



Regular Council Meeting
Wednesday, November 8, 2023 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Pastor Tim Swanson, Faith Fellowship
4. Pledge of Allegiance
5. Action on Minutes
 - a. October 17, 2023
6. Citizen comments on matters not on the agenda
7. Council Committee reports
 - a. **Planning & Zoning:** 10/24/23 canceled; Next 11/14/23 @ 6:30 pm Council Chambers
 - b. **Design Review Board:** 10/24/23 canceled; Next 11/14/23 @ 5:30 pm Council Chambers
 - c. **Safety & Service:** Next 11/8/23 @ 5:00 pm Admin conference room
 - d. **Finance:** Next 11/8/23 special @ 5:45 pm Admin conference room
 - e. **Park & Rec:** Next 11/6/23 @ 1:00 pm Admin conference room
 - f. **Events Committee:** Next 11/9/23 @ 5:30 pm Council Chambers
8. Director Reports
 - a. Service Departments: Water, Sewer, Street, Director project updates
9. Tabled Legislation
 - a. **RESOLUTION 2023-30** A RESOLUTION ACCEPTING AN ANNEXATION OF 285.93 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN. Introduction and Public Hearing held on October 3, 2023
10. Public Hearings of Legislation
 - a. **ORDINANCE 19-2023** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF JOHNSTOWN, REZONING APPROXIMATELY 407.3+/- ACRES TO PLANNED DEVELOPMENT DISTRICT
 - b. **ORDINANCE 20-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMPENSATION AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT
 - c. **ORDINANCE 21-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT INCENTIVES AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT
 - d. **ORDINANCE 22-2023** AN ORDINANCE AMENDING ORDINANCE 22-2022, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS AND DECLARING AN EMERGENCY

- e. **RESOLUTION 2023-32** A RESOLUTION OF APPROVAL TO AMEND APPROPRIATIONS AND REALIGN THE PERMANENT APPROPRIATION ORDINANCE 22-2022, BY MODIFYING APPROPRIATIONS FROM ONE ACCOUNT TO ANOTHER WITHIN THE FUND

- 11. Introduction of Legislation - None
- 12. Other Business
- 13. Executive Session to consider the purchase of property
- 14. Adjourn

Next Council Meeting November 21, 2023



Regular Council
Tuesday, October 17, 2023 - 6:30 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for October 17, 2023 at 6:39 PM.

2. Roll Call

Present - Mayor Donald Barnard, Jon Merriman, Nicole Shook, Bob Orsini, Ryan Green, Charlie Campbell
Absent - Sharon Hendren

Staff present - Sean Staneart - Acting City Manager, Dave Delande - Finance Director, Jack Liggett - Service Director, Rusty Smart - Chief of Police, Thad Boggs - Law Director/Frost Brown Todd, Trevor Traphagen - Planner/MKSK, Chris Hermann - Planner/MKSK, Franz Stein - Design Review Board, Sgt. Paul Hatfield - Johnstown P.D., Teresa Monroe - Clerk of Council

Public present - Aaron Underhill, Jamie McNally, Lewie Main, John Hill, Terry Fettes, Jesse Chuck, Suzie Harlocker, Adam Wheeler, Jeff Barr, Cindy Duke, Wesley Kobel, Andrea Ford, Laura Deringer, Travis McIntyre

3. Invocation - Father Jesse Chick, Church of the Ascension

4. Pledge of Allegiance

5. Action on Minutes

ACTION: Bob Orsini moved to approve as written en bloc; Donald Barnard seconded and the vote was as follows:

AYES: Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green

NOES: None

ABSTAIN: None

Passed 6 - 0

a. September 19, 2023

b. October 3, 2023

6. Citizen comments on matters not on the agenda

No comments

7. Council Committee reports

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

- a. **Planning & Zoning:** Met 10/10/23; Next 10/24/23 @ 6:30 pm Council Chambers
The board heard variance requests for sidewalk and trees, the bulk of the meeting was spent on the application before council tonight.
- b. **Design Review Board:** Met 10/10/23; Next 10/24/23 @ 5:30 pm Council Chambers
The board worked through an application for a sign for Bevellies Pizza and approved. Mr. Staneart updated council that the Board Chairman, Nathanael Ashbrook submitted his resignation, Mr. Staneart thanks him for his time in service.
- c. **Finance:** 10/17/23; Next Special 11/8/23 @ 5:00 pm Admin conference room
No decisions or updates from tonight's meeting.
- d. **Safety & Service:** Next 11/8/23 @ 5:45 pm Admin conference room
- e. **Rules:** 10/17/23
Discussion on updates to the current rules for council. There is recommendation to add a code of ethics and conduct to the rules.
- f. **Park & Rec:** Next 11/6/23 @ 1:00 pm Admin conference room
- g. **Events Committee:** Next 11/9/23 @ 5:30 pm; Admin conference room

8. Director Reports

- a. Police Chief
Report included in the council packet, no questions by members of council.

9. Tabled Legislation

- a. **RESOLUTION 2023-30** A RESOLUTION ACCEPTING AN ANNEXATION OF 285.93 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN. Introduction and Public Hearing held on October 3, 2023

Aaron Underhill, the agent on behalf of the petitioners for the annexation, said they feel it is appropriate that the annexation, the zoning and any other matters related to the PD district be considered for a vote at the same meeting and requested that this remains tabled.

10. Public Hearings of Legislation

- a. **RESOLUTION 2023-31** A RESOLUTION OF ACCEPTANCE OF THE FRAMEWORK FINAL REPORT
Sean Staneart said that Licking County has been working on the Framework project and this is the final product. They ask that all communities that had an active member there to pass a resolution, nothing binding, just a nod that there is good information within.

Public Hearing:

1. Lewie Main

- Said that any costs associated should be noted for all legislation being passed.

Mr. Staneart said there were no ongoing costs, there was an initial participation fee based on population in 2020 when this first started.

ACTION: Donald Barnard moved to approve; Bob Orsini seconded and the vote was as follows:
AYES: Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Charlie Campbell
NOES: None
ABSTAIN: None

Passed 6 - 0

11. Introduction of Legislation

a. **ORDINANCE 19-2023** AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF JOHNSTOWN, REZONING APPROXIMATELY 407.3+/- ACRES TO PLANNED DEVELOPMENT DISTRICT

Sean Staneart said the Planning & Zoning Commission has been working through the PD District document application presented to them, and last Tuesday, they voted unanimously to send the application to council for review. Mr. Staneart said he asked the applicant to give a presentation to council tonight, similar to what was given in Planning & Zoning.

Aaron Underhill, zoning attorney with Underhill and Hodge, and Jamie McNally with the Johnstown Land Co. aka the New Albany Co. were present for the rezoning request and presentation to council on the proposed Planned Development. Mr. Underhill reviewed the sub-areas and the uses allowed, which are a combination of Office uses, Major and Community Institutional uses, Manufacturing, Production and Industrial uses, Warehousing and Distribution uses, Commercial uses, Data Center uses, Parking structures, Multi-Family, Parkland and Open Space. They have proposed 1,221 multi-family units for the residential component, they have been very mindful of the school district and are really trying to reach the young professional demographic. They are proposing a 9.75 mill New Community Authority charge only on property within this district. This is a voluntary tax assessment under the Ohio Revised Code that the property owner is willing to subject itself to, a revenue source solely on the back of those that will be in this development. This has been a real driver of the success that New Albany has had, this charge will even apply when there is an abatement on properties. They also propose the ability to place non-school TIFFs on property, a tax for infrastructure needs. He said there have been a lot of discussions on timing and that we are in a cycle right now where decisions are being made

by suppliers, they have other opportunities in other locations, they all want to be right here if they can be, but they do have other options. For some, if they cannot put a shovel in the ground next year some time, this area may be crossed off the list. The tabled annexation is now married up time wise with the zoning. There are various agreements still in the works, some which have to be done after annexation occurs, such as creating the community investment area for the annexed ground. They also have the school agreements council will be considering for the first time later tonight; everything is coming together in a way that is very intentional both on their part and on the city's part and should afford an opportunity for this to be a very successful project. Mr. Underhill opened for council questions and comments. Council member review of the sub-areas and their notes and comments by text section, edits noted by applicant.

Public Comment:

1. Andrea Ford

- Asked about the leisure paths and how it would affect the people who aren't part of the PD.

Mayor Barnard said it would only be in the area the developer owns. Mr. Staneart said in the right of way.

No further public comments. Second reading, Public Hearing and vote on November 8, 2023

b. **ORDINANCE 20-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMPENSATION AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT

This is an agreement to compensate the school for lost revenue due to CRA agreements. This is a model already in place between the City of New Albany and the Johnstown school district. Mayor Barnard said these agreements were the key to New Albany being able to develop as well as they have, with bringing businesses in. Thad Boggs said on the way the CRA exemption works; it does not exempt the current value of the land, the only thing it exempts is the value of a new structure, increased value of land is not exempted by the CRA. Because of the way the TIFF is structured, the schools would get their whole portion of that increased land value, any of these agreements do not result in less money for the school than what they have now. The school has reviewed as well and will have legislation of their own on their next agenda November 13th.

Second reading, Public Hearing and vote on November 8, 2023

c. **ORDINANCE 21-2023** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT INCENTIVES AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT

This agreement is between three parties, the City of Johnstown, Johnstown-Monroe school district and the Johnstown Land Company.

Second reading, Public Hearing and vote on November 8, 2023

12. Other Business

1. Bob Orsini

- Discussion in Rules Committee on live streaming of council meetings; point and counter points were live streaming is transparency, immediate access to information, community participation. On the other side, does that prevent folks from actually coming and joining in person, where we can have conversations that are more thorough and clear. An option discussed was to record and make available the next day, members discussed opinions.
2. Candidate night at the American Legion on Thursday, the Newark Advocate to mediate.
3. Vacancy on Design Review Board discussed, would like to prioritize anyone with any kind of architectural, construction or design experience. Applications will be accepted for thirty days.
4. Trick-or-Treat night is October 31st, 6-7:30 pm. It was noted that the Johnstown Chamber of Commerce has several events planned.
5. Next meeting on a Wednesday, 11/8/23, due to Tuesday election
6. Sean Stanearth said he attended the Monroe Township meeting to discuss the MOU they are working through with the water and sewer, good questions were asked by the Trustees, Steve Samules was there to help answer some questions. Also attended the Liberty Township meeting last week, good feedback from them also. Steve Samuels attended St. Albans Township meeting on behalf of Johnstown.

13. Adjourn

- ACTION:** Bob Orsini moved to adjourn; Donald Barnard seconded and all were in favor.
- AYES:** Ryan Green, Mayor Barnard, Jon Merriman, Nicole Shook, Bob Orsini, Charlie Campbell
- NOES:** None
- ABSTAIN:** None

Passed 6 - 0

The meeting adjourned at 9:30 pm.

Next Council Meeting November 8, 2023 (WEDNESDAY due to election)



October 2023

Water Council Report

CITY OF JOHNSTOWN, OHIO

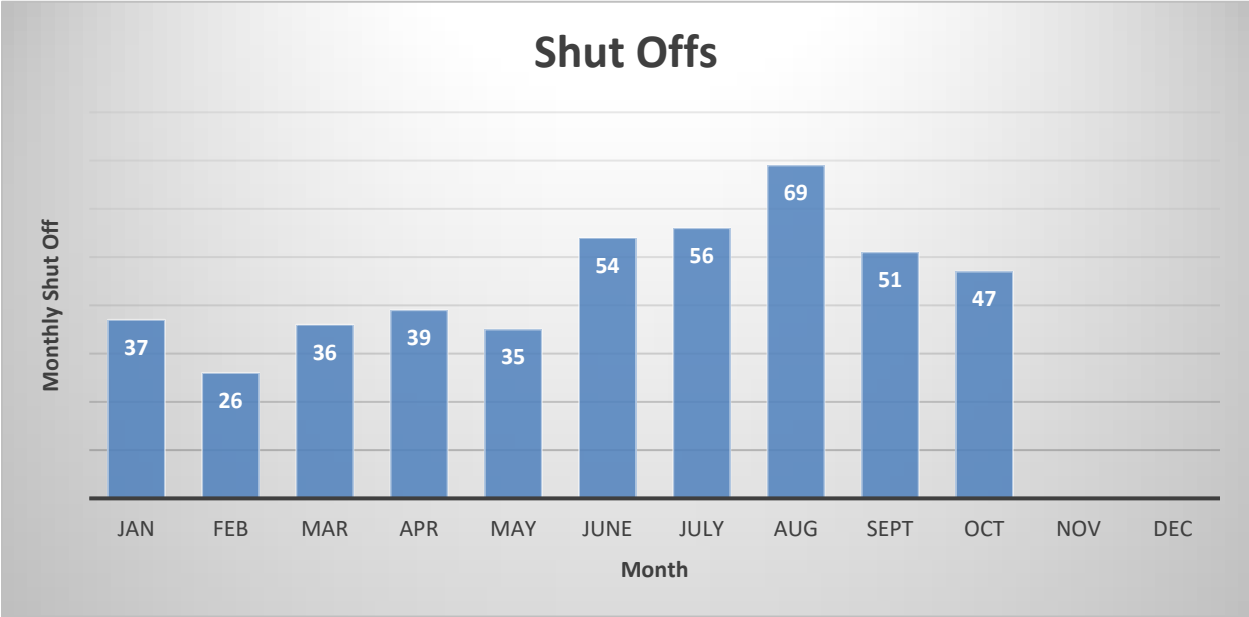


599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177
Fax: 740-967-3519

Water Plant October 2023

- 1) As of October 26th, the flow is 14.420 MG.
- 2) There were 47 shut offs.
- 3) Worked on work-orders.
- 4) We mowed grass.
- 5) The Water Department had 4.5 hours of training.
- 6) Changed lime feeders, took #2 feeder out and put #1 lime feeder in service. We cleaned #2 feeder and the feed line.
- 7) Tim Perry worked 5 hours for the Street Department.
- 8) Started exercising critical valves for main water lines.
- 9) We worked on Lead Inventory for E.P.A.
- 10) Water Plant employees participated in a Lead Line Inventory webinar.

Thank you,
Terry Nichols
Chief Water Operator
City of Johnstown



Daily Plant Tap Test Results

Date	PH	Phenol Alkalinity	Total Alkalinity	Total Hardness	Plant Tap Cl2		
					Free	Total	Combined
Oct-01	8.00	0	55	146	0.86	0.93	0.07
Oct-02	8.57	2	57	150	0.78	0.83	0.05
Oct-03	7.69	0	60	150	0.94	1.08	0.14
Oct-04	8.13	0	52	147	0.95	1.08	0.13
Oct-05	8.31	0	60	154	0.93	1.01	0.08
Oct-06	8.10	0	58	152	1.04	1.09	0.05
Oct-07	8.00	0	62	155	0.96	1.09	0.13
Oct-08	8.10	0	56	150	0.99	1.06	0.07
Oct-09	8.33	1	57	154	0.94	1.03	0.09
Oct-10	8.60	1	56	151	0.89	0.96	0.07
Oct-11	8.41	0	59	153	0.92	0.98	0.06
Oct-12	7.86	0	58	152	0.80	0.83	0.03
Oct-13	8.31	0	58	151	0.96	1.16	0.20
Oct-14	8.43	0	63	150	0.91	1.21	0.30
Oct-15	7.62	0	57	149	0.62	0.82	0.20
Oct-16	8.07	0	57	150	0.92	1.00	0.08
Oct-17	8.02	0	56	153	0.90	0.96	0.06
Oct-18	8.25	0	60	157	1.03	1.11	0.08
Oct-19	8.00	0	57	155	0.87	0.94	0.07
Oct-20	7.91	0	55	153	0.96	1.07	0.11
Oct-21	7.95	0	56	151	0.79	0.84	0.05
Oct-22	7.70	0	52	148	0.85	0.89	0.04
Oct-23	8.32	0	55	150	0.80	0.83	0.03
Oct-24	7.96	0	56	152	0.80	0.85	0.05
Oct-25	7.84	0	53	148	0.96	1.05	0.09
Oct-26	8.05	0	57	153	0.86	0.95	0.09
Oct-27	7.90	0	57	152	0.93	1.00	0.07
Average	8.09	0.1	57	152	0.89	0.99	0.09

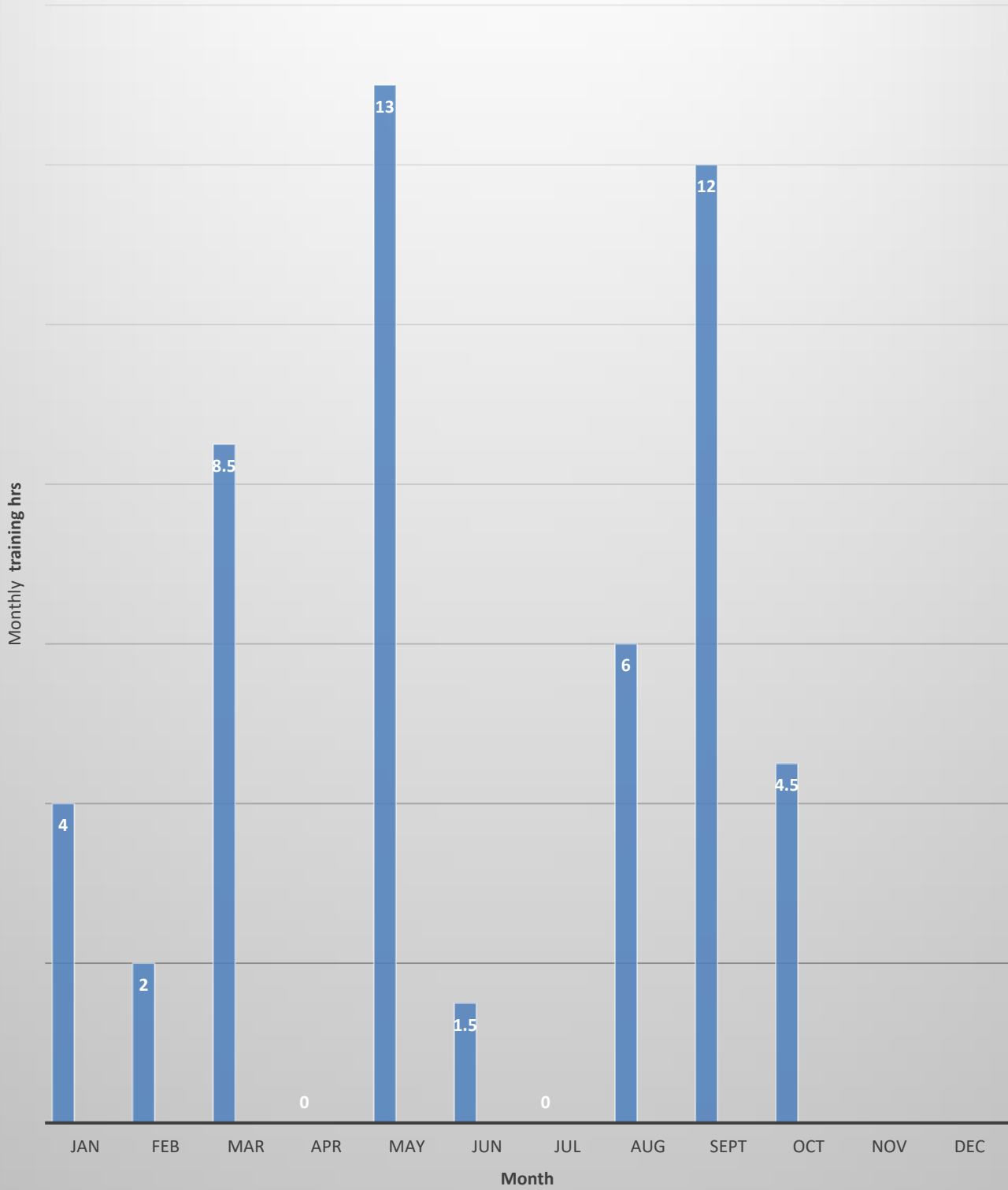
Total Alkalinity: 35-55 mg/L

Phenol Alkalinity: 0-2 mg/L

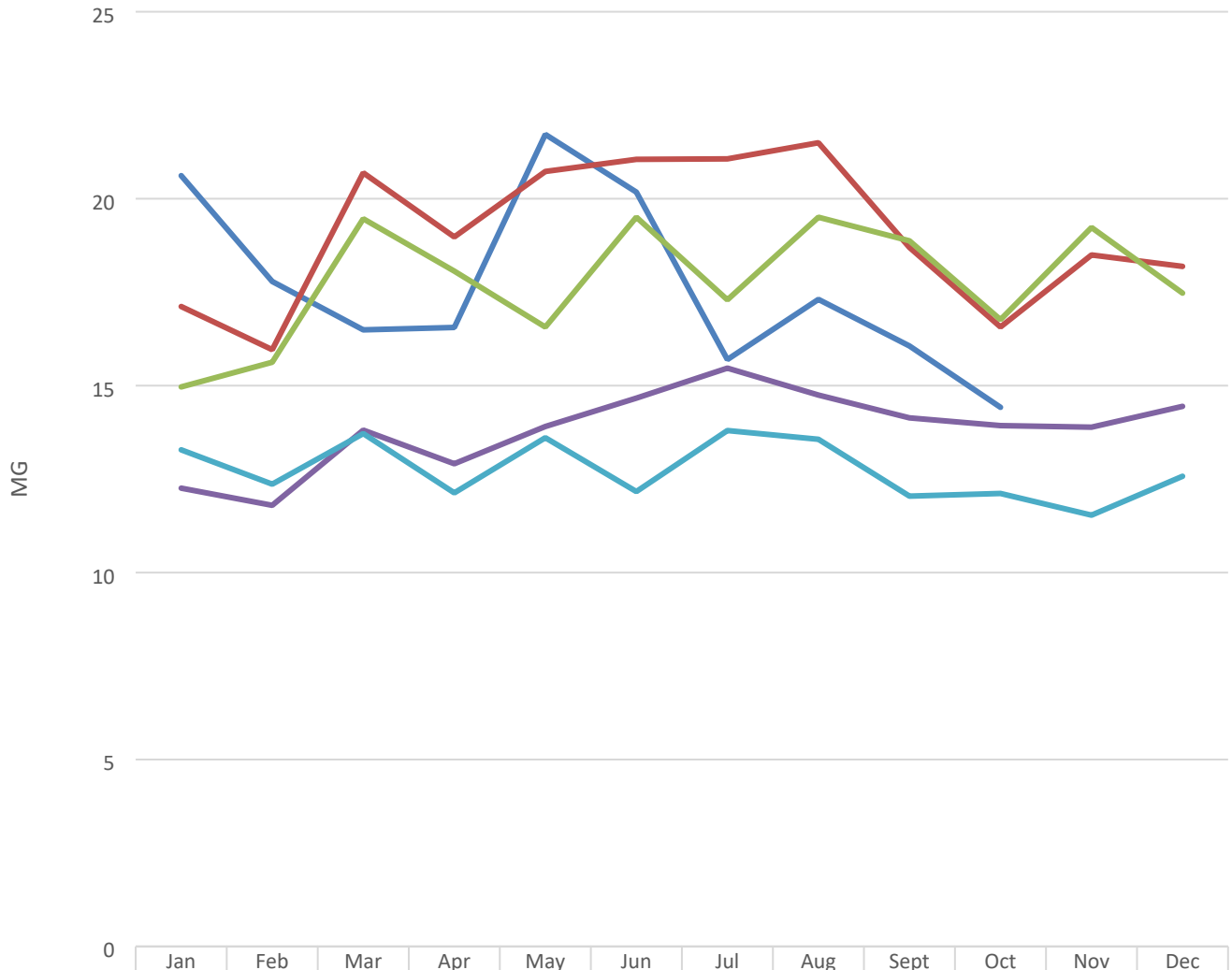
Hardness: 135 – 150 mg/L (Higher hardness is due to running # 2 L.S. well pulling water from deeper part of the aquifer)

