



Planning & Zoning Commission Meeting
Tuesday, August 10, 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 27, 2021
6. Application 2021-237-Z
 - a. Certificate of Appropriateness - 8 West Coshocton Street
7. Tree Preservation Ordinance Draft
 - a. **ORDINANCE 34-2021** AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES
8. Zoning Code Draft
 - a. [Chapter 32 - Landscape Screens, Buffers and Fences](#)
9. Zoning Inspector
 - a. July 2021 Summary
10. Other Business
11. Adjourn



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

1. Call to Order

Committee Chairman Ryan Green called to order the Planning and Zoning Commission meeting for Tuesday, July 27 at 6:30 p.m.

2. Roll Call

Present - Chairman Ryan 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 - John Luke, Jeff Dopp

3. Pledge of Allegiance

4. Public Comment

No public comments

Approval of Minutes

5. a. July 13, 2021 Special Joint Work Session with Council
b. July 13, 2021 Regular meeting

ACTION: Ryan Green moved to Approve both minutes in a block as written; Benjamin Lee seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 5 - 0

6. Review Draft Legislation; provide recommendation to Council

- a. **ORDINANCE 32-2021** AN ORDINANCE AMENDING CHAPTER 1195 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

Zoning Inspector Jim Blair said the zoning office continues to receive complaints from

village residents about citizens that leave their trash cans out, some are constantly left at the curb.

Commissioner discussion on the hours that a trash can should be permitted to be down at the curb or in the right of way before and after collection day. Mr. Lee said his concern is from a safety standpoint, if left out, containers being blown into the roadway and causing a hazard. Discussion on what the penalty could be; Ms. Klimchak said we are just trying to avoid the 24/7 leaving of trash cans at the road; Mr. Blair said there are seven or eight residences that do that and he has no recourse. Discussion on removing set hours and allowing "day before to day after" the day of collection; also the meaning of "removal from public view", discuss changing to not allowed in front yard.

Chairman Green opened for Public Comments.

1. John Luke - 6 Westview Dr.

- Said the intent of this board is to only target egregious offenders but that may not be the case for future boards or zoning officers
- His property would be hard to conceal a can from public view; board noted that was removed from the draft
- Issue is also for people that go away for the weekend; would like to allow 48 hours on each end of collection day; Chairman Green noted that would allow trash to be out for four out of seven days
- Said his original thoughts were do we really need this and shouldn't the target be egregious offenders
- Understands what the village is going for but feels like a bit of an overreach

Jesse Coppel added his concern also for public safety of the cans being left out for days to blow around. Mr. Blair said we need something on the books written as an ordinance for enforcement for those who refuse to return their cans. Mr. Lee said Mr. Blair is not driving around looking for this but to not have anything on the books as a baseline to reference is a futile effort.

2. Marvin Block

- Do we want trash cans all over town on the weekend? If driving down Main Street and see ten or fifteen trash cans through there what is the public going to think of Johnstown.

3. John Luke - 6 Westview Dr.

- Said there were many comments on the Facebook post he started on this if Commission cares to look

Chairman Green said he believes this would establish a baseline and it would still need to

go to Council; asked if there were any further public comments, there were none.

Chairman Green clarified that they are moving the times to "day before pickup and day after pickup" and trash cans will be out of the right-of-way and out of the front yard.

ACTION: Jesse Coppel moved to pass with the language proposed; without specific times, day before and day after and removing "public view"; Jon Merriman seconded and the vote was as follows:
AYES: Ron Danne, Jesse Coppel, Jon Merriman, Ben Lee, Chairman Green
NOES: None
ABSTAIN: None

Passed 5 - 0

Ordinance forwarded to Village Council

b. **ORDINANCE 33-2021** AN ORDINANCE AMENDING CHAPTERS 1133, 1137, 1181 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

Ms. Klimchak said this is for the sign requirement discussed at last meeting, it adds wording to require signage for public notice on hearings for Variances, Map Amendments and Non-Conforming Uses. Commission discussion on sign size, template with verbiage for consistency. Mr. Lee asked about notice for major improvements that would come before a Design Review Board, Mr. Blair and Ms. Klimchak agree that would be appropriate as well. Format of the sign and a template were further discussed, Ms. Klimchak will make edits discussed.

Chairman Green opened for Public Comments:

1. John Luke - 6 Westview Drive

- Should specify where on the lot the sign should be placed.

Commission agreement that was a good point, language discussed; there were no further public comments and Mr. Green closed the floor.

