



Planning & Zoning Commission Meeting
Tuesday, July 27, 2021 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment
5. Approval of Minutes
 - a. July 13, 2021 Special Joint Work Session with Council
 - b. July 13, 2021 Regular meeting
6. Review Draft Legislation; provide recommendation to Council
 - a. **ORDINANCE 32-2021** AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN
 - b. **ORDINANCE 33-2021** AN ORDINANCE AMENDING CHAPTERS 1133, 1137, 1181 OF THE VILLAGE OF JOHNSTOWN
7. Zoning Ordinance Update
 - a. [Section 30.08 and Section 31](#)
8. Other Business
9. Adjourn



Special Joint Work Session: Planning Commission and Village Council
Tuesday, July 13, 2021 - 5:00 PM
MINUTES

1. Call to Order

Chairman Ryan Green called the meeting to order at 5:03 pm.

Planning and Zoning members present: Chairman Ryan Green, Ron Danne, Ben Lee, Jesse Coppel

Council members present: Mayor Chip Dutcher, Cheryl Robertson, Carol Van Deest, Marvin Block, Ben Lee

Staff present: Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

2. Work Session: Ordinance Design Regulations

Cheryl Robertson said she feels we are too easy on developers coming in and would like to change some of the guidelines to standards, that this would help us get more of our vision for the village and let developers know what is expected. Ms. Robertson provided written feedback from Council on the Design Review Districts and Standards draft and said that standards are requirements, guidelines are requests; standards give us legal standing to require what is wanted.

Commissioners and Council members reviewed the feedback comments and had discussions on parking lot landscaping, snout housing, exterior finishes/masonry/natural stone, fencing; all edits noted by Bailey Klimchak.

Questions on authority/enforcement, discussion on the Summary of Dimensions and Standards Table, Historic Village Center and setbacks, other questions answered on the Supplemental Design Standards and Guidelines.

Discussion on side load garages, edits were made to garage location and design.

3. Other Business

None

4. Adjourn

Cheryl Robertson moved to adjourn, Carol Van Deest seconded and all were in favor.

Meeting adjourned at 6:15 pm



Planning & Zoning Commission
Tuesday, July 13, 2021 - 6:30 PM
MINUTES

1. Call to Order

Committee Chair Ryan Green called to order the Planning and Zoning Commission meeting for July 13, 2021 at 6:30 p.m.

2. Roll Call

Present - Chairman Green, Ron Danne, Jesse Coppel, , Jon Merriman, Ben Lee
Absent - None

Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Teresa Monroe - Clerk of Council

Public present - Jim Hill

3. Pledge of Allegiance

4. Public Comment

No comments

5. Approval of Minutes: June 8, 2021; June 10, 2021; June 22, 2021

ACTION: Ryan Green moved to Approve the minutes as written; Ben Lee seconded and all were in favor

AYES: Ryan Green, Ron Danne, Jesse Coppel, Ben Lee, Jon Merriman

NOES: None

ABSTAIN: None

Passed 5 – 0

6. Adoption of Decision and Order on Nonconforming Use 120/140 Track Street

ACTION: Ryan Green moved to adopt the written decision; Ron Danne seconded and the vote was as follows:

AYES: Ryan Green, Ron Danne, Jesse Coppel, Jon Merriman

NOES: Benjamin Lee

ABSTAIN: None

Passed 4 - 1

7. Work Session: Zoning Code Ordinance

a. Articles 28, 30 and 31

Vision Statement: The Village of Johnstown is dedicated to providing a secure community environment that fosters cultural, recreational, educational and economic opportunities while preserving our unique historical character

Commissioners continued review of Article 28 sections in Planned Unit Development (PUD) and the previous edits made. Discussion and edits made by Village Planner Bailey Klimchak.

Jesse Coppel asked for confirmation on PUD expiration date from Law Director.

Chairman Green opened to Public Comments on PUD.

1. Jim Hill - long time community resident

- Primary purpose is that he wants with the new ordinance, not to happen what is happening next to his property on Concord Court. Has "carnival lights" at night, has damaged the value of his property and the property next to it as well as the neighborhood.
- Would like to see code tightened up, thinks the village needs a code enforcer, someone separate from zoning
- Was not certain he had the most current PUD version, changes were reviewed for him
- Setbacks when dealing with accessory uses and structures really need to be tightened up and also need definitions to where there is no question as to what is what

Further discussion on PUD, discussion on on public notification, Mr. Hill did not think the certified letter for properties within two hundred feet was sufficient; Commission agreement, 28.12 edited to add a requirement for signage, Bailey noted 32 square foot / 4x8 signage; discussion on which applications would require signage versus certified letter; further discussion on signage/size next meeting.

Commissioners began review of Article 30: General Development Standards. Discussion on Architectural Features, front, side, rear yards and calculation of lot coverage, accessory structures, sheds, pools, swing sets etc. and definitions. Ms. Klimchak made edits made as reviewed; removal of Curb Cuts section as it is Village Manager discretion. Commission to come back with definition of swimming pools, come back with definition of lot coverage.