Free Chlorine: 0.85-1.10 mg/L

Training Hours



Monthly Influent MG



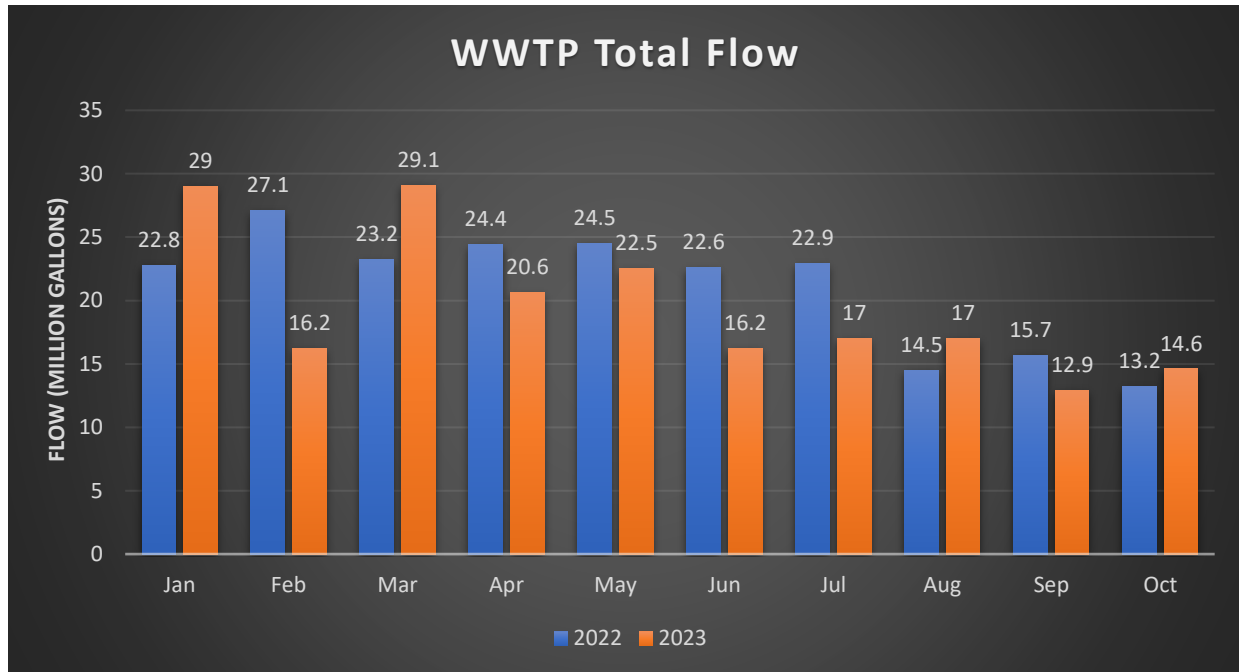
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2023	20.616	17.786	16.492	16.556	21.719	20.176	15.698	17.307	16.061	14.42		
2022	17.116	15.962	20.692	18.977	20.728	21.052	21.065	21.496	18.696	16.569	18.495	18.189
2021	14.966	15.626	19.463	18.063	16.567	19.506	17.295	19.504	18.873	16.765	19.23	17.475
2020	12.258	11.799	13.81	12.911	13.907	14.666	15.468	14.748	14.138	13.931	13.889	14.446
2019	13.283	12.365	13.718	12.132	13.607	12.167	13.799	13.565	12.045	12.116	11.536	12.576

Months

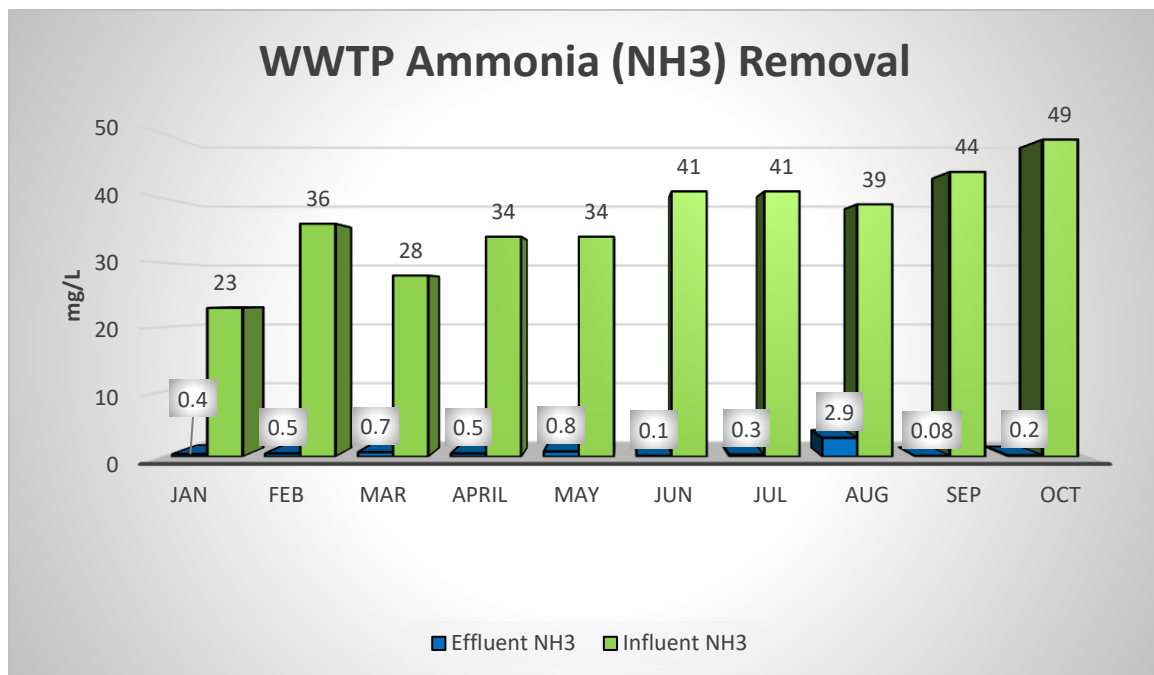


October 2023

Sewer Council Report



Plant Efficiency Charts

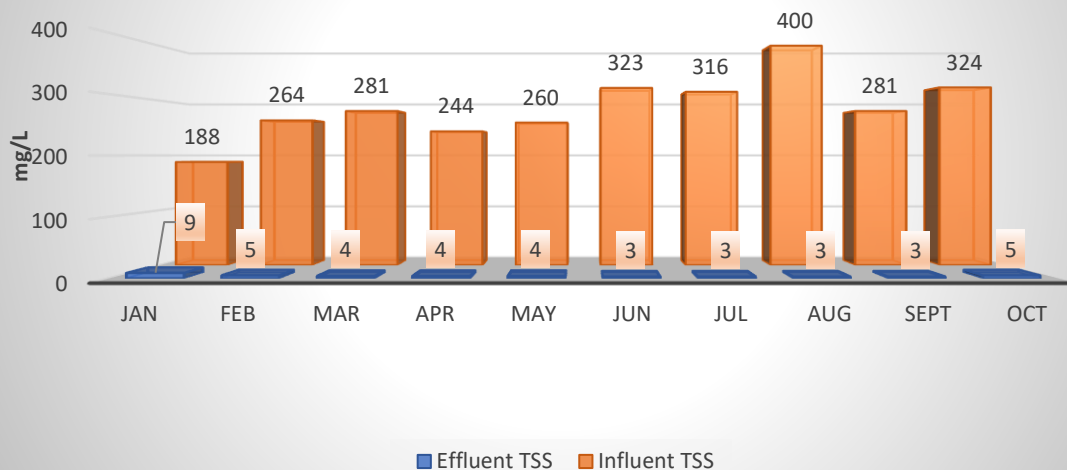


Average % of NH₃ removed for the month = **99%**

Discharge Limitations

Weekly- 3.9 mg/L
Monthly- 2.6 mg/L

WWTP Total Suspended Solids Removal

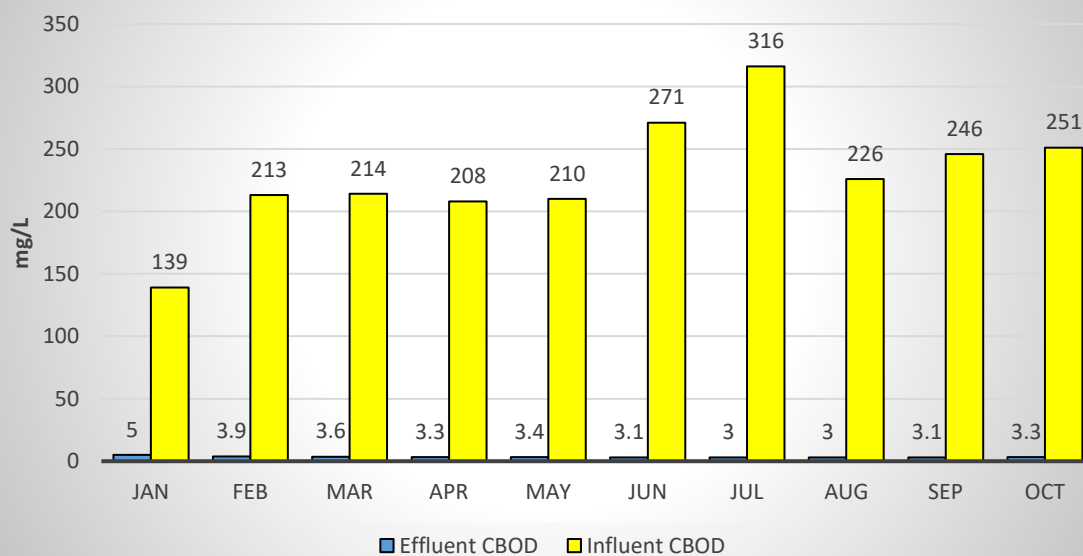


Average % of TSS removed for the month = **98%**

Discharge Limitations

Weekly- 18 mg/L
Monthly- 12 mg/L

WWTP CBOD Removal



Average % of BOD removed for the month = **99%**

Discharge Limitations

Weekly- 15 mg/L
Monthly- 10 mg/L

Work Highlights

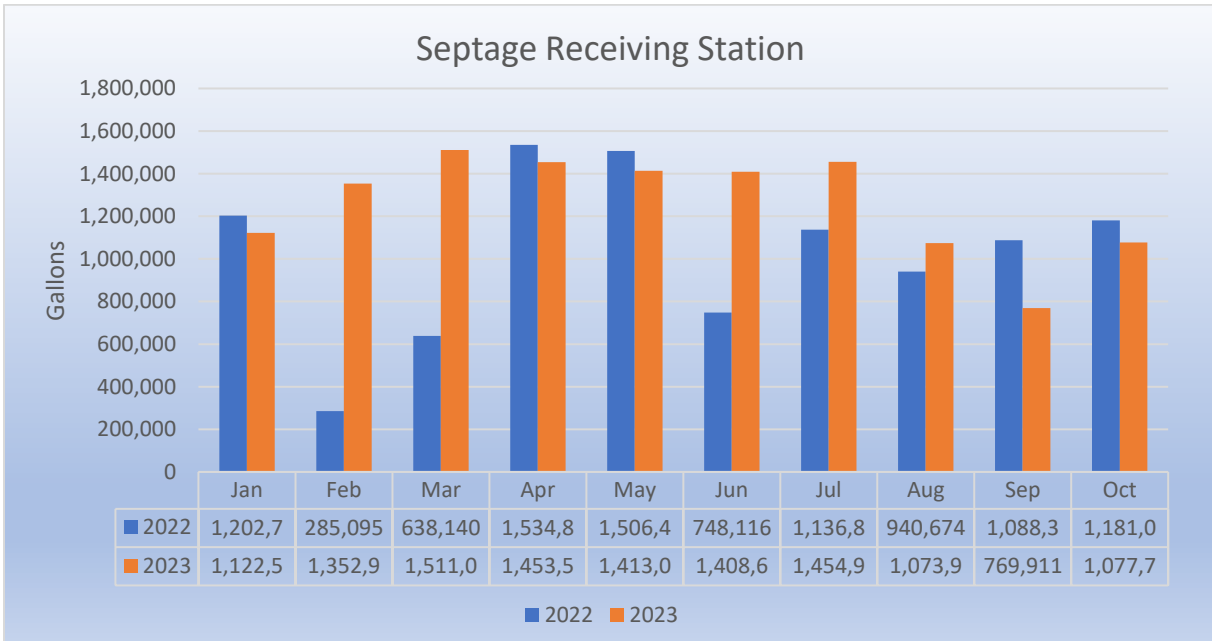
- Sewer Inspections
 - o 13 new build inspections
 - o 1 existing sanitary line repair
- Amount of sludge pressed (dewatered) – 375,908 gallons
- Hauled Biosolids
- Routine plant operations and preventative maintenance
- Septage Receiving Station Rehab



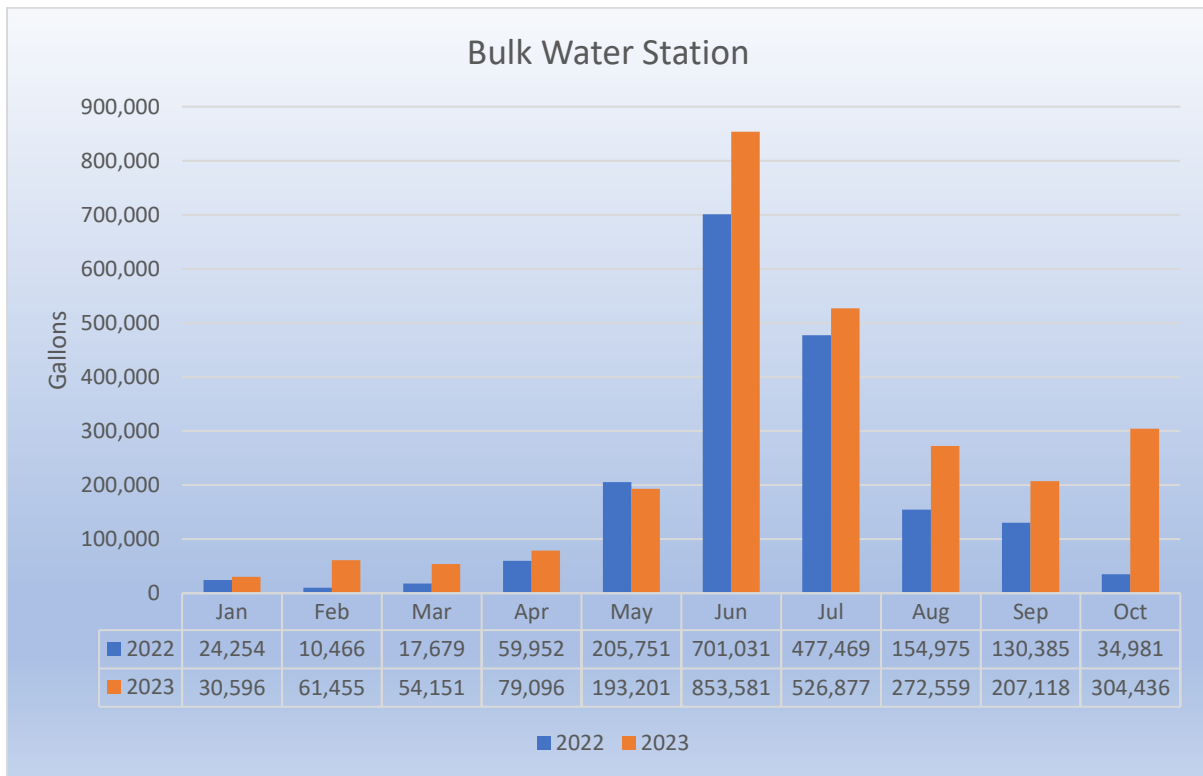
← Old steel pipe was corroded and leaking.

BULK SEWER & WATER

The following chart shows the total amount of waste in gallons brought into Johnstown for the current year and past year by the egg farm and bulk seepage haulers.



The chart below shows the total amount of bulk water in gallons purchased each month for the current year and past year. NOTE: This graph contains only gallons of bulk water purchased from the fill station onsite and does not include hydrant meter usage.





Street Department Report

October 2023

CITY OF JOHNSTOWN, OHIO

City of Johnstown
Administrative Offices



599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177

Misc.

- Equipment maintenance, cleaning, and repairs
- Sign repair/replacement (as needed)
- R.O.W Mowing
- Equiped trucks for winter

Street Maintenance

- Street sweeping (weekly)
- 350ft of curb repair (tyler place)
- Put up Veteran banners and flags
- 3 street lights changed to LED
- Installed speed signs on Benedict and Buena vista

Water Maintenance

- Assisted in water shut-offs
- Exposed water service for possible leak (314 Bottecchia)
- OUPS Locates (Daily)

Stormwater Maintenance

- OUPS Locates (Daily)
- Inlet cleaning
- Storm main repair (253 N Oregon)
- Catch basin repair (373 Buena vista)

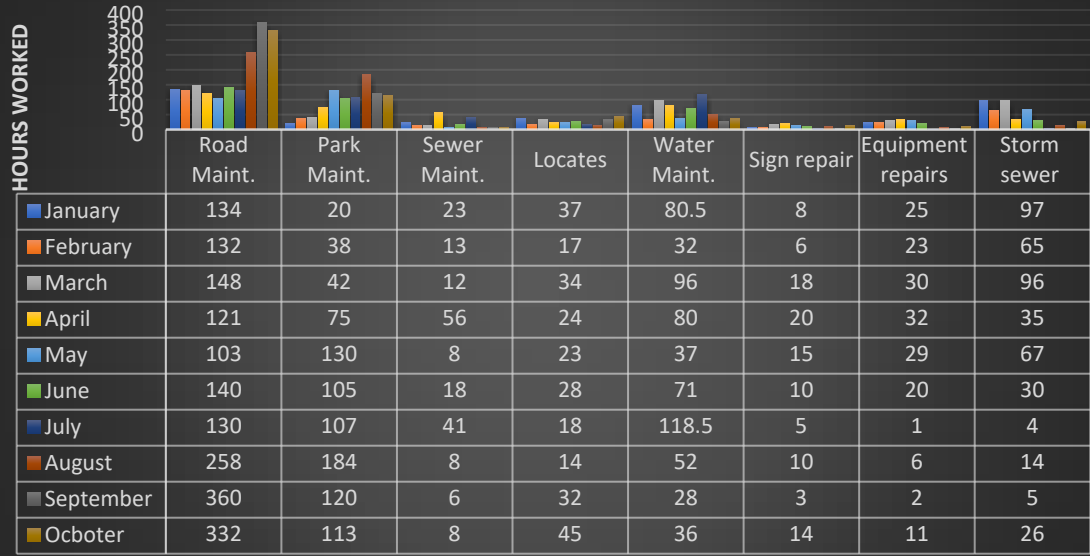
Park Maintenance

- Trash pickup (weekly)
- Trail head toilet checked and cleaned (weekly)
- Mowing and trimming (weekly)

Sewer Maintenance

- OUPS Locates (Daily)

2023



TYPE OF WORK

January February March April May June July August September Ocboter

Service Department Report

10/31/23

- 1) New Water Tower Update – As-Builts should be completed by 11/30/23 and project should be ready to accept.
- 2) Water Plant Update – General Schedule for design completion and plant construction has been received from Jacobs engineering.
- 3) Wastewater Plant update – Reviewing design contract for approval.
- 4) East Jersey Project – Had final walk through 10/31/23. There were a couple small items left from punch list and As-Builts to be delivered. I informed the contractor and engineers I would like to close out the project and except by the first of December.
- 5) Pulte Housing Development – Punch list is going well. Want to be completed by 12/1/23.
- 6) Concord Crossing East Development – Water and storm sewer installation is going well.