ACTION: Ryan Green moved to pass with amendments; Jon Merriman seconded and the vote was as follows:
AYES: Jesse Coppel, Jon Merriman, Ben Lee, Ryan Green, Ron Danne
NOES: None
ABSTAIN: None

Passed 5 - 0

Ordinance forwarded to Village Council.

7. Zoning Ordinance Update

a. Section 30.08 and Section 31

Commissioners began with Section 30.08 Lot Coverage; Ben Lee said he made some comparisons to Granville, New Albany and our Sister City Canal Winchester and found definitions loose and vague relative to what we are discussing; asks if we are getting too narrow on what the definitions are looking to do, is it really a large issue that we would have to define a playset as an accessory structure, said his view has softened a bit looking at what other municipalities are applying. Discussion on Accessory Buildings and Structures relative to lot coverage as well as working to define, conversation on swimming pools, detached garages, decks, patios, gazebos etc. and definitions of permanent versus temporary. Review of Home Occupations section. Skipped 31.04 Group Residential Facilities; need some direction from the Law Director. Deleted Section 31.07 Minimum Lot Areas Where Water and Sewer Facilities Not Available; next sections on Noise and Vibration should cross-reference existing Noise Ordinance; Erosion should cross-reference Storm Water Management. Nuisance Control section to be reviewed by Jim and Bailey to compare to Property Maintenance.

Talked through the rest of all sections in Article 31.

Next work session to begin with Article 32 Landscape screens, Buffers and Fences.

Jesse Coppel said he is not in favor of metal or canvas carports not affixed to the house; Ms. Klimchak added as not permitted under 31.01 with a note to check with other municipalities; discussion to continue.

8. Other Business

1. Jim Blair updated on an application for next meeting August 10th; will see a COA for Shell to Marathon.
2. Update that the Design Guidelines were passed by Council; once the Design Review Board is up and running, the Planning Commission will no longer see COA's.
3. No engineering plans received by the village to date on any Leafy Dell apartment plans.
4. Ryan Green mentioned splash pad again
5. Dog Park work begins August 16th

9. Adjourn

ACTION: Ryan Green moved to Adjourn; Benjamin Lee 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 8:45 pm

AUG 03 2021

PAID



RECEIVED
JUL 20 2021

Certificate of Appropriateness for Design Review

Codified Ordinance: Chapter 1187

Application Number: 2021-237-Z Date app. submitted:
300.00

Fee: \$ 300.00

Paid: check number: 5297 Cash: _____

Business Name: C & B sign services

Principal Business Activity: Fuel Station + Retail Store

Applicants E-mail address: tyler.cbssignservice@gmail.com

Business Address: 3620 Highland Green, Cincinnati, OH 45215

Business Owners Name: Steve Cupito (C & B) Phone: 513-615-6511

Applicant's name: Tyler Sikkema Phone: 513-528-3363

1. Property address: 8 W Cosnocton St Johnstown, Ohio
2. Existing Use of Property: 451 Auto Service Station
3. Square footage of proposed building or business: (Doesn't apply) - using existing structures
4. Zoning District: GCC-1 Number of Off-Street Parking proposed: NONE
5. Estimated cost of improvements: \$ 5,000

The following items must accompany this application:

Eight full sets ^{8 x 11} ~~(11x17)~~ of to scale plans and dimensioned drawings showing the property, with all elevations and the location of existing and proposed buildings and alterations are required. Attach any requested, supplemental or necessary documentation.

I certify the information contained in this application and attachments is true and accurate.

Applicant's signature: Tyler Sullivan Date: 7 / 20 / 21

Planning and Zoning comments:

Date of Planning and Zoning Commission Meeting: August 10, 2021

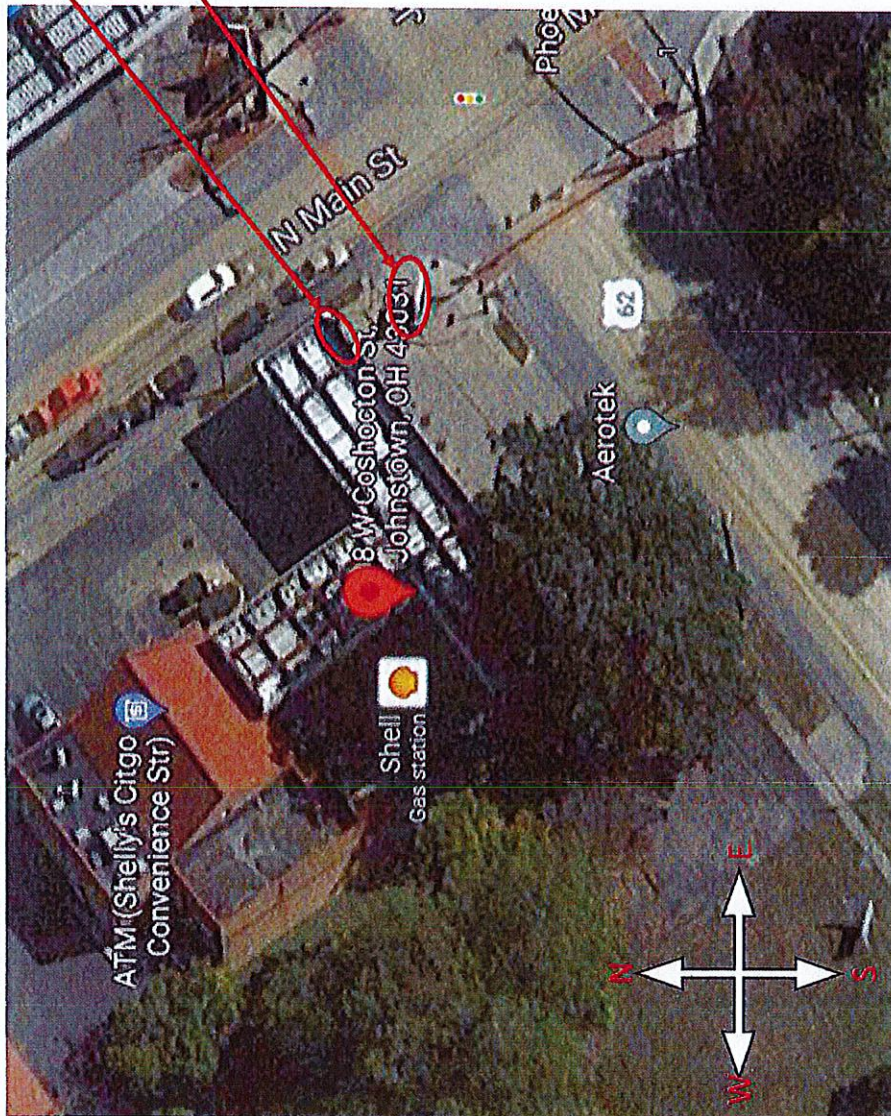
Date approved or denied by Planning Commission: _____

List conditions necessary for approval or if denied list the reasons.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Chairperson Planning Commission Signature: _____

Site Plan



Location of Proposed Canopy Signage to replace current Shell Logo

Location of Ground Sign that is to be refaced

Existing Shell Canopy

Existing



Marathon Canopy Sign to replace current Shell Canopy Sign



Single Face Sign
 Chassis Size: 24'H x 24'W x 6'D
 Area: 4 SQ. FT.
 Standard Windload
 Chassis Color: Sky White

PS25334 Detail 1 Logo
 NO. 24X24'H x 24'W
 Material: Aluminum
 Color Specifications:
 Paint:
 Surface Blue, PMS 285C
 Cardinal Red, PMS 200C
 White
 Surface Blue, 36.80-157
 Cardinal Red, 30.10-51
 Est. Gross Weight: 81 pounds
 Case MEOW: 24X24X5