Chairman Green opened back up to public comments.

1. Jim Hill

- A pool that is not taken down when the season is over is a permanent pool
- Said 31.02 said no accessory structures may be place in the front yard; (neighbor?) has a soccer net anchored on the property line in the front yard - how

is that defined

- Don't include front yard in lot coverage calculation
- Anything erected or placed should be counted in lot coverage
- Accessory Use should have its own section

Ms. Klimchak requested saving review of Chapter 31 for next meeting.

8. Zoning Inspector

a. Zoning Report June 2021

Jim Blair reviewed notable items; new home permits down a bit, unsure what to expect the rest of the year. Ms. Klimchak provided an update on the development proposed for property at the end of Buena Vista; preliminary plan was approved but developer decided it was not financially feasible.

Mr. Blair said the Village signed a letter giving permission for the Shell station to be de-branded, also updated on two new businesses; Barber Shop downtown and Internet Sales Company in the Coughlin building. Pulte sign was permitted for another year; Johnstown Square Shopping Center sign will be updated; K-Ceps Auto Repair sign will be replaced with monument style.

Discussion on trash cans left at the road; Commission in favor of Ordinance in two weeks requiring people to retrieve their cans within twenty-four hours.

9. Other Business

1. No Zoning applications received for next meeting; will be a work session.

10. Adjourn

ACTION:	Benjamin Lee moved to Adjourn; Ryan Green seconded and all were in favor.
AYES:	Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman
NOES:	None
ABSTAIN:	None

Passed 5 – 0 Meeting adjourned at 8:53 pm

VILLAGE OF JOHNSTOWN



ORDINANCE 32-2021

AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1195 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs General Requirements in the Village of Johnstown; and

WHEREAS, Section 1195.05 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs Garbage, junk, litter and rubbish in the Village of Johnstown; and

WHEREAS, By a ___ vote at the July 27, 2021 meeting, the Planning & Zoning Commission voted in favor of forwarding this Ordinance for Council consideration; and

WHEREAS, the Council of the Village of Johnstown desires to amend Codified Ordinance Section 1195.05 to govern trash and recycle containers.

NOW THEREFORE, be it ordained by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. That Section 1195.05 is amended; deletions are ~~struck~~; additions are *italicized*

1195.05 GARBAGE, JUNK, LITTER AND RUBBISH.

(a) Accumulation of Garbage, Junk, Litter and Rubbish. All exterior property and premises, and the interior of every building, dwelling and structure, shall be kept free from any accumulation of rubbish or garbage.

(b) Disposal of Garbage, Junk, Litter and Rubbish. Every owner of a building, dwelling or structure shall dispose of all garbage, junk, litter and rubbish in a clean and sanitary manner by placing such materials in approved containers, and shall require all occupants of said building, dwelling or structure to do the same. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(c) Disposal Facilities. The owner of every occupied building, dwelling, structure or premises shall supply approved, covered containers for the disposal of garbage, junk, litter and rubbish, and the owner of the premises shall be responsible for the removal of the same.

(d) Garbage facilities. The owner of every dwelling shall supply at least one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, tightly-covered, outside garbage container.

(e) Containers. The owner of every business establishment shall provide, and at all times shall cause the business operator to utilize, approved, leak-proof containers provided with close-fitting covers for the storage of waste materials resulting from said business until removed from the premises for disposal.

(f) All residential containers must be removed from the Right of Way (ROW) by 9:00 a.m. the day following collection. Containers must be placed curbside no sooner than 5:00 p.m. the evening before the scheduled pickup day. Containers are not to be stored on public sidewalks, in the right-of-way, or in front yards within public view. Failure to remove containers from public view following pickup could lead to citations.

Section 3. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction:

Public Hearing/Vote:

Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

VILLAGE OF JOHNSTOWN



ORDINANCE 33-2021

AN ORDINANCE AMENDING CHAPTERS 1133, 1137, 1181 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapters 1133, 1137 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs the rules and procedures for Variances, Amendments, and Non-Conforming Uses in the Village of Johnstown; and

WHEREAS, Newspapers are not as popular with the public and there are no local newspapers of general circulation, making it hard to advertise public hearings and notify the public; and

WHEREAS, The proposed amendment to Ordinances 1133, 1137, and 1181 will require the applicant to place yard signs on the property in question advertising the date and time of the hearing; and

WHEREAS, By a ___ vote at the July 27, 2021 meeting, the Planning & Zoning Commission voted in favor of forwarding this Ordinance for Council consideration; and

WHEREAS, the Council of the Village of Johnstown desires to amend Codified Ordinance Sections 1133.03, 1137.05, and 1181.09 to govern the procedures of notifying the public for public hearings for variances, amendments, and non-conforming uses.