**A RESOLUTION ACCEPTING AN ANNEXATION OF 285.93 +/- ACRES, MORE OR LESS,
FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN**

WHEREAS, a petition was filed with the Licking County Board of County Commissioners on June 16 , 2023, requesting annexation to the City of Johnstown, Ohio of 285.93 +/- acres of land in Monroe Township owned by Thomas E. II & Dawn C. Dague, Trustees, James R. Heimerl, Katherine E. Heimerl, Jeffery W. Heimerl, Bradley J. Heimerl, Matthew D. Heimerl, and, The Johnstown Land Company LLC (the “Property”, a description of which is attached hereto as Exhibit “A” and made a part hereof); and

WHEREAS, the City of Johnstown Council approved Resolution 2023-18 on July 5, 2023 stating what services would be provided to the 285.93 +/- acres of land; and

WHEREAS, the Licking County Commissioners approved the annexation petition on July 13, 2023; and

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

Section One: The petition for annexation of 285.93 +/- acres, more or less, to the City of Johnstown is hereby accepted.

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were 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 CITY OF JOHNSTOWN.

Section Three: This resolution shall take effect at the earliest date provided by law.

Date of Introduction: October 3, 2023

Public Hearing: October 3, 2023

TABLED October 3, 2023

BY: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE CITY OF JOHNSTOWN
OF ±285.93 ACRES
IN THE TOWNSHIP OF MONROE



TO THE BOARD OF COUNTY COMMISSIONERS
OF LICKING COUNTY, OHIO:

The undersigned, being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described in Exhibit "A", consisting of ±285.93 acres, more or less, located in the Township of Monroe, Licking County, Ohio, which area is contiguous along 1708.6 feet or 7% and adjacent to the City of Johnstown, do hereby respectfully petition the Board of Licking County Commissioners that said territory be annexed to the City of Johnstown according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023.

The number of owners within the area is eight (8)

1. Attached to this petition and made part hereof is a full legal description of the area to be annexed, marked as Exhibit "A".
2. Attached to this petition and made part hereof is an accurate map of the area to be annexed, marked as Exhibit "B".
3. Attached to this petition and made part hereof is a list of parcels in the area to be annexed and adjacent territory that includes the name of the owner, mailing address of owner and permanent parcel number, marked as Exhibit "C".

The undersigned petitioners do hereby designate Aaron Underhill, Esq., David Hodge, Esq., and Eric Zartman, Esq., attorneys, as their agents ("Agents") as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to each said Agent individually to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition. Agents' contact information is as follows: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail: aaron@uhlfirm.com, david@uhlfirm.com, and eric@uhlfirm.com.

WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

[Petition signatures on following counterpart page]

WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:

Thomas E. and Dawn C. Dague, Trustees
5152 Clover Valley Road
Johnstown, OH 43031

PNs:

052-173646-00.002
052-172752-00.000
052-172752-00.001
052-173646-00.000
052-173646-00.001

Thomas E. Dague II

Thomas E. Dague, II

Date: 5/29, 2023

Dawn C. Dague

Dawn C. Dague

Date: May 29, 2023

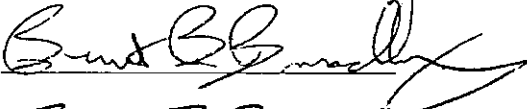
WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:

The Johnstown Land Company LLC
8000 Walton Parkway, Suite 120
New Albany, OH 43054

PNs:

052-173958-01.000, 052-173646-00.003, 052-172800-00.000,
052-173970-03.000 and 052-175698,00.000

By: 

Name: BRENT B. BRADBURY

Title: AUTHORIZED SIGNATORY

Date: 6.15.2023

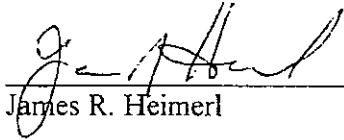
WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF
COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL
THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR
SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:

James R. Heimerl, as to an undivided 40.06% interest in the property
3891 Mink Street NW
Johnstown, OH 43031

PN:

052-173958-00.000


James R. Heimerl

Date: 5/30, 2023

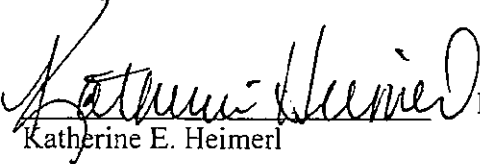
WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
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COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL
THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR
SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:

Katherine E. Heimerl, as to an undivided 14.985% interest in the property
3891 Mink Street NW
Johnstown, OH 43031

PN:

052-173958-00.000

 Date: 5/30, 2023
Katherine E. Heimerl

WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF
COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL
THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR
SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:

Matthew D. Heimerl, as to an undivided 14.985% interest in the property
3891 Mink Street NW
Johnstown, OH 43031

PN:

052-173958-00.000



Matthew D. Heimerl

Date: 5/30, 2023

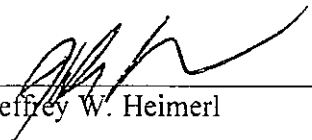
WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF
COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL
THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR
SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:

Jeffrey W. Heimerl, as to an undivided 14.985% interest in the property
10574 Miller Road
Johnstown, OH 43031

PN:

052-173958-00.000



Jeffrey W. Heimerl

Date: 5 - 30, 2023

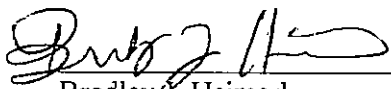
WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR
RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF
COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE,
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL
THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR
SAID SPECIAL ANNEXATION PROCEDURE.

PETITIONER:

Bradley J. Heimerl, as to an undivided 14.985% interest in the property
11184 Miller Road
Johnstown, OH 43031

PN:

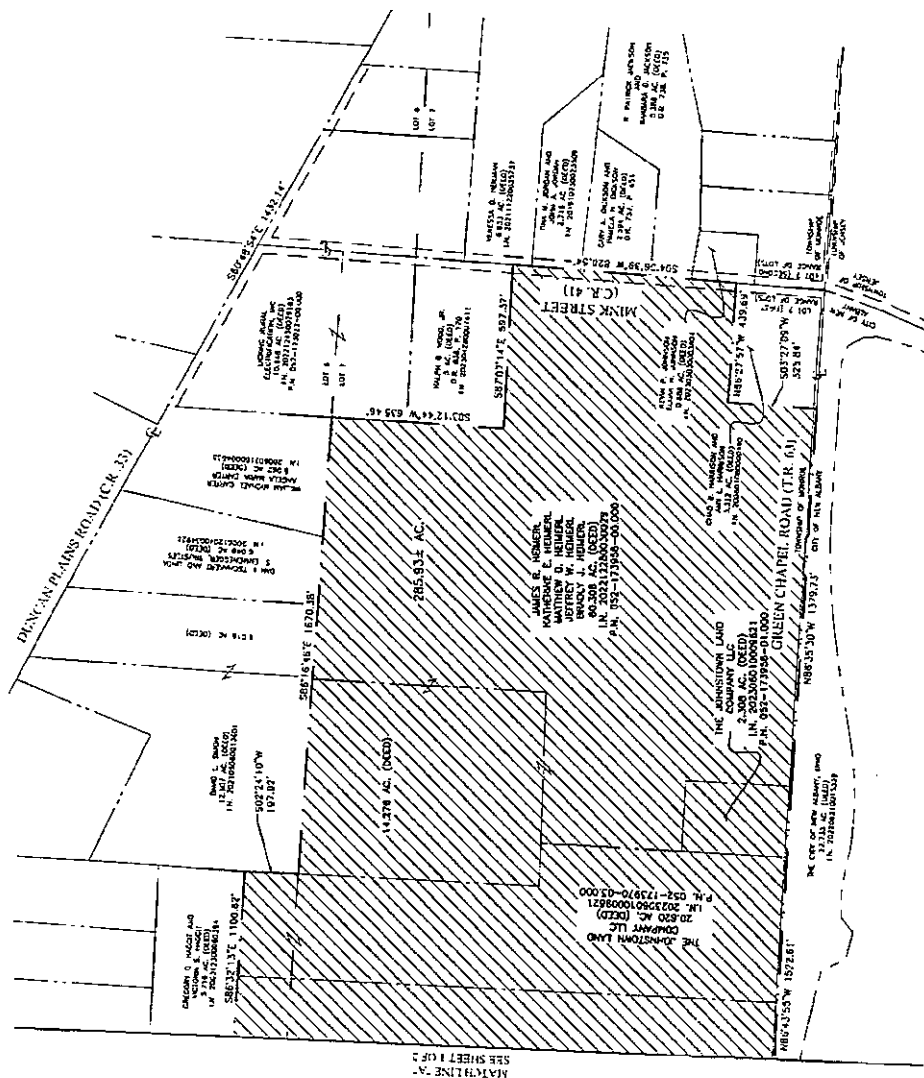
052-173958-00.000


Bradley J. Heimerl

Date: 5/30, 2023

TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

EXHIBIT "B"
ANNEXATION OF 285.93± ACRES
TO THE CITY OF JOHNSTOWN FROM THE TOWNSHIP OF MONROE
SECTION 23, QUARTER TOWNSHIP 3, TOWNSHIP 3, RANGE 15
LOTS 6 & 7 (FIRST RANGE), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO



 EMHT Emergency Medical Transportation Association 10000 Highway 100, Suite 100 Dallas, TX 75243-4699 Phone: 214.343.4422 Fax: 214.343.4448 www.emht.com	Date: June 12, 2023 Scale: 1" = 300' Job No: 2023--0023 Sheet: 2 of 2		REVISIONS
	WORK:	DATE:	DESCRIPTION:

EXHIBIT "A"
PROPOSED ANNEXATION OF
285.93± ACRES

FROM: MONROE TOWNSHIP

TO: CITY OF JOHNSTOWN

Situated in the State of Ohio, County of Licking, Township of Monroe, in Section 23, Quarter Township 3, and Lots 6 and 7 (First Range), Quarter Township 4, Township 3, Range 15, United States Military District, being comprised of all of the following tracts of land: that 44.935 acre tract conveyed to Thomas E. Dague, II, Trustee and Dawn C. Dague, Trustee by deed of record in Instrument Number 201111040021089, that 50.000 acre tract conveyed to Thomas E. Dague, II, Trustee and Dawn C. Dague, Trustee by deed of record in Instrument Number 201102180003453, that 5.49 acre tract conveyed as Parcel Number I and that 7.05 acre tract conveyed as Parcel Number II to Thomas E. Dague, II, Trustee and Dawn C. Dague, Trustee by deed of record in Instrument Number 201102180003452, that 5.00 acre tract conveyed to Thomas E. Dague, II, Trustee and Dawn C. Dague, Trustee by deed of record in Instrument Number 201102180003451, that 2.5 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202306010009621, that 5.64 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202306010009621, that 67.659 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202306010009621, that 20.620 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202306010009621, that 2.308 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202306010009621, and that 14.276 acre tract and that 60.308 acre tract conveyed to James R. Heimerl, Katherine E. Heimerl, Matthew D. Heimerl, Jeffrey W. Heimerl and Bradly J. Heimerl by deed of record in Instrument Number 202212280030029 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, the southeasterly corner of Section 23, Quarter Township 3, the southwesterly corner of Lot 7 (First Range), Quarter Township 4, in the centerline of Green Chapel Road (T.R. 63);

Thence North 03° 01' 04" East, with the common line of said 5.654 and 6.232 acre tracts, the line common to said Section 23, Quarter Township 3 and said Lot 7 (First Range), Quarter Township 4, a distance of 1138.45 feet to a point the northwesterly corner of said 6.232 acre tract, the TRUE POINT OF BEGINNING for this description;

Thence North 03° 01' 04" East, with the easterly line of said 5.654 acre tract, a distance of 224.29 feet to the northeasterly corner thereof;

Thence North 86° 47' 50" West, with the northerly lines of said 5.654 acre tract, that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205, that 5.63 acre tract conveyed to Adam Frantz and Beth A. Frantz by deed of record in Instrument Number 201002250003655, and that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152, a distance of 720.86 feet to the northwesterly corner of said 5.638 acre tract;

Thence South 02° 59' 13" West, with the westerly line of said 5.638 acre tract, a distance of 1365.63 feet to a point in the centerline of said Green Chapel Road;

Thence North 87° 03' 09" West, with said centerline, a distance of 1122.60 feet to the southeasterly corner of that 3.0 acre tract conveyed to Alve E. Holley and Diana L. Holley, Trustees by deed of record in Instrument Number 200512220040519;

285.93± ACRES

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Thence North 03° 13' 11" East, with the easterly line of said 3.0 acre tract, a distance of 268.16 feet to a point in the southerly line of that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525;

Thence South 86° 48' 38" East, with said southerly line, a distance of 396.02 feet to a point;

Thence North 01° 44' 39" West, with the easterly line of said 8.112 acre tract and the easterly line of that 9.248 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751, a distance of 319.71 feet to a point;

Thence North 03° 27' 29" East, with the easterly lines of said 9.248 acre tract and the easterly line of that 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751, a distance of 783.86 feet to a point;

Thence North 86° 47' 50" West, with the northerly line of said 14.424 acre tract, a distance of 1252.48 feet to a point in the centerline of Clover Valley Road (C.R. 26);

Thence North 03° 08' 54" East, with said centerline, a distance of 801.17 feet to the southwesterly corner of that 2.00 acre tract conveyed to Laurie Turner and William Turner by deed of record in Instrument Number 201908190017148;

Thence South 86° 48' 12" East, with the southerly line of said 2.00 acre tract, a distance of 492.19 feet to a point;

Thence North 03° 08' 54" East, with the easterly line of said 2.00 acre tract, a distance of 175.00 feet to a point in the southerly line of that 2.00 acre tract conveyed to Michael A. Signoracci, Jr. and Elizabeth L. Signoracci by deed of record in Instrument Number 201709130019537;

Thence with the boundary of said 2.00 acre tract the following courses and distances:

South 86° 46' 34" East, a distance of 25.33 feet to a point;

North 03° 09' 12" East, a distance of 174.50 feet to a point;

North 89° 54' 45" West, a distance of 299.67 feet to a point; and

North 82° 24' 28" West, a distance of 218.95 feet to a point in the centerline of said Clover Valley Road;

Thence North 03° 08' 54" East, with said centerline, a distance of 292.51 feet to the southwesterly corner of that 1.000 acre tract conveyed to Jared James Blinsky and Michelle Erin McMillen by deed of record in Instrument Number 200509120028508;

Thence South 86° 54' 50" East, with the southerly line of said 1.000 acre tract, a distance of 302.30 feet to a point;

Thence North 03° 05' 04" East, with the easterly line of said 1.000 acre tract, a distance of 166.44 feet to a point in the southerly line of that 2.00 acre tract conveyed to Brett Cosma and Tabitha McGuire, Trustees by deed of record in instrument Number 202202280005052;

Thence South 86° 35' 54" East, with the southerly lines of said 2.00 acre tract, that 14.608 acre tract conveyed to Edmond Russ and Melissa Russ by deed of record in Instrument Number 202101280003058, and that 50.912 acre tract conveyed as Parcel II to West Licking Properties LLC by deed of record in Instrument Number 202302240003314, and partially with the existing City of Johnstown corporation line, as established by Ordinance Number 15-05, of record in

285.93± ACRES

-3-

Instrument Number 200606070016275, a distance of 2414.71 feet to the southwesterly corner of that 5.863 acre tract conveyed to John K. Scott by deed of record in Instrument Number 200507060020280, the northwesterly corner of that 2.099 acre tract conveyed to Michael G. Rush and Corinna M. Rush by deed of record in Instrument Number 200506280019429;

Thence South 02° 46' 25" West, with the westerly line of said 2.099 acre tract, a distance of 456.84 feet to the southwesterly corner thereof;

Thence South 87° 06' 30" East, with the southerly lines of said 2.099 acre tract, that 8.616 acre tract conveyed to Michael G. Rush and Corinna M. Rush by deed of record in Instrument Number 200105300018833, that 6.189 acre tract conveyed to Michael G. Rush and Corinna M. Rush by deed of record in Instrument Number 199906080024239, and that 5.731 acre tract conveyed to Michael D. Petry and Diane M. Petry by deed of record in Deed Book 753, Page 242, a distance of 1094.40 feet to the southwesterly corner of that 5.049 acre tract conveyed to Steven A. Oltmann and Susan L. Oltmann by deed of record in Official Record 2, Page 426, the northwesterly corner of that 5.920 acre tract conveyed to Valerie A. Bryan and John D. Titman by deed of record in Instrument Number 201707060014190;

Thence South 02° 53' 32" West, with the westerly line of said 5.920 acre tract, a distance of 528.35 feet to the southwesterly corner thereof;

Thence South 86° 32' 13" East, with the southerly lines of said 5.920 acre tract and that 5.716 acre tract conveyed to Gregory D. Haggitt and Victoria S. Haggitt by deed of record in Instrument Number 200312300060394, a distance of 1100.62 feet to a point in the westerly line of that 12.607 acre tract conveyed to David L. Simon by deed of record in Instrument Number 202105060013601;

Thence South 02° 24' 10" West, with said westerly line, a distance of 197.92 feet to the southwesterly corner thereof;

Thence South 86° 16' 46" East, with the southerly lines of said 12.607 acre tract, that 6.016 acre tract conveyed to David L. Simon by deed of record in Instrument Number 202105060013601, that 6.048 acre tract conveyed to Dan I. Tschakert and Linda S. Emmenegger, Trustees by deed of record in Instrument Number 200612040034926, and that 6.062 acre tract conveyed to William Michael Carter and Angela Maria Carter by deed of record in Instrument Number 200602160004633, a distance of 1670.38 feet to a point in the westerly line of that 10.148 acre tract conveyed to Licking Rural Electrification, Inc, by deed of record in Instrument Number 202212150029283;

Thence South 03° 12' 44" West, with said westerly line and the westerly line of that 5 acre tract conveyed to Ralph B. Wood, Jr. by deeds of record in Official Record 838, Page 170 and Instrument Number 202304280007411, a distance of 635.46 feet to a point;

Thence South 87° 07' 14" East, with the southerly line of said 5 acre tract, a distance of 597.37 feet to a point in the centerline of Mink Street;

Thence South 04° 06' 39" West, with said centerline, a distance of 820.54 feet to the northeasterly corner of that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 200801080000490;

Thence North 86° 27' 57" West, with the northerly line of said 3.322 acre tract, a distance of 439.69 feet to a point;

Thence South 03° 27' 09" West, with the westerly line of said 3.322 acre tract, a distance of 325.84 feet to a point in the centerline of said Green Chapel Road;

285.93± ACRES

-4-

Thence North 86° 35' 30" West, with said centerline, a distance of 1379.73 feet to a point;

Thence North 86° 43' 55" West, with said centerline, a distance of 1522.61 feet to the southeasterly corner of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223;

Thence North 02° 47' 04" East, with the easterly line of said 5.224 acre tract, a distance of 1137.14 feet to the northeasterly corner thereof;

Thence North 86° 39' 45" West, with the northerly lines of said 5.224 acre tract, that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526, that 3.004 acre tract conveyed Ronald D. Music and Euine F. Music by deed of record in Official Record 116, Page 473, that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854, and said 6.232 acre tract, a distance of 1102.66 feet to the TRUE POINT OF BEGINNING, containing 285.93 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

12 JUNE 23

Matthew A. Kirk

Professional Surveyor No. 7865

MAK: ap
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285.93± ACRES

-4-

Thence North 86° 35' 30" West, with said centerline, a distance of 1379.73 feet to a point;

Thence North 86° 43' 55" West, with said centerline, a distance of 1522.61 feet to the southeasterly corner of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223;

Thence North 02° 47' 04" East, with the easterly line of said 5.224 acre tract, a distance of 1137.14 feet to the northeasterly corner thereof;

Thence North 86° 39' 45" West, with the northerly lines of said 5.224 acre tract, that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526, that 3.004 acre tract conveyed Ronald D. Music and Euine F. Music by deed of record in Official Record 116, Page 473, that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854, and said 6.232 acre tract, a distance of 1102.66 feet to the TRUE POINT OF BEGINNING, containing 285.93 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

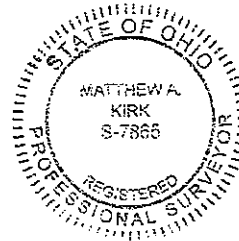
Matthew A. Kirk

12 JUNE 23

Matthew A. Kirk

Professional Surveyor No. 7865

MAK: ap
285_93 ec 20230023-VS-ANNX-05.doc



PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED ☒	CONDITIONAL ☐
APPROVED BY: <i>AM</i>	
DATE: 06-15-23	



ORDINANCE 19-2023

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF JOHNSTOWN, REZONING APPROXIMATELY 407.3+/- ACRES TO PLANNED DEVELOPMENT DISTRICT

WHEREAS, the Property identified in the attached Exhibit A consists of 407.3+/- acres ("Property"), the vast majority of which is owned or controlled by The Johnstown Land Company LLC and its affiliated business entities; and

WHEREAS, Portions of the Property are already within Johnstown's boundaries and the remainder, approximately 285.9+/- acres, is in the process of being annexed to the City; and

WHEREAS, This Property is in prime position for development in a manner that is complimentary to existing conditions while also providing significant opportunities for economic development that benefits the City; and

WHEREAS, The City wishes to re-zone the Property to Planned Development District, consistent with the zoning and development text included as Exhibit A; and

WHEREAS, The Planning and Zoning Commission recommended approval of the rezoning of the Property to Planned Development District consistent with Exhibit A; and

WHEREAS, the City wishes to amend the official zoning map and approve the rezoning of the Property to Planned Development District, consistent with Exhibit A, subject to and contingent on the portion of the Property that is outside of the City being successfully annexed.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF JOHNSTOWN, LICKING COUNTY, OHIO, AS FOLLOWS:

Section 1. That the Zoning Map of the City of Johnstown, Ohio, be and hereby is amended as follows

That approximately 407.3+/- acres identified as the Property, which is described and depicted on the attached Exhibit A and Exhibit B, both of which being incorporated herein by reference, is rezoned to Planned Development District consistent with Exhibit A, which is incorporated herein.

Section 2. Any ordinance or portion thereof in conflict with the provisions of this ordinance is hereby repealed.