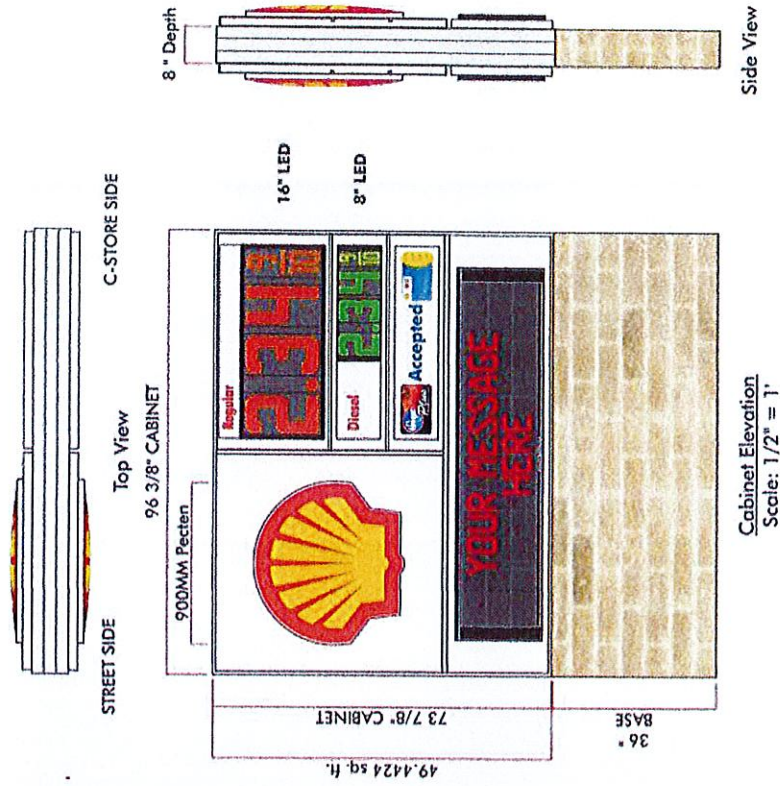


Views of typical Marathon pump image and column painting image.

Marathon pump image has been altered to show white door skirt (lower portion of pump) in order to comply with the wishes of Johnstown.



Existing Ground Sign and Dimensions



Proposed Ground Sign, Face Changes Only – No change to Size or Underlying Structure (Dimensions are the same)



VILLAGE OF JOHNSTOWN

ZONING STAFF REPORT

Application Number: **2021-237-Z**
Property Address: 8 W. Coshocton St.
Subject: C.O.A
Subdivision: None
Commission Date: August 10, 2021

Applicants: C&B Sign Service
Tyler Sikkema representing C&B
Zoning District: GCC-1

Background:

Marathon Oil has purchased two adjoining properties 8 West Coshocton St the Shell Station and the vacant lot at 18 West Coshocton St. The immediate plan is to close the Shell Oil Station on 8/4/2021 and convert it to a Marathon Fueling Station reopening on 8/6/2021 using temporary Marathon badged signage. The new Marathon station will also contain an interior Marathon Bellstores. The rebranding involves replacing the Canopy surround with the Marathon colors white blue and red, replacing the fuel pumps and branding them Marathon, painting the canopy support columns to match the Marathon blue and white. Replacing/updating the EMC monument sign replacing the upper cabinet.

1187.08 CRITERIA FOR EVALUATION OF APPLICATION FOR CERTIFICATION OF DESIGN APPROPRIATENESS.

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Board or Village staff member shall consider the following, as a part of its review:

1. The compliance of the application with the Design Guidelines and Requirements. The proposed environmental change is to comply with the Design Guidelines and Requirements of the Village, incorporated by reference.
2. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
3. The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.
4. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
5. Each property shall be recognized as a physical record of its historic time, place and use. Alterations that have no historical basis and which seek to create an appearance inconsistent or inappropriate to the original integrity of the property shall be discouraged.
6. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
7. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
8. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures if appropriate shall be undertaken using the gentlest means possible.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible

with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
11. Significant archeological resources affected by a project shall be protected and preserved, if such resources must be disturbed, mitigation measures shall be undertaken.
12. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(Ord. 05-2011. Passed 5-17-11.)

Recommendation: The staff recommendation is to **APPROVE** this Certificate of Appropriateness application to allow the rebranding of the fuel station.

VILLAGE OF JOHNSTOWN



ORDINANCE 34-2021

AN ORDINANCE AMENDING CHAPTER 1183 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1183 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs landscaping in the Village of Johnstown; and

WHEREAS, The Village of Johnstown would like to establish tree preservation rules to promote public health, safety, and general welfare of all residents and visitors; and

WHEREAS, preservation, replacement, and planting of trees lessens air pollution, intercepts airborne particulate matter, reduces noise and light glare, moderates air temperature, moderates storm water runoff, reduces erosion and sedimentation, maintains wildlife habitats, provides visual screening, provides natural shading, protects property values, and enhances the natural beauty of Johnstown; and

WHEREAS, By a 4-0 vote at the July 27, 2021 meeting, the Tree Commission voted in favor of forwarding this Ordinance to the Planning and Zoning Commission for consideration; and

WHEREAS, By a **X-X** vote at the August 10, 2021 meeting, the Planning and Zoning Commission voted in favor of forwarding this Ordinance to Council for consideration; and

WHEREAS, after review of all uses, the Council of the Village of Johnstown desires to amend Codified Ordinance Chapter 1183 Contents.

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

Section 1. That Chapter 1183 is amended; additions are *italicized*.

