

ORDINANCE NO. 23-474

**AN ORDINANCE ADOPTING AN OVERLAY ZONE IN
THE 'D' BUSINESS DISTRICT OF THE ZONING CODE**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JULESBURG,
COLORADO:**

WHEREAS, the Town Board has authority pursuant to C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to that authority, the Board previously adopted local land use regulations, codified in Chapter 17 of Town of Julesburg Municipal Code (the "Code") concerning zoning districts; and

WHEREAS, pursuant to that authority, the Board desires to adopt certain rules and regulations to create a new central business zoning overlay district in the downtown area of the Town to ensure it remains a viable commercial and historic area; and

WHEREAS, the Town Board of Trustees has determined that it serves the interests of the business district to allow residential uses in the Business District; and

WHEREAS, the Town Board has approved variances for residential uses in the Business District with limited conditions in the past; and

WHEREAS, it has come to the attention of the Board that there are individuals interested in converting some properties in the Business District to allow for residential; and

WHEREAS, the Board finds it in the best interest of the general health, safety and welfare of its citizens, customers and business owners to adopt this new section to Chapter 17 of the Code establishing a Central Business Zoning Overlay district, the boundaries of which include all areas currently zoned in the 'D' Business District.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF JULESBURG, COLORADO:**

SECTION 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Board of Trustees.

SECTION 2. A new Section 17.24.060, concerning zoning overlay districts, is hereby established as follows:

Sec. 17.24.060 - Business District Overlay.

(a) Purpose. This Section's intent and purpose is to ensure the quality of development in the zoning overlay districts by establishing regulations, design criteria and standards that will allow the Town to review and direct the development and redevelopment of properties within the zoning overlay districts. Zoning overlay districts shall be designated on the Town's Zoning Map. The provisions of this Section shall be applied **in** addition to any other applicable regulations of this Chapter.

(b) Business Zoning Overlay District.

- (1) Purpose. The purpose of the Business Zoning Overlay District is to establish standards to preserve and protect the downtown area as a viable commercial district, and to ensure that future development is designed and planned in a manner compatible with those goals.
- (2) Applicability. The standards of the Business Zoning Overlay District shall apply to all development on parcels within the Business Zoning Overlay District.
- (3) Areas. The boundaries of the Business Zoning Overlay District are shown on the Official Zoning Map.

- (4) Standards. The standards listed below shall apply to development in the Business Zoning Overlay District. These standards shall be in addition to those of the underlying zone district in which the property is located and in addition to the other applicable standards of this Chapter.

I. Residential Uses.

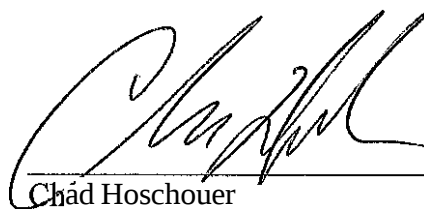
- a. New residential uses shall not be permitted abutting the Business District store frontage on the ground floor unless at least fifty percent (50%) of the square footage on the ground floor is reserved for business use at the street-facing side of the building.
- b. New residential uses in any other portion or floor of the building are allowed only by special use permit.

SECTION 3. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

SECTION 4. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. The Town Board of Trustees finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the Town.

Passed, adopted, signed and approved this 7th day of August, 2023.



Chad Hoschouer
Mayor

ATTEST:



Carrie Hartwell
Town Clerk