Section 3. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City 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 CITY OF JOHNSTOWN.

Section 2. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City 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 City OF JOHNSTOWN.

Date of Introduction: October 17, 2023

Public Hearing/Vote:

Effective:

By: _____

Donald Barnard, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

JOHNSTOWN OPPORTUNITY PLANNED DEVELOPMENT DISTRICT (PD)

~~OCTOBER 13~~ NOVEMBER 8, 2023

ARTICLE I: BACKGROUND

Section 1.1 Introduction and Summary. The City of Johnstown has embarked on a planning effort which seeks to position the community for master-planned and strategic growth. As part of this effort, it has adopted a *Land Use Framework* to supplement its Comprehensive Plan, which provides recommendations for land use and development in areas within and around the City. In addition, the City has created a new Planned Development (PD) classification in its zoning code which facilitates the development of a variety of uses and provides a mechanism for an applicant to propose standards under which such development is to occur. The combination of these two actions serves as a catalyst to allow Johnstown to capitalize on the opportunities that the Intel Campus and supporting projects will bring to the municipality.

This PD district includes 407.2+/- acres, the vast majority of which is owned or controlled by The Johnstown Land Company LLC and its affiliated business entities (Subarea 2B as defined herein is not owned or controlled by any of these entities but is being included with that property owner's consent). Portions of the subject properties are already within Johnstown's boundaries and the remainder (285.9+/- acres) is in the process of being annexed to the City. This land is in prime position for development in a manner that is complimentary to existing conditions while also providing significant opportunities for economic development that benefits the City. It provides a rare opening to master plan a significant amount of acreage under one planned development, which most communities never see.

The subject properties are mostly contained within an area bounded by Clover Valley Road on the west, Duncan Plains Road on the north, Green Chapel Road on the south, and Mink Street on the east. Other portions are located to the north of and adjacent to Duncan Plains Road and are served by Enterprise Drive.

This PD district is located within the *Land Use Framework* area that is identified for "Jobs." The shared goals of the applicant and the City are to strengthen the finances of the community through increased real estate taxes to be generated from this PD district and the collection of income taxes from new jobs. Attracting these types of developments are only possible by also providing a mix of other uses to support them. This zoning text provides for a range of uses as well as development standards and design requirements for the subject properties to facilitate economic growth.

Section 1.2 Regulatory Vision.

Long-range master planning, investment in public infrastructure, and proactive adoption of zoning standards to attract the right mix of uses collectively serve as the modern formula for a community's successful growth strategy. Zoning standards designed to attract employment-

generating uses also will allow for supporting service, retail, entertainment, recreational, and residential uses in close proximity, as businesses are increasingly becoming more interested in development sites where their employees can work in close proximity to where they live, shop, and socialize. The standards and requirements in this text are intended to provide a blueprint for success.

Section 1.3 Subareas. The PD is divided into five “subareas” as depicted on the accompanying Subarea Plan and as more particularly described in legal descriptions which have been filed along with this rezoning application. More specifically:

(A) Subarea 1. Subarea 1 consists of 182.7+/- acres which are bounded on the west by Clover Valley Road and on the north by Duncan-Plains Road, and consists of the western and central portions of the PD district.

(B) Subarea 2. Subarea 2 consists of 68.4+/- acres located to the north of and adjacent to Duncan-Plains Road and partially extending northward to U.S. Route 62. This subarea is also served by Enterprise Drive.

(C) Subarea 3. Subarea 3 consists of 70.3+/- acres located generally to the southwest of (but not adjacent to) the intersection of Duncan-Plains Road and Mink Street, to the east of and adjacent to Subarea 1, and to the west of and adjacent to Mink Street. It is north of and adjacent to Subarea 4.

(D) Subarea 4. Subarea 4 consists of a total of 60.1+/- acres located to the west and northwest of the intersection of Duncan-Plains Road and Mink Street, directly to the south of and adjacent to Subarea 3.

(E) Subarea 5. Subarea 5 consists of 25.7+/- acres located to the north of and adjacent to Green Chapel Road, generally to the east of its intersection with Clover Valley Road and to the south of and adjacent to Subarea 1.

Section 1.4 Summary of PD Regulatory Concept. This PD will facilitate creative development and will foster the goals of being flexible and yet predictable. It will accommodate the mixing of uses in certain locations where the segregation of uses would result in outdated and uninspired development patterns. By the act of approving this zoning and Preliminary Development Plan, certain baseline zoning rights will be applied throughout the zoning district. All other use and development rights that previously applied to these properties will no longer apply (*see Section 2.1*). The placement of use and development rights throughout the zoning district will be subject to certain limitations and requirements as detailed throughout this text.

Section 1.5 Application and Interpretation. This zoning text applies standards and requirements which are specific to the land located within it. In the future, additional land may be made subject to this text in accordance with rules and procedures detailed in Codified

Ordinances Chapter 1164, including (but not limited to) Section 1164.01(e). In the event of a conflict between any provision of this zoning text and the Codified Ordinances, the provision in this zoning text shall govern. When this text is silent on a particular matter, then the provisions of the Codified Ordinances shall be applied.

ARTICLE 2: USES

Section 2.1 Baseline Rights. Upon the approval of this zoning, certain uses and development rights shall be established as baseline rights within each subarea of this zoning district. The chart in **Section 2.2** below (the “Use Chart”) sets forth the use rights which are being established as baseline rights within each subarea. Baseline uses shall be permitted to be developed and operated on applicable property in accordance with relevant procedures as detailed later in this text. Further definitions of each use category are provided in **Section 2.3**.

Section 2.2 Use Chart.

The following Use Chart details the use categories which are allowed to be developed and operated in each subarea in this zoning district. Where a “**P**” is used in the chart, this indicates that the use category is permitted in the relevant subarea as a “baseline permitted use category” upon the effective date of this zoning text without the need for further zoning approvals, but with development still being subject to any required Final Development Plan or Certificate of Development Approval (“**CODA**”) application reviews and approvals pursuant to the requirements of Codified Ordinances Chapter 1164. Where a “**C**” is used in the chart, the uses within the particular category shall be conditional uses to be reviewed in accordance with Section 1164.03(b) of the Zoning Ordinance. Where an “**X**” is used in the chart, this indicates that all uses in the use category are prohibited from being developed or operated in the relevant subarea without the approval of a separate rezoning application that would otherwise permit them.

USE CHART

<u>Use Category</u>	<u>Subarea 1</u>	<u>Subarea 2</u>	<u>Subarea 3</u>	<u>Subarea 4</u>	<u>Subarea 5**</u>
Office Uses (O)	P	P	XP	P	P
Major Institutional Uses (MI)	P, except that public transit facilities and park-and-ride facilities shall be	P, except that public transit facilities and park-and-ride facilities shall be conditional uses	X	C	P, if associated with Subarea 1 uses, and provided that public transit facilities and park-and-ride

Use Category	Subarea 1	Subarea 2	Subarea 3	Subarea 4	Subarea 5**
	<u>conditional uses</u>				<u>facilities shall be conditional uses</u> C, if associated with <u>Subarea 4-uses</u> <u>other uses</u>
Community Institutional Uses (CI)	X	P	P	P, as part of development under the MU category	P, as part of development under the MU category
Manufacturing, Production, and Industrial Uses (MPI)	P	P	X	X	P
Data Center Uses (DC)	P	P	X	X	P
Warehousing and Distribution Uses (WD)	P	P	X	X	P
Neighborhood Commercial Uses (NC)	X	X	P	P	P
Auto-Related Uses (AR)	X, except that electric vehicle charging stations shall be permitted	X, except that electric vehicle charging stations shall be permitted	X, except that electric vehicle charging stations shall be permitted	C, except that electric vehicle charging stations shall be permitted	C, except that electric vehicle charging stations shall be permitted
Community Commercial Uses (CC):	X	X	X	P	P
Multi-Family Residential (MFR)	X	X	P	P, as part of development	<u>P, as part of development</u>

<u>Use Category</u>	<u>Subarea 1</u>	<u>Subarea 2</u>	<u>Subarea 3</u>	<u>Subarea 4</u>	<u>Subarea 5**</u>
				under the MU use category	under the MU use category X
Mixed Use (MU):	X	X	P	P	P X
Parkland and Open Space Uses (POS)	C	C	P	P	P
Parking Structures	C	C	P	P	C

**See Section 9.2 for use limitations that are applicable to Subarea 5.

Section 2.3 Permitted and Conditional Uses. The following land use categories shall apply to this zoning district:

(A) Office Uses (O). Office Uses (O) are intended to include a wide range of professional, administrative, medical, and similar office uses. These uses include, but are not limited to:

(i) Administrative and business offices which do not include on-site retail sales to customers, do not have an inventory of goods or products on the property from which office uses are conducted, and do not store non-office equipment or trucks on-site; and

(ii) Professional offices which may or may not include the provision of services to the general public, such as but not limited to medical services, mental health services, veterinary medical services (excluding daycare and overnight boarding), legal services, accounting services, engineering services, governmental services, and other services which are customarily provided in a professional office setting. Such offices do not include on-site retail sales to customers other than the sale of products which are ancillary to the primary office use such as pharmacies which dispense medication to patients that are served by a physician or other care provider that is located on-premises.

(B) Major Institutional Uses. Major Institutional Uses (MI) are intended to include uses that serve civic, educational, health, or other purposes which further the general health, education, safety, or welfare of the community and have a relatively large scale and/or intensity of use. These uses include, but are not limited to:

(i) Hospitals;

(ii) Ambulatory care facilities, defined to mean “facilities providing a range of different medical services on an outpatient basis such as (but not limited to) physician

services, wellness services, treatment programs, outpatient procedures and surgeries, clinics, counseling centers, medical laboratories, rehabilitation services, diagnostic services, and related or similar services and/or uses”;

(iii) Physical rehabilitation facilities, but excluding alcohol, drug, or other treatment facilities;

(iv) Primary and secondary schools, both public and private;

(v) Public or private higher education facilities such as trade schools, community colleges, colleges, and universities;

(vi) Governmental services such as public service storage, maintenance operation facilities, police protection, and fire and EMS services;

(vii) Public, quasi-public, or private utilities services, infrastructure, and storage of materials and equipment related thereto;

(viii) Public transit facilities and park-and-ride facilities, with the latter facilities defined to mean “a facility, paved area, or some combination thereof which provides daily parking for local bus or shuttle passengers or car-pooling.” Public transit facilities and park-and-ride facilities shall not be permitted to included restrooms or showers as part of such facilities or uses; and

(ix) Recreational and athletic facilities such as recreational centers, field houses, and related or similar uses.

(C) Community Institutional Uses. Community Institutional Uses (CI) are intended to include uses that serve civic, educational, health, or other purposes which further the general health, education, safety, or welfare of the community and have a relatively small or moderate scale and/or intensity of use. These uses include, but are not limited to:

(i) Religious exercise facilities and related uses;

(ii) Preschools;

(iii) Child day care and adult day care;

(iv) Medical or psychological urgent care;

(v) Stand-alone emergency room facilities;

(vi) Nursing homes, memory care facilities, assisted living facilities, and congregate care facilities, including independent living facilities when combined with one or more of the foregoing. “Independent living facilities” shall be defined to mean “senior residential living facilities which do not provide meal preparation or related services to residents”;

(vii) Libraries; and

(viii) Museums.

(D) Manufacturing, Production, and Industrial Uses (MPI). Manufacturing, Production, and Industrial Uses (MPI) are intended to include industrial, manufacturing, assembly, production, and other similar uses. These uses do not include animal processing facilities, which are prohibited in this PD district, but do include, but are not limited to:

- (i) Manufacturing and production;
- (ii) Research and development, with or without production;
- (iii) Assembly of goods and products;

(iv) Industrial product sales, which includes uses and users that sell, rent, or lease products, equipment, machinery, or supplies generally intended for industrial or commercial users. Sales may be wholesale but not retailer-retail. This use may include display areas and products may be delivered to customers off-site. Administrative offices, warehouses, and product repair are permitted uses in association with the primary sales use;

(v) Industrial services, which includes uses and users that repair or service industrial, business, or consumer machinery, equipment, or products. Few customers (especially the general public) come to the site. Examples of these types of uses include but are not limited to welding shops, machine shops, tool and equipment repair, and truck and large equipment repair;

(vi) Essential services such as (but not limited to) electric substations and water and sanitary sewer facilities and infrastructure.

(E) Data Center Uses (DC). Data center (DC) uses are intended to include data centers and related accessory uses. “Data centers” shall be defined to mean “a facility containing large groups of networked computer servers typically used by organizations for the remote storage, processing, and distribution of large amounts of data and information”:

(F) Warehousing and Distribution Uses (WD). Warehousing and Distribution Uses (WD) are intended to include uses that store and provide for the distribution of goods and products. “Warehousing and distribution” uses shall be defined to mean “a facility to which goods, products, materials, and/or equipment are delivered and later stored and distributed to customers or to other facilities.” ~~Public storage, meaning “facilities that provide interior spaces for rent to the general public for storage of personal property”, also shall be permitted in this use category;~~

(G) Neighborhood Commercial Uses (NC). Neighborhood Commercial Uses (NC) are intended to include retail, restaurant, and service-oriented uses for the convenience of the general public. No individual user operating under the NC use category shall be permitted to occupy more than 20,000 gross square feet of interior building space unless approved as part of a specific request by an applicant as part of a Final Development Plan application. Permitted uses within the NC designation shall include but not be limited to:

uses;

- (i) Administrative, business, professional, medical, dental, and similar office

- (ii) Retail stores primarily engaged in selling goods, products, apparel, and/or merchandise to customers for personal or household use or consumption;

- (iii) Pharmacies and drug stores, ~~with or without drive-thrus~~; and

- (iv) Personal service uses including, but not limited to:

- (a) Banks and other financial institutions ~~with or without drive-thrus~~, but excluding check cashing or payday loan uses;

- (b) Barber shops and beauty salons;

- (c) Dry cleaners; and

- (d) Athletic clubs and fitness centers.

- (v) Restaurants ~~with or without drive-thrus~~;

- (vi) Bars, taverns, wine shops, and liquor stores;

- (vii) Bed and breakfast inns; and

- (viii) Private clubs requiring the payment of membership dues or fees.

(H) Auto-Related Uses: Auto-Related Uses (AR) are intended to include those uses which typically have a regular flow of vehicular traffic during business hours and provide services and/or products serving vehicles and/or their drivers and passengers.

- (i) Gasoline and other fuel sales with or without a convenience store, restaurant, car wash, and/or other accessory uses;

- (ii) Electric vehicle charging stations;

- (iii) Oil changes, motorized vehicle engine repairs, and motorized vehicle body repairs; and

- (iv) Drive-thrus in association with a permitted or approved conditional use in the NC use category or the CC use category; and

- (v) Car and truck washes.

(I) Community Commercial Uses (CC). Community Commercial Uses (CC) are intended to allow for (but not require) an anchor-type commercial use within a cohesive development area that includes smaller complementary uses. The presence of an anchor use

results in the development serving a broader market than a development containing only NC uses.

- (i) Permitted uses within the CC designation include:
 - (a) All uses permitted under the NC use category;
 - (b) Hotels, with or without conference centers, provided that each individual room for lodging is accessed using a door that is interior to the building in which it is located;
 - (c) Grocery stores;
 - (d) Wholesale clubs or stores;
 - (e) Lumber and home improvement sales and services;
 - (f) Sales and service of new and/or used automobile, truck, recreational vehicle, or other motorized vehicles or watercraft;
 - (g) Veterinarian offices, animal hospitals, and boarding facilities (in each case with or without outdoor areas for animals);
 - (h) Movie theaters, bowling alleys, concert halls and other large-scale indoor entertainment facilities; and
 - (i) Event and banquet centers.

(ii) Limitations. The following limitations shall apply to uses under the CC use category:

- (a) An “Anchor Use” shall be “any use other than hotels or uses permitted in the MFR use category that is permitted or conditional in the CC use category and occupies at least 75,000 square feet of gross floor area.”
- (b) When an Anchor Use is proposed as part of a development, the Final Development Plan which includes the proposed use shall include a minimum of 10 acres.
- (c) No more than two Anchor Uses shall be located in this PD district, and no two Anchor Uses shall be permitted in the same subarea.

(J) Multi-Family Residential (MFR). Multi-Family Residential Uses (MFR) are intended to provide residential living opportunities such as multiple single-story “flats” or multiple-story attached townhomes in proximity to job centers, service-oriented retail uses, restaurants, and other amenities. Buildings containing three (3) or more individual living units shall be permitted under this use category, along with private community centers or clubhouses, swimming pools, indoor and outdoor recreational activities, and other uses and improvements

that are customary in a multi-family community. Independent living uses are included as a permitted use in the MFR use category.

(K) Mixed Use (MU). The Mixed Use (MU) category permits development that includes both (a) uses in the MFR use category or multi-family units located above first floor commercial or office space and (b) two or more uses from the NC and/or CC use categories.

(L) Parkland and Open Space. Parkland and Open Space (POS) uses are intended to include passive and active public parkland and private open space and other uses which are intended to promote outdoor activities. Examples of amenities include, but are not limited to, ballfields, playgrounds, tennis and pickleball courts, leisure trails and bike paths, disc golf courses, outdoor stages, and festivals.

(M) Parking Structures (PS). Parking structures (PS) shall be defined to mean “buildings or structures used for the parking of vehicles and which are available to residents, clients, customers, and/or the public with or without a fee being charged and which may be constructed above or below finished grade.” The heights of parking structures shall not exceed the height of any adjacent building.

Section 2.4 Similar Uses. The list of uses provided in Sections 2.2 and 2.3 are specific in their definitions in some instances and general in others. When a general description of a permitted use or conditional use is provided and it is unclear if a proposed development or use of property fits into that general use description, an applicant shall be permitted to make a written request to the City Manager (such officer being contemplated in Codified Ordinances Section 1125.05) for a similar use determination. Within 10 business days of receipt of such a written request, the City Manager shall make a written determination as to whether or not the use that is described in the applicant’s written request is a similar use to any permitted or conditional use that is allowed to be developed and operated within the subarea to which the request applies. A determination that a use is similar to uses permitted by right or which are conditional shall be considered as a clarification of the use regulations of this zoning district and not as a variance applying to a particular situation. Any use found to be similar shall thereafter be considered as a permitted or conditional use (as applicable) in the relevant use category throughout zoning district. Determinations of similar uses shall be made only with reference to those permitted and conditional uses listed in Sections 2.2 and 2.3 for the applicable subarea, and not to previously approved similar uses.

A written determination by the City Manager that the use specified in an applicant’s written request under this section is neither permitted nor conditional within the relevant use category shall be subject to an administrative appeal by the applicant to City Council. Such an administrative appeal shall be made by filing a notice of the appeal with the City Council Clerk within 15 days after the City Manager’s written determination has been delivered to the applicant. City Council shall then hold a hearing on the appeal at its next regularly scheduled meeting that is at least 20 days after the City Council Clerk’s receipt of the appeal. Following the hearing, City Council shall make an administrative determination of whether or not the disapproval of the similar use request was illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence contained

within and accompanying the applicant's written request for a similar use determination. If City Council overturns the decision of the City Manager, then it shall have the same result as if the City Manager had approved the determination. If City Council upholds the City Manager's decision or overturns the determination with conditions or conclusions to which the applicant objects, the applicant may file an administrative appeal in court in accordance with applicable state law.

Section 2.5 Prohibited Uses. Any use that is not a permitted or conditional use in a use category provided in Section 2.3 and does not constitute a similar use as contemplated in Section 2.4 shall be prohibited unless and until a rezoning application is approved to amend this text to allow the use. Without limiting the foregoing, the following uses are prohibited in this PD district: Sexually-oriented businesses, tattoo parlors, gambling establishments, funeral homes, motels (defined to mean facilities providing temporary lodging to transient guests with access to one or more rooms being provided from an exterior door), and "residential hotels" (such term being defined in Ohio Revised Code 3731.01(A)(4)).

Section 2.6 Special Provisions Concerning Multi-Family Uses. The following requirements shall apply to multi-family uses, as developed under the MFR use category or the MU use category:

(A) Maximum Occupancy. Given the relatively small living areas that are anticipated to be contained within multi-family units, in order to ensure the health and safety of residents and to avoid an undue burden on police, fire, EMS, and other governmental services in the cases of fire or other casualty or emergency events, the maximum residential occupancy within each multi-family unit shall be two persons per bedroom contained in that unit. For example, a one-bedroom unit will have a maximum permitted residential occupancy of two people. Owners and managers of multi-family residential communities shall be responsible for enforcing these occupancy limits as they relate to permanent residents.

(B) Phasing. No applications for building permits for the construction of any multi-family units within this PD district shall be allowed to be filed until such time as at least 50 acres of property located within Subarea 1 and/or Subarea 2 have been sold and conveyed by JLC to an unaffiliated third party. Construction of multi-family units within this PD district shall be phased in accordance with this subsection (B). As part of the first phase of development of multi-family units, an applicant or applicants shall be permitted to file one more applications for building permits to construct up to 300 multi-family units in locations as permitted by this text. The date on which the first building permit is issued for multi-family development in this PD district shall be referred to herein as the "Initial Permit Date". Thereafter:

(i) The City shall not be required to issue additional building permits for multi-family development within this PD district until the date that is exactly 18 months after the Initial Permit Date, at which time it shall issue (if requested) one or more additional building permits (if all other requirements for the issuance of said permit(s) are met) for up to an additional 300 units, meaning that beginning on that 18-month date building permits may be issued for up to 600 multi-family units within this PD district;

(ii) Except as provided in the immediately preceding subsection (i), the City shall not be required to issue additional building permits for multi-family development within this PD district until the date that is exactly 36 months after the Initial Permit Date, at which time the City shall issue (if requested) additional building permits (if all other requirements for the issuance of said permit(s) are met) for up to an additional 300 units, meaning that beginning on that 36-month date building permits may be issued for up to 900 multi-family units within this PD district; and

(iii) Except as provided in the immediately preceding subsections (i) and (ii) and subject to the requirements of **Section 4.2(C)(ii)**, the City shall not be required to issue additional building permits for multi-family development within this PD district until the date that is exactly 54 months after the Initial Permit Date, at which time the City shall be permitted to issue additional building permits (if all other requirements for the issuance of said permit(s) are met) for any remaining number of multi-family units which are permitted to be developed and constructed within this PD district as provided in this text.