Section 2. 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 17, 2021
Public Hearing/Vote: September 7, 2021
Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

DRAFT

Chapter 1183

Landscaping

1183.01 PURPOSE.

The purpose of these landscaping, open space and natural feature requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth, green space and sensitive environmental features in the ecological system. It is further the purpose of this section to specifically encourage the preservation and replacement of major trees removed in the course of land development, and to encourage the effective utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare. (Ord. 22-2010. Passed 11-16-10.)

1183.02 DEFINITIONS

As utilized in this section, the following words and phrases shall have the meaning ascribed herein:

- a) *"Caliper" is the diameter of the trunk of trees measured in inches at breast height, or four and one half feet above ground.*
- b) *"Canopy Tree" means a large tree which provides canopy over streets and other areas, both paved and unpaved. At maturity, such a canopy tree will achieve a canopy spread of forty or more feet in diameter.*
- c) *"Crown" means the upper mass or head of a tree.*
- d) *"Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.*
- e) *"Heavily Wooded Site" means a site which has an existing tree canopy coverage prior to development of sixty percent (60%) or greater.*
- f) "Landscaping" means the use of trees, shrubs, grass, ground covers and other plant materials.
- g) "Major tree" means a living tree with a trunk diameter of not less than six (6) inches, measured twenty-four (24) inches above ground level.
- h) "Opacity" means the state of being impervious to rays of light measured by observation of any two (2) square yard area lying between two (2) and ten (10) feet from the ground.
- i) *"Registered Professional" means a registered landscape architect or other allied landscape professional, such as an arborist, horticulturist, nurseryman, or forester, certified in their respective field and with experience in plant materials and proper planting design.*
- j) *"Two Growing Seasons" means two full summer seasons, with summer ending on September 30 of every year.*

1183.03 PRESERVATION OF NATURAL FEATURES

- a) Good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.
- b) If an area is determined to be a wetland, it shall be preserved or mitigated in compliance with Federal regulations.
- c) All streams with a drainage area greater than 50 acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of 100 feet, with at least 25 feet on each side of the centerline of the stream.
- d) Floodplain areas should be incorporated into the open spaces and are encouraged to be made publicly accessible.

(Ord. 22-2010. Passed 11-16-10.)

1183.04 PRESERVATION OF TREES AND WOODED AREAS.

- a) *All major trees shall be preserved unless exempted, as follows: the Zoning Inspector as designee of the Village Manager may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of a lot, provided that the lot is the subject of application for approval of a zoning certificate, a site plan, a development plan, a variance, or a conditional use permit and one of the following applies:*
 - 1. *The tree will be located within a public right-of-way or easement.*
 - 2. *The tree is located within the area to be covered by proposed structures or within twelve feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.*
 - 3. *The tree will be located within a proposed driveway designed to service a single-family home.*
 - 4. *The tree is damaged, diseased or a safety hazard.*
 - 5. *The tree is an undesirable species in its present location.*
- b) *Preservation of Wooded Areas. When preparing and reviewing subdivision plans and landscaping plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. Developers of land are encouraged to designate heavily wooded areas as park reserves.*

1183.05 TREE REPLACEMENT.

- a) *During the course of development of a single lot or a subdivision, excepting for heavily wooded sites, the developer or owner shall be required to replace major trees removed pursuant to Section 945.05 in accordance with the following schedule with trees having a trunk diameter of at least three inches, measured six inches above the ground level:*
 - 1. *Major trees having a trunk diameter up to twelve inches are to be replaced on a two-for-one basis;*

