Off-street loading requirements.

Off-street loading requirements shall be as established in the approved development plan.

**Section 12. Publication and Effective Date.** This Ordinance shall take effect 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 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Mark Romanowski, Mayor

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

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Mark Romanowski, Mayor