Section 2.7 Major Economic Development Projects. Codified Ordinances Section 1164.06(j), defines the term “Major Economic Development Project” to mean “a development containing at least 50,000 square feet of gross building floor area and containing one or more of the following land uses: administrative or professional office uses; medical office uses; research and development facilities; warehousing and/or distribution facilities; data centers; industrial, manufacturing, assembly, and/or production uses, and other uses which are identified as Major Economic Development Projects in an approved Zoning Text. In no circumstance will residential, retail or restaurant use be eligible for Major Economic Development Project designation.” In this PD district, Major Economic Development Projects shall be as defined in Codified Ordinances Section 1164.06(j) and shall include all other permitted uses in the O, MPI, DC, and WD use categories that meet the minimum square footage requirement in that definition.

ARTICLE 3: DENSITY

Section 3.1 Intent. The permitted densities of development types shall be as provided in this Article 3.

Section 3.2 Non-Residential Uses. Regulation of the density of non-residential uses will occur by the application of the following maximum lot coverage standards as well as building height limitations, minimum setbacks, and other objective requirements provided throughout this text. For purposes of this text, the term “lot coverage” shall mean “the percentage of the total acreage within real property that is the subject of each Final Development Plan application or CODA application which contains impervious surfaces, such as (but not limited to) buildings and pavement.” Maximum lot coverages are as follows:

(A) Uses that are permitted or conditional in the O, MI, CI, MPI, DC, WD, NC, AR, CC, and MU use categories: 80%

(B) Uses that are permitted in the POS category or PS category: A percentage as approved as part of a Final Development Plan or CODA application.

Section 3.3 Residential Uses. The maximum residential density in this PD district shall be equal to the product of (A) the total gross acreage contained in the zoning district and (B) 3.0 residential units per acre. Therefore, this PD district shall have a maximum density of 407.2 acres x 3.0 units/acre = 1,221 units, but only 900 units shall be permitted to be developed until such time as all of the thresholds as provided in Section 4.2(C)(ii) have been met. Upon the legally effective approval of this zoning text, residential units shall be distributed within this PD district as follows:

(A) Subarea 3. 450 units shall be permitted as baseline rights in Subarea 3. The amount of residential units which are permitted to be developed in Subarea 3 may increase or decrease in accordance with the Unit Bank Transfer Process as set forth in Section 4.2(C) of this text.

(B) Subarea 4. 450 units shall be permitted as baseline rights in Subarea 4, but only when developed and constructed under the MU use category and related standards and requirements. The amount of residential units which are permitted to be developed in Subarea 4 may increase or decrease in accordance with the Unit Transfer Process as set forth in Section 4.2(C).

(C) Subarea 5. Units on deposit in, or which in the future are deposited into, the Unit Bank (as such term is contemplated in Section 4.2(C)) may be transferred into Subarea 5 if it is developed with uses permitted under the MU use category.

(D) Unit Bank. The remaining 321 permitted units (to be referred to herein as the “Qualified Units”) initially shall be on deposit in the Unit Bank, as such term is contemplated in Section 4.2(C). Units on deposit at any particular time in the Unit Bank may be transferred into Subarea 3, Subarea 4, or Subarea 5 in accordance with the Unit Bank Transfer Process, subject to the restrictions which apply to Qualified Units as set forth in Section 4.2(C).

(E) Individual Developments. It is the intent that individual residential developments may provide for densities in excess of 3.0 units/acre, provided that the gross maximum density throughout the PD district and any density permitted in Subarea 3, Subarea 4, or Subarea 5 at any particular point in time is not exceeded.

ARTICLE 4: POST-ZONING PROCEDURES

Section 4.1 Intent. The review procedures for development proposals within a PD district are based on the procedures set forth in Chapter 1164 of the Codified Ordinances. Certain additions

to those procedures are being included in this text based on the unique qualities of this PD district.

Section 4.2 Review Processes. There are three review processes which shall apply to development proposals in this PD district:

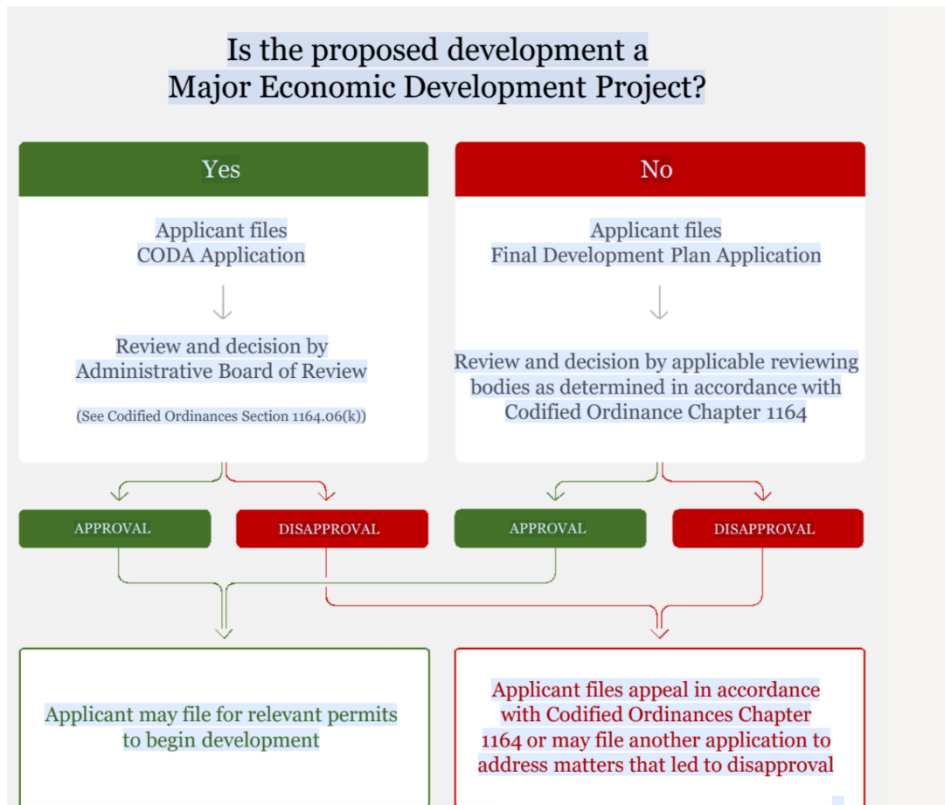
(A) Review Process #1 – Major Economic Development Project. When a Major Economic Development Project identified in **Section 2.76** above falls into a baseline permitted or conditional use right within a subarea and a development relating to the same is proposed, an owner, developer, or other applicant shall be required to file a CODA application for review and approval in accordance with Codified Ordinances Chapter 1164.

(B) Review Process #2 – Other Projects. When a project that does not qualify as a Major Economic Development Project falls into a baseline permitted or conditional use right in a subarea and a development relating to the same is proposed, an owner, developer, or other applicant shall be required to obtain approval of a Final Development Plan application before such use or development rights may be utilized. The Final Development Plan shall be reviewed and approved, approved with conditions, or disapproved in accordance with the applicable procedures set forth in Codified Ordinances Chapter 1164.

Illustration 4.2. – Post-Zoning Procedures Flow Chart

The flow chart below is being provided as an illustration of how post-zoning procedures for review of development in this PD district are to occur.

Commented [JM1]: Eliminate references to Subarea 5



(C) **Review Process # 3 – Residential Unit Transfers.** The approval of this PD district hereby serves to create a “Unit Bank”. The Unit Bank shall be utilized to hold the Qualified Units under required thresholds are met for their release as provided in Section 4.2(C)(ii) and to facilitate the transfer of undeveloped units between subareas in which uses under the MFR use category and/or the MU use category are permitted (i.e., Subareas 3 and 4). Upon approval of the rezoning/Preliminary Development Plan application that serves to create this PD district, the Qualified Units shall be deemed to be deposited in the Unit Bank as provided in Section 3.3(D). The rights to develop residential units that are on deposit in the Unit Bank at any particular point in time shall be deemed to run in favor of, and shall be owned by, The Johnstown Land Company LLC (“JLC”), and may be assigned or transferred to another party only with the written consent of JLC, as determined in its sole discretion.

(i) **Transfers.** JLC, or another authorized applicant who seeks to transfer residential units to and from permitted subareas or to and from the Unit Bank may, as

part of a Final Development Plan application but subject to the restrictions on the Qualified Units set forth in Section 4.2(C)(ii) below, make a written request to do one or more of the following, and upon approval of the application the balance of units that are within the Unit Bank shall automatically be adjusted accordingly:

(a) Deposit undeveloped units from a particular subarea into the Unit Bank and hold them there until a development opportunity arises in which rights to the deposited units will be needed in order to reach the applicant's desired density;

(b) Withdraw units from the Unit Bank and apply them to a permitted location, where they may then be developed in accordance with the approved Final Development Plan; or

(c) Deposit undeveloped units into the Unit Bank and immediately thereafter withdraw them for use in another permitted location.

(ii) Qualified Units. The right and ability of an applicant or landowner within this PD district to construct the Qualified Units (such term being defined in Section 3.3(D)) shall be contingent upon verification, in accordance with Section 4.2(C)(ii)(b), that all thresholds have been met as provided in Section 4.2(C)(ii)(a).

(a) Thresholds. Qualified Units shall not be permitted to be withdrawn from the Unit Bank for development within an otherwise permissible portion of this PD district until all of the following thresholds have been met:

(I) At least four years have passed since the date when this zoning text becomes legally effective;

(II) At least 600 multi-family units have been constructed within this PD district and issued occupancy permits, and at least 90% of those units have been leased to tenants;

(III) Written verification has been provided by JLC or another applicant to the City that the total number of occupants of multi-family residential units in the PD district (the "Total Occupants") is equal to or less than the product of (aa) two occupants and (bb) the total number of bedrooms within all leased units;

(IV) The monthly lease rate that is being charged for units that have been leased is \$1.75 per square foot of gross leased area per unit, on average (the "Average Per Unit Rent"). The minimum Average Per Unit Rent shall increase by 5.0% every third year following the issuance of the first building permit for the first multi-family units that are to be constructed in this PD district; and

(V) The sum of the annual real property tax and income tax revenues being received by the Johnstown-Monroe Local School District from multi-family development in the PD district exceeds the annual costs of the school district to educate students which reside in such development, as calculated for the then-current or most recent school year.

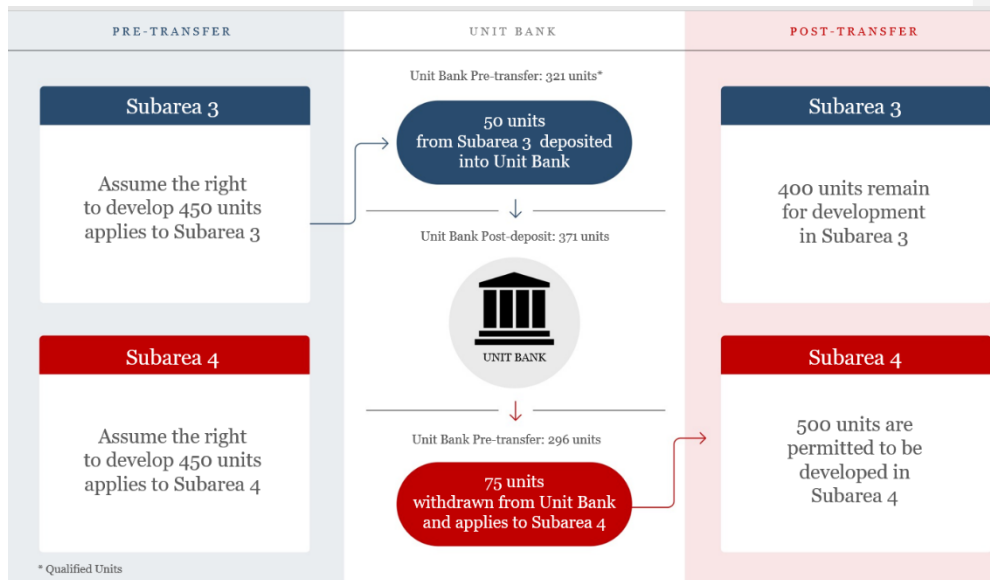
(b) Release of Qualified Units. In order to allow for the release of the Qualified Units from the Unit Bank so that they are allowed to be constructed within the PD district following the approval of one or more Final Development Plan applications, JLC shall submit a written request to the City (either alone or in conjunction with a Final Development Plan application) for confirmation that the thresholds to construct the Qualified Units have been met as detailed in Section 4.2(C)(ii)(a) (a “Confirmation Request”). Within 3 business days of filing the Confirmation Request with the City, JLC shall deliver a courtesy copy of the same to the Superintendent of the Johnstown-Monroe School District. The Confirmation Request shall include data and/or other written evidence in support of the applicant’s position that all required thresholds have been met and shall be executed by an officer of JLC. At the next City Council meeting that is at least 20 days following the submission of the Confirmation Request to the City, City Council shall review the same and take action to confirm or deny it. City Council’s action on the Confirmation Request shall be deemed to be administrative in nature and a decision to deny it may be appealed in the same manner as any other administrative decision in this PD district. City Council shall approve the Confirmation Request if it determines that all of the thresholds set forth in Section 4.2(C)(ii)(a)(I) through (V) have been met. An approval of the Confirmation Request shall allow all Qualified Units to be developed and constructed in locations as otherwise permitted by this zoning text.

(iii) Accounting. Once a Final Development Plan application is approved which includes residential unit deposits into and/or withdrawals from the Unit Bank, the applicant shall, within ten (10) business days after the action to approve the application has been taken, present an updated written accounting of the number of units which are then on deposit in the Unit Bank and detailing the existing or permitted locations within the PD district for units which are not on deposit in the Unit Bank, which shall be signed by its authorized representative. The City Manager shall then review the same and, within ten business (10) days following receipt thereof, either countersign the document to evidence his or her confirmation of its accuracy, or provide the applicant with comments on the same, which the parties shall then work diligently and in good faith to address. Once such items are addressed to the satisfaction of both parties, then the applicant shall sign, and the City Manager or his or her designee shall countersign, the revised document. The fully executed document shall constitute the latest accurate accounting of the number of units in the Unit Bank and in various locations.

(iv) Effect of Unit Construction. Once construction commences on any residential unit pursuant to an approved Final Development Plan, that unit shall be subtracted from the total gross number of residential units remaining for development within this PD district. The difference between the total gross number of residential units that are permitted within this PD district and the number of units that have commenced construction or for which construction has been completed shall constitute the remaining permitted residential density within this PD district.

Illustration 4.2(B) – Unit Bank Transfer Procedure - Example

Assume 100 units on deposit in the Unit Bank and applicant seeks to withdraw 25 units and apply them to Subarea 4. Applicant also seeks to transfer 50 units from Subarea 3 to Subarea 4. Applicant files Final Development Plan application that includes a written request for units transfers. Upon application approval, the result is as follows:



ARTICLE V: SUBAREA 1 - DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 5.1 Applicability. Subarea 1 consists of 182.7+/- acres which are bounded on the west by Clover Valley Road and on the north by Duncan-Plains Road, and which are to the north of and adjacent to Subarea 5 and to the west of and adjacent to Subarea 3. Its boundaries are more particularly depicted and described in the Subarea Plan. The provisions of this **Article V** are intended to provide standards and requirements for development which apply specifically to Subarea 1. Use rights for this subarea are detailed in **Article II** above.

Section 5.2. Lot Coverage. Maximum lot coverages for Subarea A are provided for each permitted use category in **Section 3.2** above.

Section 5.3 Setbacks.

(A) **Clover Valley Road.** There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Clover Valley Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but in no event shall be located less than 50 feet from the Clover Valley Road right-of-way.

(B) **Duncan Plains Road.** There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Duncan-Plains Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing

may encroach into the minimum building setback but in no event shall be located less than 50 feet from the Duncan Plains Road right-of-way.

(C) Other Perimeter Boundaries. Except as provided in the next sentence, there shall be a minimum pavement and building setback of 25 feet from any perimeter boundary line of Subarea 1 that is not adjacent to a public street right-of-way and is shared with a parcel that is not under common ownership and on which no residential uses exist or are permitted. There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from any perimeter boundary line of Subarea 1 that is not adjacent to a public street right-of-way and is shared with a property that is not under common ownership and on which residential uses exist or are permitted, subject to the requirements of **Sections 5.6(B) and (C)**. From the southern boundary line of Subarea 1, the minimum setbacks shall be equal to the greater of (a) the width of an existing AEP electric easement (ranging from 100 feet to 300 feet, as may be modified in the future) and (b) 50 feet for pavement and 100 feet for buildings.

(D) Other Public Streets. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of any new public streets which are constructed in Subarea 1.

(E) Internal Parcel Lines. There shall be a minimum pavement and building setback of 25 feet from internal parcel lines within this subarea, except that these minimum setbacks shall be zero when the parcel on each side of a shared parcel line is under common ownership.

(F) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located within or outside of this PD district (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this **Section 5.3** as they apply to common property lines shall no longer apply with respect to these parcels.

Section 5.4. Architectural Standards.

(A) Building Height. The maximum building height for structures in Subarea 1 shall be 65 feet. Secondary architectural features such as, but not limited to, roof-mounted equipment, architectural screening elements, and exhaust pipes may exceed this height.

(B) Service and Loading Areas. Service areas and loading areas shall be screened to minimize visibility from off-site view using walls, buildings, fencing, landscaping, or some combination thereof.

(C) Building Designs – All Types.

(i) Building designs shall not mix architectural elements or ornamentation from different styles.

(ii) Buildings shall be required to employ a comparable use of materials on all

elevations.

(iii) The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance (provided, however, that this requirement shall not apply to data centers).

(iv) All elevations of a building that are visible from a public street right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser quality of visual character than any other. Loading docks are not required to have the same degree of finish unless they are visible from a public street right-of-way.

(v) Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this subsection.

(vi) Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure on the same parcel or on an adjacent parcel which is under common ownership. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way, or if fronting on a public right-of-way shall be completely screened from view of that right-of-way.

(vii) All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

(viii) Solar panels shall be permitted on the roofs of buildings, provided that they are not visible from adjacent public street rights-of-way. Solar panels as a stand-alone or primary use of a property shall be prohibited.

(D) Materials.

(i) Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, or cementitious fiberboard (e.g., Hardi-plank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

(ii) Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

(iii) Generally, the quantity of different materials selected for a building shall be minimized.

(E) Additional Standards for Buildings With Office Not as the Primary Use. Buildings that are constructed to accommodate a primary use other than offices often present different design challenges than a typical office building. For instance, data centers, warehousing and/or distribution facilities, and manufacturing plants all have their own unique design requirements. Such buildings are necessarily large and typically include long walls that together provide a box-like form. The standards in this subsection (E) shall apply to buildings in which office is not the primary use and are intended to balance the practical needs of the uses within them with the goal of having exterior designs that are attractive and appropriate based on their locations in a portion of the PD district that facilitates large business operations within substantial buildings.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings in an effort to set expectations for the quality of architecture that will be expected for these structures. While at the same time allowing for some flexibility to allow the architecture of a building to be appropriately designed to meet the functional needs of the building and its occupant(s).

(i) Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public street rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall be designed with a high aesthetic quality while considering the unique nature of the use(s) that will be found therein.

(ii) Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public street right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

(iii) The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, or similar devices.

(iv) Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not appear to be aged or dated even many years after the facility is built.

(v) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public street rights-of-way.

(F) Architectural Examples. The images below are intended to demonstrate buildings of various types which would comply with the requirements, spirit, and intent of this Section 5.4. These images are not meant to require any particular building type to be designed in the manner that is illustrated, and a variety of building aesthetics and character is encouraged throughout the subarea. The buildings that are shown below are representations of the quality of buildings that will be manifested from compliance with this Section 5.4.

Illustration 5.4.1 – Major Office Buildings





Illustration 5.4.2 – Data Centers





Illustration 5.4.3 – Warehousing and Distribution Facilities





Illustration 5.4.4 – Manufacturing, Production, and Industrial Buildings







Section 5.5. Access, Site Circulation, and Traffic Commitments.

(A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 1:

(i) From Green Chapel Road via a new public street that will run northward through Subarea 5 into Subarea 1 (the “Subarea 5 Connector Street”);

(ii) Along Clover Valley Road, using a maximum of two full turn movement access points, provided that these access points are located at least 500 feet from one another as measured between the centers of the intersections of both access points with Clover Valley Road. Additional vehicular access points with less than full turn movements shall be permitted along Clover Valley Road if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 5.5(B); and

(iii) Along Duncan-Plains Road, using a maximum of two full turn movement access points, provided that these access points are located at least 500 feet from one another as measured between the centers of the intersections of both access points with Duncan-Plains Road. Additional vehicular access points with less than full turn movements shall be permitted along Clover Valley Road if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 5.5(B).

(iv) Additional Access Points. Should additional acreage with frontage on any of Green Chapel Road, Clover Valley Road, or Green Chapel Road be added to this PD district at a later date in accordance with the procedures set forth in Codified Ordinances

Chapter 1164, additional full or restricted turn movement access points may be permitted on those streets as detailed in an approved amendment or addendum to this zoning text.