2. Major trees having a trunk diameter of twelve inches up to eighteen inches are to be replaced on a three-for-one basis;
 3. Major trees having a trunk diameter of eighteen inches up to twenty-four inches are to be replaced on a four-for-one basis;
 4. Major trees having a trunk diameter of twenty-four inches up to thirty inches are to be replaced on a five-for-one basis; and
 5. Major trees having a trunk diameter of thirty inches and over are to be replaced on a six-for-one basis; and
- b) *Replacement Schedule for Heavily Wooded Sites.* In lieu of the provisions in Section 945.06(a) above, the developer or owner of a heavily wooded site shall, during the course of development, be required to retain or replace major trees pursuant to Section 945.05 in accordance with the following provisions:
1. A minimum of forty percent (40%) of the development site shall remain under canopy coverage.
 2. At the conclusion of development and installation of landscaping, a sufficient number of large canopy trees shall have been planted or retained so as to return the development site to the percentage of canopy coverage existing prior to development. The canopy coverage shall be achieved over a thirty year period.
 - i. For calculation purposes, a canopy tree will achieve a canopy spread at maturity of forty feet (40') or more in diameter--a radius of twenty feet (20') or more. The canopy coverage for one mature tree will be πr^2 or $3.1416(20)^2 = 1,257$ square feet. Total canopy coverage on one acre is equal to $43,560/1257 = 35$ large canopy trees per acre.
 - ii. The requirement for tree canopy coverage shall be considered as being in addition to any other landscaping required.
 3. Replacement canopy trees shall have a trunk diameter at planting of at least three inches, measured six inches above the ground level.
 4. In the event that the developer or owner of a heavily wooded site is unable to plant the number of trees required to achieve the canopy outlined above, said developer or owner shall replace such trees in compliance with (c) below.
- c) *Where it is impractical or not feasible to replace all of the trees on the affected lot or within the affected subdivision, staff may approve one, or any combination of, the following alternatives as a means of meeting the tree replacement requirements:*
1. Replace as many trees as is practical on the affected lot;
 2. Replace as many trees as is practical within this affected subdivision phase;
 3. Replace as many trees as is practical within the affected subdivision;
 4. For those trees that cannot be replaced through steps one through three above, the developer or owner shall be required to replace the trees elsewhere in the City; or
 5. Pay a fee per tree in accordance with the Memorial Tree Fund adopted by the City Council to support the City's effort to plant and replace trees. The calculated cost will cover both the tree and the cost of planting.

6. *Use larger caliper replacement trees to achieve a planting of equal or greater value with fewer numbers. This option would require approval of the Planning Commission.*
- d) *Failure to replace a major tree as required by subsection (a) or a canopy tree as required by subsection (b) hereof within one year of the approval of the application referred to in Section 945.05 is a violation of the Codified Ordinance, subject to the penalties described in Section 945.99.*

1183.06 PROCEDURE.

- a) *Any person seeking a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval, shall file with his application a landscaping plan prepared by a registered professional, which, by plot plan and description shall include:*
 1. *The present location and size of all major trees, with a designation of major trees sought to be removed. In the case of a heavily wooded site, a recent aerial photo, or other format acceptable to the Zoning Inspector, delineating the existing canopy coverage and the canopy coverage to be removed may be required in lieu of the above.*
 2. *The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this chapter.*
 3. *The location and size of any structures presently on the lot, and those proposed to be placed on the lot.*
 4. *The proposed location and description of screening proposed to be placed on the lot in order to comply with this chapter.*
- b) *The Planning Commission shall consider a landscape plan as part of its review of any conditional use permit, subdivision plat, development plan or site plan application.*
- c) *The Zoning Inspector shall either approve or disapprove all landscaping plans submitted as part of a Zoning Certificate application within 30 days of their filing. On reviewing the application and receiving suggestions or recommendations from the Zoning Inspector, the applicant may agree to modify his application including the plans and specifications submitted. The Zoning Certificate will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Inspector. An applicant may appeal a decision of the Zoning Inspector disapproving his landscaping plan to the Planning and Zoning Commission. Notice of appeal must be filed with the Village Planner within 15 days after the decision of the Zoning Inspector is mailed to the applicant at the address listed on his application.*
- d) *No variance, zoning certificate, development plan approval, site plan approval or conditional use permit shall be granted or issued until final approval of the landscaping plan.*

In the event of failure to install the required landscaping, written notice shall be served to the property owner. Such notice shall state that the failure to install the landscaping as required

shall result in the forfeiture of approval and that such failure shall be deemed an implied consent for the City to cause said landscape to be installed.

1183.07 STREET TREE REQUIREMENTS.

The planting of trees along roadways for all new development shall be according to the following Street Tree Requirements:

- a) Deciduous canopy trees (street trees) shall be planted no less than 24 feet and no more than 36 feet on center unless otherwise approved by the Village Engineer.
- b) Street trees must be planted in the tree lawn, between the sidewalk or leisure trail and the road pavement. Tree lawns shall be a minimum width of six feet.
- c) Street trees shall be a minimum of three (3) inches caliper (trunk diameter at 4.5 feet above the ground).
- d) Any tree on the list of undesirable species in Section [1183.09](#) shall not be planted as street trees.
- e) Street trees shall be located so that a twenty-five (25) foot sight triangle is maintained at street intersections.
- f) Street trees shall be located not less than ten (10) feet from fire hydrants, street lights, and/or utility poles.
- g) The developer/owner shall be required to maintain all street trees for a period of two (2) years after the tree is planted and to replace any tree which dies within such two (2) year period.
- h) Street trees should be of the same genus and species planted continuously along the length of each street.
- i) No person shall, as a normal practice, top any tree within the public right-of-way. "Topping" means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree.
- j) Street tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalk. Tree limbs extending over streets shall be trimmed so that no portion of the same shall interfere with the normal flow of traffic.
- k) The Village, or any licensed utility, shall have the right to but will not be required to plant, prune, maintain and remove trees, plants, and shrubs within the established right-of-way lines of all streets, highways, and alleys as may be necessary to ensure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.
- l) No person shall, by any type of construction, reduce the area of a tree lawn within the street right-of-way.
- m) On all properties within the Downtown area, to avoid interference with pedestrian traffic, only approved street trees may be planted. Such trees shall conform to the size, spacing, and placement of similar trees already in place on adjacent and nearby properties. In

addition to the approved street trees, tree wells may also contain flowers or other ground cover plantings.

(Ord. 22-2010. Passed 11-16-10.)

1183.08 LANDSCAPING SCREENING.

- a) Screening of Service Areas. For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where residences are a permitted use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.
- b) Screening of Trash Receptacles. For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. Natural vegetation shall have a maximum opaqueness of seventy-five percent (75%) at full foliage. The use of year-round vegetation, such as pines and evergreens, is encouraged.
- c) Buffering and Screening Requirements. For commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of 25 feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall have an opaqueness of seventy-five percent (75%) during full foliage and shall be a variety which will attain at a minimum ten (10) feet in height within five (5) years of planting.
- d) Maintenance of Shrubbery and Hedges. No shrubbery or hedge shall be planted, in any district, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid creating traffic hazards.
- e) Minimum Trees. The following minimums are required, based upon total ground coverage of structures and vehicular use areas:
 - 1. Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
 - 2. Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus

one-half inch in tree trunk size for every 2,000 square feet over 20,000 feet in ground coverage.

3. Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.

(Ord. 22-2010. Passed 11-16-10.)

1183.09 PARKING LOT LANDSCAPING.

(a) Parking Lot Islands.

(1) Large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape area shall be smaller than 350 square feet.

(2) For each 100 square feet, or fraction thereof, of parking area, a minimum total of five square feet of landscaped area shall be provided.

(3) Parking areas should contain a minimum of one deciduous canopy tree for every ten parking spaces.

(4) Trees used in parking lot islands shall have a clear trunk of at least five feet above the ground, and the remaining areas shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.

(b) Buffering. Parking lots shall be screened from primary streets, residential areas, and open space by a 3.5-foot minimum height evergreen hedge or masonry wall, or combination of wall and plantings.

(Ord. 22-2010. Passed 11-16-10.)

1183.10 LANDSCAPE MATERIALS.

Landscape materials utilized in meeting requirements of this section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

- a) Quality. All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.
- b) Type. Added landscape elements shall observe and respect the size, placement, character and type of such materials employed on adjacent or nearby properties.
- c) Deciduous Trees. Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be

eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as listed in Section [1183.07](#) are prohibited.

- d) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 1/2) inches immediately after planting.
- e) Shrubs and Hedges. Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to opacity and other requirements within four (4) years after planting.
- f) Vines. Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.
- g) Grass or Ground Cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or other areas, reducing net or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.
- h) Maintenance and Installation. All landscaping materials shall be installed in a sound and competent manner, according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free of refuse and debris at all times. All unhealthy or dead plant material installed pursuant to this section shall be replaced within one (1) year.

(Ord. 22-2010. Passed 11-16-10.)

1183.11 WET AND DRY STORMWATER BASINS.

The following regulations shall apply to the design of wet and dry stormwater basins:

- a) Wet and dry stormwater basins shall be designed by a Engineer in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner.
- b) Wet and dry stormwater basins shall be designed in compliance with the ODNR Rainwater and Land Development Manual, latest edition, to meet water quality requirements.
- c) For safety, maintenance, and aesthetic purposes, wet and dry stormwater basins shall have side slopes (above normal pool elevation) that are generally no steeper than 6:1 and no more gradual than 20:1 (horizontal:vertical).
- d) The use of fountains and other plainly visible aeration devices shall be subject to the approval of the Village Engineer.
- e) Landscape treatments at the perimeter of wet and dry stormwater basins shall be designed either with maintained turf to the pond's edge or a naturalized planting of native landscape material, subject to approval of the Village Engineer. The landscape plantings shall be in large masses and drifts, and shall not include decorative landscape boulders,

large mulch beds, or specimen plantings. Under no circumstances shall the landscape design conflict with any of the safety, maintenance, or engineering requirements set forth in the Codified Ordinances or reference documents.