NOW THEREFORE, be it ordained by the Council of the VILLAGE OF JOHNSTOWN, Licking County, Ohio as follows:

Section 1. That Section 1133.03 is amended; deletions are ~~struck~~; additions are *italicized*

1133.03 PROCEDURE FOR APPROVAL.

- a) Before approving or denying the application before it, the Planning and Zoning Commission shall hold at least one public hearing on such application within forty-five days after the receipt of an application for a variance.
- b) Before holding a public hearing required in subsection (a) hereof, notice of such hearing shall be given in one or more newspapers of general circulation in the Village by two publications which shall be at least fourteen days before the date of such hearing and at least seven days before the date of such hearing, respectively. The notice to be published shall set forth the time and place of public hearing and the nature of proposed variance.
- c) Before holding the public hearing required in subsection (a) hereof, written notice of such hearing shall be mailed by the chairperson of the Planning and Zoning Commission, by certified mail to all owners of property identified in Section 1133.02(e). The notifications shall contain the same information as required of notices published in the newspaper as specified in subsection (b) hereof.

- d) Before holding the public hearing required in subsection (a) hereof, written notice of such hearing shall be posted in a conspicuous location at the Village offices. Such notice shall be posted at least fourteen days before the date of such hearing.
- e) *The applicant shall post one sign per public street frontage of the subject property indicating the date and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should measure no less than three (3) feet by two (2) feet.*
- f) Within forty-five days after the public hearing required in subsection (a) hereof the Commission shall either approve, approve with supplementary conditions as specified in Section [1133.04](#) or disapprove the request for a variance. The Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.
- g) The following factors shall be considered and weighed in the review and the public hearing of an application for variance.
 - 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
 - 2. Whether the variance is substantial;
 - 3. Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance;
 - 4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
 - 5. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
 - 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - 8. No single factor shall be considered a determinative factor, and the factors shall be weighed and balanced in determining whether a variance is warranted. The applicant shall bear the burden of proof that the criteria for a variance have been met and that application of the zoning requirement to the applicant's property would be inequitable.

Section 2. That Section 1137.05 is amended; deletions are ~~struck~~; additions are *italicized*

1137.05 REVIEW PROCEDURE.

- a) The Planning and Zoning Commission shall schedule at least one public hearing after the adoption of a resolution, transmittal of a resolution from Council or the filing of an application for zoning amendment. Such hearing shall be not less than twenty days from the date of receipt of such motion, transmittal of such resolution, or the filing of such application. At such public hearing the applicant shall:
 - 1. Have the affirmative duty of presenting such evidence as will prove by a preponderance of the evidence that such amendment should be adopted;

2. Provide a stenographer at applicant's expense who, shall record the proceedings of such public hearing, transcribe such recording into written form and provide the Commission with a copy thereof.
- b) Before holding the public hearing provided in subsection (a) hereof, notice of such hearing shall be given by the Commission by at least one publication in one or more newspapers in general circulation of the Village at least seven days before the date of such hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment as stated on the application and a statement that within thirty days after the conclusion of such public hearing a recommendation will be made by the Commission to Council.
- c) Written notice of the proposed amendment may be mailed by the Commission, by certified mail return receipt requested at least ten days before the date of the public hearing by the Commission, to all owners of property within, contiguous to and directly across the street from such area affected by the proposed amendment. The notice shall contain the same information as required of notices published in newspapers as specified in subsection (b) hereof.
- d) *The applicant shall post one sign per public street frontage of the subject property indicating the date and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should measure no less than three (3) feet by two (2) feet.*
- e) Within thirty days after the public hearing provided in subsection (a) hereof, the Commission shall recommend to Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The Commission chairperson shall transmit such recommendation to Council.
- f) Upon receipt of the recommendation from the Commission, the Council Secretary shall schedule the amendment as an item of new business at a general Council meeting to be held within forty days but not less than twenty days from receipt of the recommendation.
- g) At least thirty days notice shall be given prior to Council hearing on the zoning amendment. Notice shall be given in the newspaper in accordance with subsection (b) hereof, and to all property owners in accordance with subsection (c) hereof.
- h) At the next regularly scheduled Council meeting after the public hearing required in subsection (f) hereof Council shall either adopt or deny the recommendation of the Commission or adopt some modification thereof.
- i) Such amendment adopted by Council shall become effective thirty days after the adoption.

Section 3. That Section 1181.09 is amended; deletions are ~~struck~~; additions are *italicized*

1181.09 NOTICE.

At least seven days notice shall be given prior to the public hearing and be published in one or more newspapers of general circulation in Johnstown. Property owners as listed under the application shall be notified at least seven days prior to the hearing by registered mail. Such notice shall include the date, place, time and nature of the nonconforming use applied for.

The applicant shall post one sign per public street frontage of the subject property indicating the date and time for the hearing. The sign(s) shall be posted at least ten (10) days prior to the hearing. The sign(s) should measure no less than three (3) feet by two (2) feet.

Section 3. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: August 3, 2021
Public Hearing/Vote: August 17, 2021
Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director