(B) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. The Licking County Transportation Improvement District (the “TID”) is planning to construct significant improvements to Clover Valley Road, Duncan Plains Road, and Mink Street in the vicinity of this PD district. Except as otherwise provided in this **Section 5.5(B)**, design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense, and design and construction of improvements to Clover Valley Road, Duncan Plains Road, and Mink Street shall be the responsibility of the TID at its sole cost and expense, or by another relevant government entity. To clarify, nothing in this **Section 5.5(B)** shall require an owner or developer of real property within this PD district to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

When a proposed development includes the construction of a new public street within this subarea that will intersect with Green Chapel Road (through Subarea 5), Clover Valley Road, or Duncan Plains Road, or includes the construction of another private vehicular access point along one of those streets, then in conjunction with the filing of a CODA application or a Final Development Plan application (as applicable), the applicant shall file a traffic analysis which examines the need for traffic signals, roundabouts, and/or additional turn lanes (if any) on these streets as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for designing and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives which serve multiple parcels not under common ownership are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners’ association. Such easements and maintenance obligations may be established as part of a broader Declaration of Covenants, Conditions and Restrictions (“CCRs”) applicable to the subarea or a similar document which governs the forced and funded property owners’ association, which shall be recorded with the Licking County Recorder.

(C) Rights-of-Way. The developer shall dedicate property from Subarea 1 to the City

as rights-of-way as follows, with such dedications being required for a particular parcel after such time as a CODA application or Final Development Plan application is approved for that parcel and as a condition of receiving a building permit for construction on that parcel:

- (i) For a distance of 40 feet as measured from the centerline of Clover Valley Road.
- (ii) For a distance of 40 feet as measured from the centerline of Duncan-Plains Road;
- (iii) For a total width of at least 60 feet for new public streets which are internal to this subarea.
- (iv) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to public street rights-of-way, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side. Such easements shall be established by separate recorded instruments and shall not be required to be included in any plat for a public street.

(D) Private Roads. Paved private roads shall be permitted to be constructed in order to serve individual sites or a cluster of individual sites on routes which are intended to bring employees, delivery vehicles, and visitors to and from these sites and are not intended to serve large volumes of traffic from the general public. Private roads are intended to serve the same general purposes as private driveways but at a larger size to provide efficient routes of vehicular access for business purposes with minimal interference from public traffic. Pavement widths and road designs shall be reviewed and approved as part of a CODA application or Final Development Plan application (as applicable) and shall be evaluated based on the type and volume of traffic that is expected to be served by the improvement. Private roads shall be maintained by the owner(s) of the properties on which they are located or by a forced and funded property owners' association.

(E) Clover Valley Road and Duncan-Plains Road Streetscape Designs. Streetscape designs and improvements shall be consistent across all portions of Subarea 1 which are adjacent to Clover Valley Road. Similarly, streetscape designs and improvements shall be consistent across all portions of Subarea 1, which are adjacent to Duncan-Plains Road. For each of these streets, streetscape designs and standards shall be presented as part of the first CODA application or Final Development Plan application (as applicable) for development of the first parcel with frontage on that street.

Section 5.6 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards.

(A) Tree Preservation. During all periods of construction, standard tree preservation practices will be in place to protect trees that are to remain on a site once development is completed, including the installation of snow fencing at the drip line. Tree Preservation Zones shall be

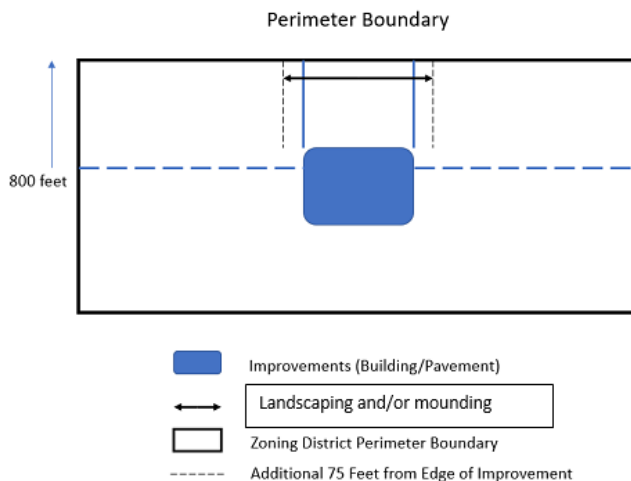
established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively “Environmental Permits”), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they are dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a CODA application or Final Development Plan application (as applicable), but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) Landscaping Required Adjacent to Residential Uses. For those perimeter boundaries which abut real property (i) containing existing residential uses or, as determined at the time that an application is filed for a building permit (“Building Permit”) on real property located within this subarea, has a zoning classification which permits the development and operation of residential uses thereon, and (ii) that is not owned by the applicant for rezoning/Preliminary Development Plan approval, its affiliates, or by the applicant for the Building Permit (any real property meeting either of the foregoing criteria to be referred to herein as “Residential Property”), a minimum 6-foot high mound shall be installed on the property to which the Building Permit applies along the shared property line with the abutting property. The mound shall include a landscape buffer which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a minimum height of 10 feet above ground level. These mounds shall be installed within the required minimum pavement setback area as required by this zoning text and may encroach on the abutting property if the owner of that property consents in a writing that is recorded with the Office of the Licking County Recorder (the “Recorder”). The plan for these areas must be reviewed and approved as part of a CODA application or Final Development Plan application. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting, and in these circumstances breaks in required mounding and landscaping shall be permitted to accommodate vehicular and pedestrian access points. Where an electric easement exists and extends at least 100 feet from a perimeter boundary line for this subarea, which is shared with a Residential Property, the requirements of this subsection (B) shall not apply.

If existing trees are found within perimeter areas that have existing screening and buffering, the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved as part of a CODA

application or Final Development Plan application (as applicable).

(C) **Phasing of Residential Screening.** In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within Subarea 1, for all portions of Subarea 1 where there is required mounding and/or landscaping as contemplated in the immediately preceding subsection (B), it may be installed in phases. For each phase of development in Subarea 1, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant applications) that buildings, paved parking areas, and/or above-ground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line. At a minimum for each phase, this mounding and/or landscaping shall be installed along the portion of the relevant perimeter boundary line of the subarea between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 feet apart. The following illustration is being provided as an example of this requirement:



(D) **Stormwater Management.** Regional stormwater management basins are encouraged when practical from a civil engineering and cost standpoint. When utilized, the applicant shall be required to record, with the Recorder, one or more easements, and/or other instruments which detail the properties which are benefitted and burdened by the relevant basins and the methods for maintaining and sharing the costs of maintaining the same, if the basins are not maintained by the City. Nothing herein shall be read to prohibit the installation of stormwater management basins on a single parcel to serve improvements thereon. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. The perimeters

of these basins shall be grassed and/or landscaped.

(E) Street Trees. A street tree row shall be established along each of Clover Valley Road and Duncan-Plains Road, and any new public streets constructed internally within Subarea 1 and shall contain 1 tree for every 30 feet of street frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be 3 caliper inches (this requirement shall be waived in areas within utility easements that do not permit such plantings). Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage the street trees, the requirement to install them may be waived by the applicable reviewing body.

(F) Parking Areas. Within Subarea 1, there shall be no less than 1 tree planted for every 10 parking spaces located therein. These trees may be counted toward the requirements for on-site tree plantings as provided in Section 5.6(H) below. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(G) Pedestrian Circulation. An 8-foot-wide asphalt leisure trail is required to be installed along the frontages of Subarea 1 on Clover Valley Road and Duncan-Plains Road as adjacent development occurs. On new streets within Subarea 1, a 5-foot wide concrete sidewalk shall be provided on both sides of the street, provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trails that are required to be constructed in accordance with the immediately preceding sentence or in order to connect to leisure trails in other subareas within the PD district. Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(H) On-Site Tree Plantings. For every 10,000 square feet (or portion thereof) of lot coverage on a parcel in Subarea 1, at least three trees shall be planted on the parcel which meets the minimum size requirements of the following subsection (I). When 20 trees or more trees are required to be planted on a parcel, at least two species shall be used, and when 50 or more trees are required to be planted on a parcel, at least three species shall be used. Trees which are preserved on the site may count toward meeting the minimum planting requirement. Trees which are preserved within Subarea 1 outside of the boundaries of a parcel may be used to meet up to 40% of the planting requirements on a particular parcel, provided that trees counted for this purpose may not count toward the tree planting requirements on another parcel.

(I) Minimum On-Site Tree Sizes; Species. Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

(J) Stream Corridors. A “Stream Corridor Protection Zone” shall be required to cover streams that are to remain after development is complete and which have a drainage area greater than 50 acres. Such a zone shall cover a corridor width that is a minimum of 100 feet in width, with a minimum of 25 feet of this width being located to each side of the centerline of the stream. Within a Stream Corridor Protection Zone no buildings, structures, or other manmade objects shall be installed or erected, with the exception of paved or mulched leisure paths and/or pedestrian or vehicular crossings as permitted under applicable federal and state permits.

(K) Parking Lot Perimeter Landscaping. Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights.

(L) Trash Receptacles. Dumpsters, or similar garbage collection devices shall not be located forward of the furthest front building façade from either public street frontage or the front property line and shall not be located within required minimum side yard or rear yard pavement setbacks. They shall be enclosed by walls, ~~and/or fences, vegetation, or both~~ to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonably distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 5.7 Parking and Loading. Parking and loading within this subarea shall be provided in accordance with Article IX hereof.

Section 5.8 Lighting.

(A) Fixture Types. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a building shall be the same or substantially similar in style and color.

(B) Light Poles. All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 30 feet in height.

(C) Details and Specifications. Lighting details shall be included in a CODA application or Final Development Plan application (as applicable) for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

(D) Colored Lights. No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon lights shall be prohibited.

- (E) Ground mounted lighting shall be shielded and landscaped.

Section 5.9 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 1 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown.

For the purposes of this **Section 5.9**, connections by way of piping, cables, or conduits between a building and ground mounted equipment or accessory structures may be installed above-ground provided that, when such a connection is to be made between a building façade that is oriented toward a public right-of-way and ground-mounted equipment or an accessory structure located between that building façade and the public right-of-way:

(A) The ground mounted equipment or structure is located at least 500 feet from the edge of the public right-of-way or the piping, cables, and/or conduits between a building and ground mounted equipment or structures are not visible from the public right-of-way; and

(B) The connection is installed for its entire length at a height that does not exceed the height of the ground mounted equipment or structure to which the connection is made; and

(C) The connection is on the rear of the ground-mounted equipment or structure (i.e., the side which faces the building where the other end of the connection is being made).

Section 5.10 Signage. The standards and requirements of relevant provisions of Codified Ordinances Chapter 1177 for signage shall be the baseline for permitted signage in this subarea. Notwithstanding the foregoing, an applicant may present a master signage plan as part of a CODA application or Final Development Plan application. Such a plan shall identify the types of signs, number of signs, maximum heights, maximum sign areas, and general designs of proposed signs (not including content that falls under state or federal constitutional protections). If approved, the master sign plan, once approved, shall provide approved rights, obligations, and standards for signage within the development that is the subject of the application. To the extent that a master signage plan conflicts with any standard in relevant provisions of the Codified Ordinances, the standards in the master signage plan shall apply, and to the extent that the master signage plan is silent on a particular standard, the relevant standard in the Codified Ordinances shall apply.

ARTICLE VI: SUBAREA 2 - DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 6.1 Applicability. Subarea 2 consists of 68.4+/- acres located to the north of and adjacent to Duncan-Plains Road and partially extending northward to U.S. Route 62. The subarea is split by Enterprise Drive. Subarea 2 will consist of two subsets of the subarea: Subarea 2A will be comprised of those portions of Subarea 2 which are to the west and/or north of Enterprise Drive and extends to U.S. Route 62. Subarea 2B will be comprised of all portions of Subarea 2 which are to the east and/or south of Enterprise Drive.

The boundaries of Subarea 2 (Subareas 2A and 2B) are more particularly depicted and described in the Preliminary Development Plan. The provisions of this Article VI are intended to provide standards and requirements for development which apply specifically to Subarea 2. Use rights for this subarea are detailed in Article II above.

Section 6.2. Lot Coverage. Maximum lot coverages for Subarea 2 are provided for each permitted use category in Section 3.2 above.

Section 6.3 Setbacks.

(A) Duncan-Plains Road. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 75 feet from the right-of-way of Duncan-Plains Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but not into the minimum pavement setback.

(B) Enterprise Drive. There shall be a minimum pavement setback of 15 feet and a minimum building setback of 40 feet from the right-of-way of Enterprise Drive. Security fencing may encroach into the minimum building setback but not into the minimum pavement setback.

(C) U.S. Route 62. There shall be a minimum setback of 100 feet from the right-of-way of U.S. Route 62 for any improvements other than paved drives as measured after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but not into the minimum pavement setback.

(D) Other Perimeter Boundaries.

(i) Subarea 2A. For those perimeter boundaries which abut Residential Property (such term being defined in Section 5.6(B) above) at the time that an application for a Building Permit (also being defined in Section 5.6(B) above) is filed with respect to a particular parcel within Subarea 2A, there shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet. For those perimeter boundaries of Subarea 2A which do not abut Residential Property or a public street right-of-way, there shall be a minimum pavement setback of 15 feet and a minimum building setback of 50 feet.

(ii) Subarea 2B. There shall be a minimum pavement setback of 15 feet and a minimum building setback of 50 feet from all perimeter boundary lines of Subarea 2B that are not adjacent to a public street right-of-way.

(E) Other Public Streets. There shall be a minimum pavement setback of 15 feet and a minimum building setback of 50 feet from the right-of-way of any new public streets which are constructed in Subarea 2.

(F) Internal Parcel Lines. There shall be a minimum pavement and building setback of 25 feet from internal parcel lines within this Subarea 2B, except that these minimum setbacks shall

be zero when the parcel on each side of a shared parcel line is under common ownership. There shall be a zero minimum pavement setback and a minimum building setback of 40 feet from internal parcel lines within subarea 2B.

(G) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located within or outside of this PD district (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this Section 6.3 as they apply to common property lines shall no longer apply with respect to these parcels.

Section 6.4. Architectural Standards.

(A) Building Height. The maximum building height for structures in Subarea 2 shall be 65 feet. Secondary architectural features such as, but not limited to, roof-mounted equipment, architectural screening elements, and exhaust pipes may exceed this height.

(B) Service and Loading Areas. Service areas and loading areas shall be screened to minimize visibility from off-site view using walls, buildings, fencing, landscaping, or some combination thereof.

(C) Building Designs – All Types.

(i) Building designs shall not mix architectural elements or ornamentation from different styles.

(ii) Buildings shall be required to employ a comparable use of materials on all elevations.

(iii) The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance (provided, however, that this requirement shall not apply to data centers).

(iv) All elevations of a building that are visible from a public street right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser quality of visual character than any other. Loading docks are not required to have the same degree of finish unless they are visible from a public street right-of-way.

(v) Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this subsection.

(vi) Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure on the same parcel or on an adjacent parcel which is under common ownership. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way, or if fronting on a public right-of-way shall be completely screened from view of that right-of-way.

(vii) All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

(viii) Solar panels shall be permitted on the roofs of buildings, provided that they are not visible from adjacent public street rights-of-way. Solar panels as a stand-alone or primary use of a property shall be prohibited.

(D) Materials.

(i) Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, or cementitious fiberboard (e.g., Hardi-plank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

(ii) Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

(iii) Generally, the quantity of different materials selected for a building shall be minimized.

(E) Additional Standards for Buildings With Office Not as the Primary Use.

Buildings that are constructed to accommodate a primary use other than offices often present different design challenges than a typical office building. For instance, data centers, warehousing and/or distribution facilities, and manufacturing plants all have their own unique design requirements. Such buildings are necessarily large and typically include long walls that together provide a box-like form. The standards in this subsection (D) shall apply to buildings in which office is not the primary use and are intended to balance the practical needs of the uses within them with the goal of having exterior designs that are attractive and appropriate based on their locations in a portion of the PD district that facilitates large business operations within substantial buildings.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings in an effort to set expectations for the quality of architecture that will be

expected for these structures. While at the same time allowing for some flexibility to allow the architecture of a building to be appropriately designed to meet the needs of its occupant(s).

(i) Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public street rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall be designed to maximize aesthetic quality while considering the unique nature of the use(s) that will be found therein.

(ii) Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public street right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

(iii) The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

(iv) Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not appear to be aged or dated even many years after the facility is built.

(v) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public street rights-of-way.

(F) Architectural Examples.

For buildings in Subarea 2A and Subarea 2B, the images provided in Section 5.4 of this text are incorporated into this subsection by reference and are intended to demonstrate buildings of various types which would comply with the requirements, spirit, and intent of this Section 6.4. These images are not meant to require any particular building type to be designed in the manner that is illustrated, and a variety of building aesthetics and character is encouraged throughout the subarea. The buildings that are shown in Section 5.4 are representations of the character and quality of buildings that will be manifested from compliance with this Section 6.4.

Section 6.5. Access, Site Circulation, and Traffic Commitments.

(A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 2:

(i) Along Enterprise Drive, with access points approved as part of a CODA application or Final Development Plan application (as applicable);

(ii) Along U.S. Route 62 at a full turn movement access point where Subarea 2A abuts that street, if supported by an approved Traffic Access Analysis as contemplated in **Section 6.5(B)**;

(iii) One (1) access point with full turn movements along Duncan-Plains Road to serve Subarea 2B, with the access point approved as part of a CODA application or Final Development Plan application (as applicable); and

(iv) **Additional Access Points**. Should additional acreage with frontage on Duncan-Plains Road or U.S. Route 62 be added to this PD district at a later date in accordance with the procedures set forth in Codified Ordinances Chapter 1164, additional full or restricted turn movement access points may be permitted on those streets as detailed in an approved amendment or addendum to this zoning text.

(B) **Traffic Analyses**. The Licking County Transportation Improvement District (the “TID”) is planning to construct significant improvements to Duncan Plains Road. Except as otherwise provided in this **Section 6.5(B)**, design and construction of improvements to Duncan Plains Road shall be the responsibility of the TID at its sole cost and expense, or another relevant government entity. To clarify, nothing in this **Section 6.5(B)** shall require an owner or developer of real property within this subarea to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

If a proposed development is anticipated to produce enough additional traffic that a turn lane on Duncan-Plains Road or Enterprise Drive or a traffic signal or roundabout at the intersection of Enterprise Drive and Duncan-Plains Road will be required, then in reviewing a CODA application or a Final Development Plan application (as applicable), the City Engineer may require the applicant to prepare a traffic analysis which examines the need for the same. The City Engineer shall notify the applicant in writing of the need for the traffic analysis no later than 5 business days after the relevant application is filed with the City. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Notwithstanding the foregoing, the required reviewing body may approve the relevant application with a condition that the traffic analysis be finalized at a later date to the satisfaction of the City Engineer. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for designing and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other

easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association.

(C) Rights-of-Way: The property owners shall dedicate property from Subarea 2 to the City as rights-of-way as follows (no additional right-of-way dedication shall be required for Enterprise Drive), with such dedications being required for a particular parcel after such time as a CODA application or Final Development Plan application is approved for that parcel and as a condition of receiving a building permit for construction on that parcel:

- (i) For a distance of 40 feet as measured from the centerline of Duncan-Plains Road.
- (ii) For a distance of 50 feet as measured from the centerline of U.S. Route 62
- (iii) For a total width of at least 60 feet for new public streets which are internal to this subarea.

(D) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to street rights-of-way, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side

(E) Private Roads. Paved private roads shall be permitted to be constructed in order to serve individual sites or a cluster of individual sites on routes which are intended to bring employees' delivery vehicles, and visitors to and from these sites and are not intended to serve the general public. Private roads are intended to serve the same general purposes as private driveways but at a larger size to provide efficient routes of vehicular access for business purposes with minimal interference from public traffic. Pavement widths and road designs shall be reviewed and approved as part of a CODA application and shall be evaluated based on the type and volume of traffic that is expected to be served by the improvement. Private roads shall be maintained by the owner(s) of the properties on which they are located or by a forced and funded property owners' association.

(F) Duncan-Plains Road Streetscape Designs. Streetscape designs and improvements within public street rights-of-way and adjacent utilities easements shall be consistent across all portions of Subarea 2 which are adjacent to Duncan-Plains Road. Streetscape designs and standards shall be presented as part of the first CODA application or Final Development Plan application (as applicable) for development of the first parcel with frontage on that street.

Section 6.6 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards.

(A) Tree Preservation. During all periods of construction standard tree preservation practices will be in place to protect trees that are to remain on a site once development is completed,

including the installation of snow fencing at the drip line. Tree Preservation Zones shall be established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively “Environmental Permits”), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they are dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a CODA application or Final Development Plan application (as applicable), but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) Screening From Adjacent Residential Uses. For those perimeter boundaries in Subarea 2 which abut real property (i) containing existing residential uses located in the City or, (ii) as determined at the time that an application is filed for a Building Permit (such term being defined in Section 5.6(B)) on real property located within this subarea, qualifies as a Residential Property (such term also being defined in Section 5.6(B)) that is located in the City, an opaque fence and/or landscaping with at least 80% opacity within three (3) years after installation shall be installed within the required minimum pavement setback. The fence shall be at least 8 feet in height.

(C) Stormwater Management. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. The perimeters of these basins shall be grassed and/or landscaped.

(D) Street Trees. Streets trees shall be planted along Duncan Plains Road as adjacent development occurs in accordance with the design standards that are contemplated in Section 5.5(E) above. A street tree row shall be established along Enterprise Drive and any new public streets constructed internally within Subarea 2 and shall contain 1 tree for every 30 feet of street frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be 2.5 inches to 3 caliper inches (this requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines). Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage the street trees, the requirement to install them may be waived by the applicable reviewing body.

(E) Parking Areas. Within Subarea 2, there shall be no less than 1 tree planted for every 10 automotive parking spaces located therein. These trees may be counted toward the

requirements for on-site tree plantings as provided in **Section 6.6(H)** below. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(F) **Pedestrian Circulation.** An 8-foot-wide asphalt leisure trail is required to be installed along the frontages of Subarea 2A and 2B on Duncan Plains Road. On new streets within Subarea 2A, a 5-foot wide concrete sidewalk shall be provided on both sides of the street, provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trail that is required to be constructed in accordance with the immediately preceding sentence. Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(G) **On-Site Tree Plantings.** On-site tree plantings shall be provided in Subarea 2 in accordance with the requirements that apply to Subarea 1 as detailed in **Section 5.5(E)** above. **Minimum On-Site Tree Sizes; Species:** Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade. **Parking Lot Perimeter Landscaping.** Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights.