- f) Temporary on-site wet or dry stormwater basins shall not be subject to the regulations in divisions (a), (b), (c) and (e) of this section. Temporary basins shall either be removed or replaced with a permanent basin prior to acceptance of infrastructure improvements when installed as part of new subdivisions or completion of the final engineering punch list in the case of single site developments. The time frame in which to install a permanent basin may be extended for good cause by the Village Manager or his designee. In the case of a time extension, a performance bond must be provided to the Village in an amount to cover removal of the temporary basin and installation of the permanent basin. State and Federal safety and engineering regulations apply to all temporary ponds.

(Ord. 22-2010. Passed 11-16-10.)

1183.12 UNDESIRABLE SPECIES.

- a) In meeting the planting and maintenance requirements of this chapter, the following species of trees shall be considered undesirable species, and shall not be utilized.
 - 1. Box-Elder (*Acer negundo*). (Breakage and insect pests)
 - 2. Silver Maple (*Acer saccharinum*). (Breakage; surface roots)
 - 3. Catalpa (*Catalpa speciosa*). (Messy flowers and seed pods; insect pests)
 - 4. Tulip Tree (*Liriodendrum tulipifera*). (Insect pests; leaves drop in dry periods)
 - 5. Mulberry (*Morus alba*). (Fruit objectionable on street)
 - 6. Poplars (all kinds) (*Populus*). (Breakage; insect pests, disease-prone)
 - 7. Willows (all kinds) (*Salix*). (Breakage; insect and disease-prone; surface roots)
 - 8. Siberian Elm (*Ulmus pumila*). (Breakage)
- b) No tree planting may interfere with any public utility.

(Ord. 22-2010. Passed 11-16-10.)

1183.13 FENCES.

All landscaping requirements must be in agreement with Chapter [1185](#).

(Ord. 22-2010. Passed 11-16-10.)

1183.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one thousand dollars (\$1000.00). Each day that such violation continues shall constitute a separate offense.

VILLAGE OF JOHNSTOWN OHIO



July 2021 Zoning Inspector Summary

Grand total new homes permitted as of July 2021: YTD (67)

Total new homes permitted in July 2021: (5)

Total permit applications received by type for July 2021: (20)

1. Zoning Certificates: 5
2. Curb cut, CO, Sidewalk 5
3. Certificate of Appropriateness: 1
4. Fence: 6
5. Decks: pool decks: 2 final inspections approved.
6. Shed: 0
7. Preliminary Plat Plan: 0
8. Signs: 3
9. Variance: 0
10. Zoning Map Amendment: 0
11. Lot Split 0
12. Food Trucks 0
13. Building addition 0
14. Above ground pool 0

Complaints, Property Maintenance Code Violations, ongoing, resolved or in process.

1. Trash cans left at road ongoing issue needs defined Ordinance language for enforcement, in process.
2. Numerous yard signs removed.
3. The owners of 267 N Main were subpoenaed to Mayors Court on July 22 for property code violations. Update: Court Trail scheduled for August 12. Pending fines up to \$5,000.
4. Grass: 9 enforcement actions by phone calls or certified letters.
5. N Main damaged barn roof, letter sent to property owners, no response to date.
6. Property on Crestview has been vacated, clean up in process, the property owner was unable to evict the tenants due to the Covid 19 rent moratorium.
7. Parking in yard 2.
8. Sunset Dr. complaint, front yard junk, tall weeds, grass has not been cut this year. This has been addressed and cleaned up. Backyard was 2' to 3' feet high.

9. Post Office alley: numerous (5) S Main properties with weeds and grass, several have been cleaned up, others will be cleaned up this week.
10. W Coshocton auto parts store the street trees are all dead, mulch beds are full of weeds. Clean up is scheduled and the dead trees will be removed.
11. Furniture in yards, Lewis Drive and E Coshocton both cleaned up.
12. Torn awning on S Main business, owner has new awning ordered. The old awning has been removed.

Other actions:

1. 19 inspections completed, sidewalks, deck framing, fence post holes, CO's, signs.
2. Final Occupancies 9 issued.
3. Two new businesses inquiries an Art Studio and Hair Salon.
4. Ridgeview Ct. roof repaired took 18 months.

Jim Blair
Johnstown Zoning and Property Code Official