(H) **Trash Receptacles.** Dumpsters, or similar garbage collection devices shall not be located forward of the furthest front building façade from public street frontage or the front property line and shall not be located within required minimum side yard or rear yard setbacks. They shall be enclosed by walls, ~~and/or fences, vegetation, or both~~ to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonably distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 6.7 Parking and Loading. Parking and loading within this subarea shall be provided in accordance with **Article IX** hereof.

Section 6.8 Lighting.

(A) **Fixture Types.** All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a building shall be the same or substantially similar in style and color.

(B) Light Poles. All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 30 feet in height.

(C) Details and Specifications. Lighting details shall be included in a CODA application or Final Development Plan application (as applicable) for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

Commented [JM2]: How can we address lighting standard and maintenance?

(D) Colored Lights. No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon lights shall be prohibited.

(E) Ground mounted lighting shall be shielded and landscaped.

Section 6.9 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 2 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown. For the purposes of this **Section 6.9**, connections by way of piping, cables, or conduits between a building and ground mounted equipment or accessory structures may be installed above-ground provided that, when such a connection is to be made between a building façade that is oriented toward a public right-of-way and ground-mounted equipment or an accessory structure located between that building façade and the public right-of-way:

(A) The ground mounted equipment or structure is located at least 500 feet from the edge of the public right-of-way or the piping, cables, and/or conduits between a building and ground mounted equipment or structures are not visible from the public right-of-way; and

(B) The connection is installed for its entire length at a height that does not exceed the height of the ground mounted equipment or structure to which the connection is made; and

(C) The connection is on the rear of the ground-mounted equipment or structure (i.e., the side which faces the building where the other end of the connection is being made).

Section 6.10 Signage. The standards and requirements of relevant provisions of Codified Ordinances Chapter 1177 for signage shall be the baseline for permitted signage in this subarea. Notwithstanding the foregoing, an applicant may present a master signage plan as part of a CODA application or Final Development Plan application. Such a plan shall identify the types of signs, number of signs, maximum heights, maximum sign areas, and general designs of proposed signs (not including content that falls under state or federal constitutional protections). If approved, the master sign plan, once approved, shall provide approved rights, obligations, and standards for signage within the development that is the subject of the application. To the extent that a master signage plan conflicts with any standard in relevant provisions of the Codified Ordinances, the standards in the master signage plan shall apply, and to the extent that the master signage plan is

silent on a particular standard, the relevant standard in the Codified Ordinances shall apply.

ARTICLE VII: SUBAREA 3 - DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 7.1 Applicability. Subarea 3 consists of 70.3+/- acres located generally to the southwest of (but not adjacent to) the intersection of Duncan-Plains Road and Mink Street, to the east of and adjacent to Subarea 1, and to the west of and adjacent to Mink Street. The boundaries of Subarea 3 are more particularly depicted and described in the Preliminary Development Plan. The provisions of this **Article VII** are intended to provide standards and requirements for development which apply specifically to Subarea 3. Use rights for this subarea are detailed in **Article II** above. All development occurring in Subarea 3 shall be required to file a Final Development Plan application for review and approval in accordance with Codified Ordinances Section 1164.

Section 7.2 Standards. Development within Subarea 3 is to occur under the Multi-Family Residential (MFR) use category, under the Mixed Use (MU) use category, or under some combination of both categories.

(A) Density. Development under the MFR use category shall occur in accordance with the standards and requirements of this **Article VII**.

(B) Density. Development under the MU use category shall occur in accordance with the standards and requirements of **Section 7.3**, **Section 7.4**, **Section 7.5(D)**, and **Article VIII** below. Other provisions of this **Article VII** shall not apply to development or uses occurring under the MU use category.

Section 7.3 Mixed Use (MU) Uses – Limitations. The following limitations shall apply to development and operation of uses under the MU use category within Subarea 3:

(A) Density. Permitted density of development under the Mixed Use (MU) category shall be subject to the lot coverage maximums in **Section 3.2** above and applicable standards and requirements of **Section 7.3**, **Section 7.4**, **Section 7.5(D)** and of **Article VIII**.

(B) Acreage. No more than 50% of the total gross acreage contained within Subarea 3 shall be developed under the MU use category, the NC use category, or any combination thereof.

(C) Location. Development under the Mixed Use (MU) use category within Subarea 3 shall be permitted only on real property which is adjacent to Subarea 4, or fronts on Mink Street, or which is adjacent to other real property within Subarea 3 which is the subject of a previously approved Final Development Plan application under the MU use category.

Section 7.4 Permitted Residential Density. Permitted residential density within Subarea 3 shall be as calculated and provided in **Section 3.3** and **Section 4.2(C)** above, regardless of

whether residential development is occurring under the Multi-Family Residential (MFR) use category, the Mixed Use (MU) use category, or both.

Section 7.5 Unit and Setback Requirements.

(A) Types of Units. Permitted types of dwelling units in Subarea 3 are limited to attached units within buildings consisting of 3 units or more.

(B) Sizes and Configuration. One, two, and three bedroom units will be permitted, provided that no more than 5% of the total number of units permitted to be developed in this PD district will have three bedrooms. and maximum gross floor areas of each unit type shall be as follows: The minimum

<u>Unit Type</u>	<u>Minimum Gross Floor Area</u>	<u>Maximum Gross Floor Area</u>
One bedroom	500	800
Two bedroom	650	950
Three bedroom	800	1,200

(C) Lot Sizes. There shall be no minimum lot width and a minimum lot area of 20,000 square feet.

(D) Setbacks. The following minimum setbacks shall apply:

(i) Southern Perimeter Boundary. There shall be a minimum pavement setback of 10 feet and a minimum building setback of 20 feet from the southern boundary line of Subarea 3, except that there shall be a zero pavement and building setback required if development occurring under the MU use category as part of a single project is located in both Subarea 3 and Subarea 4.

(ii) Mink Street. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Mink Street

(iii) Other Perimeter Boundaries. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the western and northern perimeter boundary lines of Subarea 3.

(iv) Other Public Streets. There shall be a minimum pavement and building setback of 10 feet from any public street rights-of-way in this subarea.

(v) Internal Parcel Lines. There shall be a minimum pavement and building setback of 25 feet from internal parcel lines within this subarea, except that these minimum setbacks shall be zero when the parcel on each side of a shared

parcel line is under common ownership at the time when a certificate of occupancy is issued for a building on a parcel on either side of the internal parcel line.

(vi) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located outside of this subarea or PD district (i) come under common ownership or control, (ii) are zoned to allow compatible MFR category uses or MU category uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this Section 7.5(D) as they apply to common property lines shall no longer apply with respect to these parcels.

Section 7.6. Architectural Standards – MFR Uses.

(A) Building Height. The maximum building height for structures developed under the Multi-Family Residential (MFR) use category shall be 75 feet as measured to the midpoint of a sloped roof or to the top of the parapet of a building with a flat roof. Secondary architectural features such as, but not limited to, roof-mounted equipment, architectural screening elements, and exhaust pipes may exceed this height.

(B) Service and Loading Areas. Service areas and loading areas shall be screened to minimize visibility from off-site view using walls, buildings, fencing, landscaping, or some combination thereof

(C) Exterior Design and Materials

(i) Appearance. Detailed architectural elevations shall be submitted for review as part of a Final Development Plan application. Architectural renderings any also be submitted in order to provide additional context for and perspectives of proposed buildings.

(ii) Wall Finish Materials. Brick, brick veneer, stone, stone veneer, cementitious/composite siding or equivalent, and vinyl shall be permitted as primary and secondary exterior façade materials as well as for trim and accent elements, provided that when vinyl is used a primary material, it shall be of a design and quality that meets or exceeds that of cementitious/composite siding, as confirmed by the relevant reviewing body at the time of review of a CODA application or Final Development Plan application. Metal panels, EIFS, wood, and aluminum also shall be permitted as trim and accent elements. Exterior wall finish materials must be used to complete massing elements. Exposed or painted concrete block shall be prohibited.

(iii) Four-Sided Architecture. Four-sided architecture shall be required on all buildings, meaning that there shall be a cohesive use of design elements on all sides of the structure in a manner that creates continuity and balance among all facades.

(iv) Garages. Detached or attached garages shall be permitted.

(v) Roofs. Roofs may be flat or sloped.

(vi) Accessory Buildings. Buildings which contain uses that are accessory to the primary multi-family residential use (such as, but not limited to, garages and private community clubhouses) shall be designed with a consistent architectural style and appearance that is consistent with the multi-family buildings in the same development.

(vii) Architectural Examples. Various architectural design images for buildings that may be constructed under the MFR use category are being provided in Illustration 7.6 below. The images are intended to demonstrate buildings of various types which would comply with the requirements, spirit, and intent of this Article VII. These images are not meant to require any particular building type to be designed in the manner that is illustrated, and a variety of building aesthetics and character may occur with the subarea. The buildings that are shown below are representations of the character and quality of buildings that will be manifested from compliance with Article VII.

Illustration 7.6 – Example Architecture for Buildings Developed Under the MFR Use Category







Section 7.7 Site Design Standards – MFR Uses. The following standards and requirements shall apply to plans for development under the MFR use category:

- (A) The front of one dwelling unit shall not face the rear of another dwelling unit.
- (B) A required side yard may serve as a rear yard for individual dwellings in a group.
- (C) Dwellings comprising a group may face one another across a court, a parking lot, or open space, provided that there is a minimum distance of 50 feet between buildings where this condition occurs.
- (D) The minimum distance between buildings shall be 10 feet.
- (E) There shall be no more than two rows of parking and a drive aisle located between a building and a public street.

Section 7.8. Access, Site Circulation, and Traffic Commitments.

- (A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 3:

(i) Green Chapel Road. From at least one public street extending through Subarea 4 which has direct access to Green Chapel Road or has indirect access to Green Chapel Road using connections to other public streets within Subarea 4. The public street(s) that are required pursuant to this paragraph shall be required to be completed and open for use by the general public before the first certificate of occupancy for a building in Subarea 3 is issued by the City;

(ii) Mink Street. Along Mink Street, using a single full turn movement shared access point that shall be used by development and uses within both Subarea 3 and Subarea 4. Additional vehicular access points with less than full turn movements shall be permitted along Mink Street if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 7.8(B).

(iii) Additional Access Points. Should additional acreage adjacent to Subarea 3 and outside the boundaries of the PD district develop in the future, public street connections between such properties and Subarea 3 shall be permitted. Nothing shall prohibit an applicant from proposing other new public streets running through or connecting through this subarea if approved as part of a Final Development Plan application and as part of a final plat.

(iv) Rights-of-Way. New public streets in this subarea shall have a right-of-way width of at least 60 feet.

(v) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to public streets, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side.

(B) Private Roads and Drives. Multi-family developments shall have direct access to at least one public street but shall provide internal vehicular circulation routes through a series of private roads and drive aisles. Private roads and drive aisles shall be maintained by the owner of the property on which they are located at that owner's sole cost and expense.

(C) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. The Licking County Transportation Improvement District (the "TID") is planning to construct significant improvements to Mink Street. Except as otherwise provided in this Section 7.7(B), design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense, and design and construction of improvements to Mink Street shall be the responsibility of the TID at its sole cost and expense, or by another relevant government entity. To clarify, nothing in this Section 7.7(B) shall require an owner or developer of real property within this subarea to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except

as provided in the next paragraph.

When a proposed development includes the construction of a new public street within the PD district that will intersect with Green Chapel Road or Mink Street, or includes the construction of another private vehicular access point along one of those streets, then in conjunction with the filing of a CODA application or a Final Development Plan application (as applicable), the applicant shall file a traffic analysis which examines the need for traffic signals, roundabouts, and/or additional turn lanes (if any) on these streets as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for design and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association.

Section 7.9 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards. The following buffering, landscaping, screening, and open space requirements shall apply to Subarea 3:

(A) Tree Preservation. During all periods of construction, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line. Tree Preservation Zones shall be established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively "Environmental Permits"), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they are dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a Final Development Plan application but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) A “Stream Corridor Protection Zone” shall be required to cover streams that are to remain after development is complete and which have a drainage area greater than 50 acres. Such a zone shall cover a corridor width that is a minimum of 100 feet in width, with a minimum of 25 feet of this width being located to each side of the centerline of the stream. Within a Stream Corridor Protection Zone no buildings, structures, or other manmade objects shall be installed or erected, with the exception of paved or mulched leisure paths and/or pedestrian or vehicular crossings as permitted under applicable federal and state permits.

(C) Stormwater Management. Shared stormwater management basins are encouraged when practical from a civil engineering and cost standpoint. When utilized, the applicant shall be required to record with the Recorder one or easements, and/or other instruments which detail the properties which are benefitted and burdened by the relevant basin and the methods for maintaining and sharing the costs of maintaining the same, if the basin is not maintained by the City. Nothing herein shall be read to prohibit the installation of stormwater management basins on a single parcel to serve improvements thereon. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. The perimeters of these basins shall be grassed and/or landscaped.

(D) Parking Areas.

(i) Within Subarea 3, there shall be no less than 1 tree planted for every 10 parking spaces located therein. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(ii) Where large parking lots (i.e., parking lots containing more than two rows of parking and more than one drive aisle to access parking spaces) are present and are visible from a public street, a landscape buffer shall be provided within the required minimum pavement setback from that street to buffer views into the parking lot from the street to a minimum height of 6 feet and ~~70~~60% opacity within 5 years of installation.

(E) Pedestrian Circulation. An 8-foot-wide asphalt leisure trail is required to be installed along the west side of Mink Street and on one side ~~of~~ any public street connection to Subarea 3 from Subarea 1 or Subarea 4. A 5-foot wide concrete sidewalk shall be required to be installed on the other side of these streets (other than Mink Street). On all other new streets within Subarea 3, a 5-foot wide concrete sidewalk shall be provided on both sides of the street, provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trail that is required to be constructed in accordance with the immediately preceding sentence. Should it be determined at the time of review of a CODA application of Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(F) Minimum On-Site Tree Sizes; Species. Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

(G) Parking Lot Perimeter Landscaping. Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights. This requirement shall be deemed to be met in areas where the screening required in Section 7.9(F)(ii) is provided.

(H) Trash Receptacles. Dumpsters or similar garbage collection devices shall be enclosed by walls and/or; fences; ~~vegetation, or both~~ to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonably distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 7.10 Parkland and Open Space. Development in Subarea 3 shall be subject to the parkland dedication requirements of Codified Ordinances Chapter 1164.09. Each Final Development Plan application filed for development in this subarea shall provide detailed information as to the manner in which the proposed development which is the subject of the application will meet the requirements of Codified Ordinances Section 1164.09. In addition, the following requirements shall apply to Parkland and/or Open Space, as applicable:

Commented [JM3]: Council doesn't want open space to include Steam Protection corridor zones and flood plains.

(A) Definitions.

(i) For purposes of this text, the term “Parkland” shall mean “land dedicated or transferred to the City by a property owner at no charge to the City which is intended to either (a) provide areas for passive and/or active recreation or enjoyment and which the City will make available for use by the general public at some time in the future or (b) provide an opportunity to accommodate another public use such as, but not limited to, schools or fire or police stations.”

(ii) The term “Open Space” shall mean “privately owned land typified by having a majority of its area as pervious (e.g., grass, landscaping, mulch, trees) which is (i) passive and for the exclusive use and enjoyment of owners or visitors to a particular property and/or (ii) intended to serve residents, employees, and/or visitors from other properties or development and which provides areas for passive and/or active recreation or enjoyment. Open Space may contain treed or forested areas.”

(B) Maintenance. Parkland shall be maintained by the City at its sole cost and expense, provided, however, that a developer or property owners’ association may voluntarily elect to

undertake such maintenance at its cost and expense for a limited period of time. Open space shall be maintained by a property owner, developer, or property owners' association at their sole cost and expense.

(C) Minimum Open Space. Individual projects developed under the MFR use category shall include Open Space on-site which totals a minimum of one-half of one acre for every 100 residential units or portion thereof approved for construction in that development. ~~MFR Open Space unless it is necessary to meet maximum lot coverage requirements.~~ This requirement may be reduced or completely waived at the time of Final Development Plan approval if a development is adjacent to a public park.

(D) Amenities. Within the required minimum Open Space for uses developed and operated under the MFR use category, two or more of the following amenities shall be included unless their installation or presence would materially negatively impact an environmentally sensitive area: Paved leisure trails (or mulched leisure trails, if a wooded area contains environmentally sensitive areas); private dog park; pickleball, tennis, bocce ball, or similar courts; outdoor pool; pavilion, gazebo, or similar covered gathering area; benches/seating; and/or other recreational, social, or sports features as approved as part of a Final Development Plan. Playgrounds shall not be permitted in this subarea. Private clubhouses or community centers shall be permitted within Open Spaces. Portions of land which are covered by a slab for such buildings or upon which the building foundation is located shall not count toward the minimum Open Space acreage calculation, but all land on which associated exterior features are located shall count toward the requirement.

Section 7.11. Parking. Parking shall be provided in accordance with Article IX below. Required parking spaces may be within garages or paved parking areas. In addition to other permitted parking options, dwelling units may be (i) served by and located above a so-called "podium" parking area within a building (which generally can be described as parking areas which are contained one or more floors of a building and/or which may be partially below adjacent grade), or (ii) may be served by interior parking areas with dwelling units wrapped around them. Such parking shall not be considered to be a parking structure and shall be permitted uses.

Parking shall be provided in this subarea at the minimum rate of one space per bedroom contained within residential units. Shared parking between uses and buildings shall be encouraged. With each Final Development Plan application for development under the Mixed Use (MU) category, a parking study shall be provided to analyze the amount of parking needed to serve the proposed development and to identify opportunities for shared parking internally within the proposed development and, where applicable, other adjacent or nearby development. Parking shall be provided in numbers and locations as are approved as part of the Final Development Plan application.

Section 7.12 Lighting

(A) Fixture Types. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize

light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a building shall be the same or substantially similar in style and color.

(B) **Light Poles.** All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 18 feet in height.

(C) **Details and Specifications.** Lighting details shall be included in a Final Development Plan application for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

(D) **Colored Lights.** No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon lights shall be prohibited.

(E) Ground mounted lighting shall be shielded and landscaped.

Section 7.13 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 3 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown.

Section 7.14 Signage. At each vehicular entry point from a public street into a multi-family development, one ground sign shall be permitted to be installed to identify the community. The ground sign shall be a maximum of 6 feet in height and shall not exceed 36 square feet of sign area. Signage on buildings shall be limited to addresses and/or building numbers and any other signage required by applicable laws or codes. Internal directional signage shall be permitted within each development to facilitate efficient movement of vehicular and/or pedestrian traffic. Open spaces and private community clubhouses shall be permitted to have an identification sign that is no more than 4 feet in height and 20 square feet in sign area. Additional signage shall comply with Codified Ordinances Chapter 1177.

ARTICLE VIII: MIXED USE DEVELOPMENT STANDARDS (SUBAREA 4, LIMITED PORTIONS OF SUBAREA 3, AND (IF APPLICABLE) SUBAREA 5)

Section 8.1 Applicability. The provisions of this Article VIII shall apply to Subarea 4, which is permitted to develop only under the Mixed Use (MU) use category. They also shall apply to development and uses under the MU use category when and where permitted in Subarea 3, as detailed in Article VII, and in Subarea 5, as detailed in Article IV.

Section 8.2 Review Procedure. All development occurring in this PD district under the Mixed Use (MU) use category shall be required to file a Final Development Plan application for review and approval in accordance with Codified Ordinances Chapter 1164.

Section 8.3 Design Intent. Mixed-use development can (and in this PD district shall be permitted to) occur in several different ways. For instance, vertical mixed use development provides for the operation of different use types within the same building. The most common example of this form is a building with first floor retail or office space and multi-family residential uses located on upper floors. However, mixes of any permitted use types within the same building are permissible.

Illustration 8.3(A) – Vertical Mixed Use Examples



On the other hand, horizontal mixed use development combines single-use or multi-use buildings on distinct parcels located within a short distance from other buildings on separate parcels which usually contain different use types. The goal is to bring together complementary uses within a localized area for convenience and to create pedestrian activity and a vibrant sense of place.

Illustration 8.3(B) – Horizontal Mixed Use Examples





All mixed use developments, where permitted in this PD district, will be typified by efficient pedestrian and vehicular connectivity and the accommodation of modes of travel that

are in addition to the automobile, such as bicycles and walking. Physical and functional integration of uses shall be provided through site layout and the designs of buildings and streets.

Section 8.4 Mixed Use Sub-Categories. The Mixed Use (MU) use category will permit two general types of mixed use development which are differentiated based on size, scale, intensity, and function. Each application for a Final Development Plan under the Mixed Use (MU) category shall indicate the type of mixed use development that is being proposed in that application. The two mixed use sub-categories are as follows:

(A) Mixed Use Neighborhood Centers. Mixed Use Neighborhood Centers (“MUNCs”) will provide for the vertical and/or horizontal mixing of uses and development types within a relatively small area to provide reasonable walking and biking distances between them. This kind of mixed use will always include a meaningful residential component. Appropriate residential types include, for example, stand-alone multi-family communities in close proximity to other uses or residential units located above retail and/or office uses. MUNCs shall include some combination of retail spaces, restaurants, and/or personal services to meet the intended character and scale of an urban neighborhood. Such uses should be convenient for residents and visitors to reach by foot and bicycle, in addition to using automobiles on streets that are designed to be traveled at relatively low speeds. See Article II for permitted and conditional use rights.

Example: Downtown Granville



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(B) Mixed Use Community Centers. Mixed Use Community Areas (“MUCC”) represent a step up from MUNCs in terms of size and scale. MUCCs can serve several neighborhoods within the development itself and/or within close proximity thereto, but will serve nearby employment centers by mixing retail, dining, entertainment, office, service, civic, and/or institutional uses. The integration of residential uses within the development shall be required in order to ensure extended hours of activity to support a variety of uses which would not be viable with activity that occurs only during business hours.

Example: Perimeter Center - Dublin



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Section 8.5 Lot Requirements. No minimum lot sizes shall be required in the MU use category. Permitted density of development under the Mixed Use (MU) category shall be subject to the lot coverage maximums in Section 3.2 above.

Section 8.6 Architectural Standards. Mixed use developments often include separate buildings with a variety of architectural designs, or alternatively may provide for a themed design throughout a neighborhood. To allow for flexibility in building designs, architectural requirements for development occurring under the Mixed Use (MU) category shall be presented for review and approval as part of a Final Development Plan and shall further the design principles as described in Section 8.6(B) below. Buildings shall not exceed 65 feet in height as measured to the midpoint of a sloped roof or to the top of the parapet of a building with a flat roof.

(A) Review and Approval of Standards. Along with each Final Development Plan application under the Mixed Use (MU) use category, the applicant shall propose for review and approval elevations of all buildings and their facades and roofs, and may also provide three dimensional depictions and/or renderings of buildings, all as they are proposed to be constructed. Details as to sizes, heights, dimensions, exterior materials, and overall designs of buildings shall be provided on these drawings or in text form and shall be adequate to constitute commitments to construct the buildings as they are proposed while allowing for refinement of details during the building permit review process.

(B) Design Principles. To advance the purposes of facilitating the types of mixed use development that are permitted in this PD district, the following principles will serve as a guiding framework to be used in the review of Final Development Plans under the Mixed Use (MU) use category. Certain of these principles may not apply in all circumstances, but should be

used where appropriate or deemed to be applicable. Development should strive to meet the following principles:

(i) MUNCs. In MUNCs:

(a) Architecture and design for each building or structure in the same general vicinity shall be cohesive or complimentary in their aesthetics and forms, while understanding that buildings containing different uses intrinsically may differ in their forms and appearances.

(b) Brick, brick veneer, stone, stone veneer cementitious/composite siding or equivalent, and vinyl shall be permitted as primary and secondary exterior façade materials as well as for trim and accent elements, provided that when vinyl is used a primary material, it shall be of a design and quality that meets or exceeds that of cementitious/composite siding, as confirmed by the relevant reviewing body at the time of review of a CODA application or Final Development Plan application.. Metal panels, EIFS, wood, and aluminum also shall be permitted for trim and accent elements. Exterior wall finish materials must be used to complete massing elements. Exposed foundation walls shall be prohibited.

(c) Buildings will have entrances and features that bring them to a pedestrian scale. Front facades of buildings shall be oriented toward the primary existing and proposed streets, unless a so-called open stair walk-up design for a multi-family use is being provided, in which case a building may have a side façade facing a street.

(d) Variations in building heights, exterior façade materials, and/or façade colors among different buildings shall be encouraged to create visual variety and interest.

(e) Placement and location of some buildings near to or along natural features, pocket parks, larger parkland areas or open spaces, pedestrian plazas, and similar features shall be encouraged to create elements around which development may be organized.

(f) In order to promote walkability and the framing of streets where pedestrian activity is important and streets are designed to carry traffic at low speeds, buildings and structures shall not be set back at excessive distances from street rights-of-way.

(g) Four-sided architecture shall be provided, except that in an urban environment a façade that is oriented toward and located in such close proximity

to an adjacent building or structure that the facade will be minimally visible or not visible at all from off-site, this requirement may be waived.

(h) Buildings with ground-floor commercial uses shall be located near or adjacent to sidewalks and shall incorporate features to enhance the pedestrian experience such as (but not limited to) large storefront windows, open air dining spaces, and easily identifiable pedestrian entrances.

(i) Parking for buildings generally should be located to the rears or sides, provided, however, that two rows of parking and an associated drive aisle shall be permitted between front building façades and a public street. When parking is located to the side of a building it shall include decorative fencing, landscaping, masonry walls, or other features in order to segregate parking from the street.

(ii) MUCCs. In MUCCs:

(a) Architecture and design for each building or structure in the same general vicinity shall be cohesive or complimentary in their aesthetics and forms, while understanding that buildings containing different uses intrinsically may differ in their forms and appearances;

(b) Brick, brick veneer, stone, stone veneer, cementitious/composite siding or equivalent, and vinyl shall be permitted as primary and secondary exterior façade materials as well as for trim and accent elements, provided that when vinyl is used a primary material, it shall be of a design and quality that meets or exceeds that of cementitious/composite siding, as confirmed by the relevant reviewing body at the time of review of a CODA application or Final Development Plan application. When used as a primary exterior façade material, vinyl shall not be utilized on more than 30% of any single façade. Metal panels, EIFS, wood, and aluminum also shall be permitted for trim and accent elements. Exterior wall finish materials must be used to complete massing elements. Exposed foundation walls shall be prohibited.

(c) Buildings containing only those uses which are permitted or conditional in the NC use category shall be subject to the architectural requirements for MUNCs (as provided in **Section 8.8(B)(i)**);

(d) For buildings containing one or more uses which are permitted or conditional under the Community Commercial (CC) use category (other than uses permitted in the NC use category):

(i) Front facades of buildings shall be oriented toward existing or proposed streets.

(ii) Long blank walls shall be prohibited on front building facades and on all other building facades which are visible from a public street right-of-way. Visual interest to break up otherwise uninterrupted long walls shall be achieved by including variations in building height, changes in exterior façade materials and/or façade colors, mixing of textures, or by other means to create visual variety and interest.

(e) Four-sided architecture shall be provided, except that if a façade that is oriented toward and located in such close proximity to an adjacent building or structure that the facade will be minimally visible or not visible at all from off-site, this requirement may be waived. The requirement for four-sided architecture shall not be strictly applied to facades with loading docks, overhead doors, or other loading areas, but an applicant shall make reasonable efforts to meet the spirit and intent of the four-sided architecture requirement on these facades. Loading docks, overhead doors, and loading areas shall be located on the rears of buildings.

(f) Planters, landscaping, trees, and/or other features shall be used to provide visual breaks along long building facades; and

(g) Parking may be located to fronts, rears, and/or sides of buildings. Shared parking between uses and buildings shall be encouraged.

Section 8.7 Setbacks and Lot Requirements.

(A) Lot Width Requirements. There shall be a minimum lot width of 75 feet for development occurring under the Community Commercial (CC) use category, as measured at the minimum required building setback line.

(B) Setbacks. The following minimum setbacks shall apply for development under the MU use category:

<u>Measured From</u>	<u>Pavement</u>	<u>Buildings</u>
Green Chapel Road Right-of-Way	25 feet	50 feet
Mink Street Right-of-Way	25 feet	50 feet
Other Public Street Rights-of-Way	5 feet	5 feet
Northern Perimeter Boundary of Subarea 4*	10 feet	20 feet
Western Perimeter Boundary of Subarea 4	25 feet	50 feet

* There shall be a zero pavement and building setback required if development occurring under the MU use category as part of a single project is located in both Subarea 3 and Subarea 4.

(C) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located outside of this subarea or PD district (i) come under common ownership or control, (ii) are zoned to allow compatible MU category uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in Section 8.8(B) as they apply to common property lines shall no longer apply with respect to these parcels.

(D) Internal Parcel Lines. There shall be a zero minimum pavement and building setback requirement from internal parcel lines within a development occurring under the MU use category. Where a parcel line runs through a building, a shared common wall agreement or similar written instrument shall be required to be recorded in the Office of the Licking County Recorder which sets forth the rights and responsibilities of the owners on each side of a common wall for maintenance, insurance, and repairs or replacements to improvements resulting from casualty events.

Section 8.8 Access, Site Circulation, and Traffic Commitments.

(A) Vehicular Access. Vehicular access shall be provided to and from Subarea 4:

(B) Mink Street. Along Mink Street, using a single full turn movement shared access point that shall be used by development and uses within both Subarea 3 and Subarea 4. Additional vehicular access points with less than full turn movements shall be permitted along Mink Street if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 8.8(I).

(C) Green Chapel Road. Along Green Chapel Road, using a maximum of three full turn movement access points, provided that these access points are located at least 500 feet from one another as measured between the centers of the intersections of each access point with Green Chapel Road. Additional vehicular access points with less than full turn movements shall be permitted along Clover Valley Road if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 8.8(I).

(D) Green Chapel Road Streetscape Design. Green Chapel Road may have portions of its right-of-way located in the City of Johnstown and other portions located in the City of New Albany along the frontage on this street for Subarea 4. The City of New Albany is constructing, or soon will construct, significant improvements to Green Chapel Road beginning at Mink Street and extending westward to the western edge of this PD district. The streetscape within the public street right-of-way and adjacent utilities easements along the entirety of the north side of Green Chapel Road between its intersection with Mink Street on the east to the western edge of this PD district on the west will be as installed by the City of New Albany as part of its improvements to that street.

(E) Connection to Subarea 3. At least one new public street connection shall be constructed within Subarea 4 and either shall be stubbed to the shared boundary line of Subarea 3 and Subarea 4 or connected to one or more other public streets within Subarea 4 that stub into the shared boundary to provide a means of vehicular access between Duncan Plains Road and Subarea 3.

(F) Additional Access Points. Should additional acreage adjacent to Subarea 4 and outside the boundaries of the PD district develop in the future, public street connections between such properties and Subarea 4 shall be permitted per an approved or amended Final Development Plan.

(G) Street Designs and Rights-of-Way. The designs and specifications for new public streets constructed internally within Subarea 4 shall be reviewed and approved as part of the Final Development Plan review and preliminary/final plat review processes. The developer(s) shall dedicate property from Subarea 4 to the City as rights-of-way as determined during these review processes.

(H) Private Roads and Drives. Each development under the MU use category shall have access to at least one public street and may provide internal vehicular circulation routes through a series of private roads and drive aisles. Private roads and drive aisles shall be maintained by the owner of the property on which they are located at that owner's sole cost and expense. Alternatively, a forced and funded property owners' association may be created in order to maintain and share the costs of maintaining private drives and private roads.

(I) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. The Licking County Transportation Improvement District (the "TID") is planning to construct significant improvements to Mink Street. Except as otherwise provided in this Section 8.8(I), design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense, and design and construction of improvements to Mink Street shall be the responsibility of the TID at its sole cost and expense, or by another relevant government entity. To clarify, nothing in this Section 8.8(I) shall require an owner or developer of real property within this PD district to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

When a proposed development includes the construction of a new public street within this subarea that will intersect with Green Chapel Road or Mink Street, or includes the construction of another private vehicular access point along one of those streets, then in conjunction with the filing of a Final Development Plan application the applicant shall file a traffic analysis which examines the need for traffic signals, roundabouts, and/or additional turn lanes (if any) on these streets as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for

the application. Where a traffic signal, rundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for design and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

(J) When internal private roads or drives are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association.

Section 8.9 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards. The following buffering, landscaping, screening, and open space requirements shall apply to Subarea 4:

(A) Tree Preservation. During all periods of construction, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line. Tree Preservation Zones shall be established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively "Environmental Permits"), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a CODA application or Final Development Plan application, as applicable, but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) Stormwater Management. Shared stormwater management basins are encouraged when practical from a civil engineering and cost standpoint. When utilized, the applicant shall be required to record, with the Recorder, one or easements, plats, and/or other instruments which detail the properties which are benefitted and burdened by the relevant basin and the methods for maintaining and sharing the costs of maintaining the same, if the basin is not maintained by the City. Nothing herein shall be read to prohibit the installation of stormwater management basins on a single parcel to serve improvements thereon. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. Wet stormwater

basins shall be encouraged. The perimeters of these basins shall be grassed and/or landscaped.

(C) A “Stream Corridor Protection Zone” shall be required to cover streams with a drainage area greater than 50 acres. Such a zone shall cover a corridor width that is a minimum of 100 feet in width, with a minimum of 25 feet of this width being located to each side of the centerline of the stream. Within a Stream Corridor Protection Zone no buildings, structures, or other manmade objects shall be installed or erected, with the exception of paved or mulched leisure paths and/or pedestrian or vehicular crossings as permitted under applicable federal and state permits.

(D) Parking Areas. Within Subarea 4, there shall be no less than 1 tree planted for every 10 parking spaces located therein. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(E) Pedestrian Circulation. An 8-foot-wide asphalt leisure trail is required to be installed along the west side of Mink Street and along one side of the public street connection from Green Chapel Road to Subarea 3, and from any public street extending westward from Mink Street into Subarea 3 and/or 4A 5-foot wide concrete sidewalk shall be required to be installed on the other side of these streets (except for Mink Street), provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trails that are required to be constructed in accordance with the immediately preceding sentence. Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(F) Minimum On-Site Tree Sizes; Species: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

(G) Parking Lot Perimeter Landscaping. Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights.

(H) Trash Receptacles. Dumpsters or similar garbage collection devices shall be enclosed by walls, ~~and/or fences, vegetation, or both~~ to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonable distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 8.10 Parking.

(A) Parking shall be provided in this subarea in accordance with Article IX below. Shared parking between uses and buildings shall be encouraged and may be used to meet minimum parking requirements. With each Final Development Plan application for development under the Mixed Use (MU) category, a parking study shall be provided to analyze the amount of parking needed to serve the development that is contemplated in the application and to identify opportunities for shared parking internally within the proposed development and, where applicable, other adjacent or nearby development. Parking shall be provided as approved as part of the Final Development Plan application.

(B) Parking spaces may be within garages or paved parking areas. In addition to other permitted parking options, dwelling units may be (i) served by and located above a so-called “podium” parking area within a building (which generally can be described as parking areas which are contained one or more floors of a building and/or which may be partially below adjacent grade), or (ii) may be served by interior parking areas with dwelling units wrapped around them. Such parking shall not be considered to be a parking structure and shall be permitted uses.

Section 8.11 Lighting.

(A) Fixture Types. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a building shall be the same or substantially similar in style and color.

(B) Light Poles. All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 18 feet in height.

(C) Details and Specifications. Lighting details shall be included in a Final Development Plan application for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

(D) Colored Lights. No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon and flashing lights shall be prohibited.

(E) Ground mounted lighting shall be shielded and landscaped.

Section 8.12 Parkland and Open Spaces. Residential development under the Mixed Use (MU) use category shall be subject to the parkland dedication requirements of Codified Ordinances Chapter 1164.09. Each Final Development Plan application filed for development under this use category shall provide detailed information as to the manner in which the proposed development which is the subject of the application will meet the requirements of that

chapter. In addition, the requirements in Section 7.10(A) through (D) of this text shall apply to Subarea 4.

Section 8.13 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 4 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown.

Section 8.14 Signage. Each development under the Mixed Use (MU) district shall provide a master signage plan for review and approval as part of a Final Development Plan application for that development. Such a plan shall identify the types of signs, number of signs, maximum heights, maximum sign areas, and general designs of proposed signs (not including content that falls under state or federal constitutional protections). The master sign plan, once approved, shall provide approved rights, obligations, and standards for signage within the development that is the subject of the application. To the extent that a master signage plan conflicts with any standard in Chapter 1177 of Codified Ordinances, the standards in the master signage plan shall apply, and to the extent that the master signage plan is silent on a particular standard, the relevant standard in the Codified Ordinances shall apply. The standards and requirements of Chapter 1177 of the Codified Ordinances for signage shall be the baseline for permitted signage in this subarea, but it is anticipated that, given the nature of mixed use development, a master signage plan will deviate therefrom in some or many respects in order to create facilitate creative designs, promote vehicular and pedestrian and wayfinding, and better identify uses and users in a development environment that will contain multiple uses.

ARTICLE IX: SUBAREA 5 – DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 9.1 Applicability. Subarea 5 consists of 25.7+/- acres located to the north of and adjacent to Green Chapel Road, generally to the east of its intersection with Clover Valley Road and to the south of and adjacent to Subarea 1. The provisions of this Article IX are intended to provide standards and requirements for development which apply specifically to Subarea 5.

Section 9.2 Uses. Use rights for this subarea are detailed in Article II above, but are subject to the limitations and restrictions of this Section 9.2. Subarea 5 is located within an area of the PD district that may be attractive for a variety of different use types. More specifically, it could develop as an extension of the uses and development which are permitted or conditional in Subarea 1, or it could develop in the manner that is permitted in Subarea 4 with uses that are permitted and/or condition under the NC and CC use categories. However, the intent is not to allow for a mixture of Subarea 1 and Subarea 4 use types.

Therefore, along with the first CODA application or Final Development Plan application that is filed for real property located within Subarea 5, the applicant shall provide a written statement of its election to have the entirety of the subarea develop in accordance with the uses and development requirements that apply to either Subarea 1 or to Subarea 4, with the exception being that no multi-family residential uses are permitted in Subarea 5. Once construction of a development project commences pursuant to an application that has been approved, then the

entirety of Subarea 5 may be used and developed in accordance with the use and development requirements of Subarea 1 or Subarea 4, as identified by the applicant in the application, and the use of any portion of Subarea 5 in accordance with the use rights of the other subarea shall be prohibited. For purposes of this Section 9.2, a development project shall be deemed to have “commenced” when installation of a building foundation or slab has commenced.

Section 9.3. Development Requirements. In addition to the specific requirements contained in this Article IX, when an election has been made for Subarea 5 to be developed in accordance with the use rights in Subarea 1, development shall occur in accordance with the standards and requirements in Article V. Also, in addition to the specific requirements contained in this Article IX, when an election has been made for Subarea 5 to be developed in accordance with the use rights in Subarea 4, development shall occur in accordance with the standards and requirements in Article VII, except that no multi-family residential uses or development are permitted in Subarea 5. With respect to the application of Section 8.6(A) to Subarea 5, the phrase “the Mixed Use (MU) use category” shall be replaced with the phrase “the Neighborhood Commercial (NC) and/or Community Commercial (CC) use categories”. To the extent that a requirement or standard contained in this Article IX conflicts with an applicable standard from Article V or Article VII, the requirement or standard in this Article IX shall govern.

Section 9.4 Setbacks.

(A) Green Chapel Road. If development in Subarea 5 occurs with the use rights which apply to Subarea 1, there shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Green Chapel Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but in no event shall be located less than 50 feet from the Green Chapel Road right-of-way. If development in Subarea 5 occurs with the use rights which apply to Subarea 4, there shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Green Chapel Road after any required dedication of right-of-way is completed in accordance with this text.

(B) Perimeter Boundaries. The following setback requirements shall apply to perimeter boundaries of Subarea 5 that are not adjacent to a public right-of-way:

(i) Northern Boundary. There shall be a minimum pavement and building setback of 25 feet from the northern boundary line of Subarea 5 that is shared with the southern boundary of Subarea 1 if Subarea 5 is developed with uses which are permitted in Subarea 1, provided that if property within Subarea 5 which is adjacent to the shared boundary line is under common ownership with property within Subarea 1 which is adjacent to the shared boundary line, there shall be a zero pavement and building setback requirement. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the northern boundary line of Subarea 5 if it is developed with uses which are permitted in Subarea 4 (excluding multi-family residential uses, which are prohibited in Subarea 5).

(ii) Western Boundary. From the western boundary line of Subarea 5 and from the northern boundary of the portion of Subarea 5 that is located in the southwestern portion of Subarea 5, the minimum setbacks shall be equal to the greater of (a) the width of an existing AEP electric easement (150 feet for pavement and buildings, except that pavement may be located within the easement area if permitted by the grantee under that easement), as may be modified, or (b) 50 feet for pavement and 100 feet for buildings.

(iii) Eastern Boundary. From the eastern boundary line of Subarea 5, the minimum setbacks shall be 50 feet for pavement and 100 feet for buildings.

(C) Internal Parcel Lines. There shall be a minimum pavement and building setback of at least 25 feet from internal parcel lines within this subarea, except that these minimum setbacks shall be zero when the parcel on each side of a shared parcel line is under common ownership.

(D) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located within or outside of this PD district (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this **Section 9.4** as they apply to common property lines shall no longer apply with respect to these parcels.

Section 9.5. Access, Site Circulation, and Traffic Commitments.

(A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 5:

(i) Green Chapel Road. Along Green Chapel Road, using a single full turn movement access point and a maximum of one right-in, right-out access point;

(ii) Additional Access Points. Should additional acreage with frontage on Green Chapel Road be added to this PD district at a later date in accordance with the procedures set forth in Codified Ordinances Chapter 1164, additional full or restricted turn movement access points may be permitted on those streets as detailed in an approved amendment or addendum to this zoning text.

(B) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. Except as otherwise provided in this **Section 9.5(B)**, design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense. To clarify, nothing in this **Section 9.5(B)** shall require an owner or developer of real property within this PD district to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

When a proposed development includes the construction of a new public street within this subarea that will intersect with Green Chapel Road, or includes the construction of another

private vehicular access point along this street, then in conjunction with the filing of a CODA application or a Final Development Plan application (as applicable), the applicant shall file a traffic analysis which examines the need for a traffic signal, roundabout, and/or additional turn lanes (if any) on this street as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for designing and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives which serve multiple parcels not under common ownership are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association. Such easements and maintenance obligations may be established as part of a broader Declaration of Covenants, Conditions and Restrictions ("CCRs") applicable to the subarea or a similar document which governs the forced and funded property owners' association, which shall be recorded with the Licking County Recorder.

(C) Rights-of-Way. The developer shall dedicate property from Subarea 1 to the City as rights-of-way as follows, with such dedications being required for a particular parcel after such time as a CODA application or Final Development Plan application is approved for that parcel and as a condition of receiving a building permit for construction on that parcel:

(i) For a distance of 30 feet as measured from the centerline of Green Chapel Road.

(ii) At a minimum width of at least 60 feet for new public streets which are internal to this subarea if Subarea 5 develops with uses permitted in Subarea 1, or at a minimum width of 50 feet for new public streets which are internal to Subarea 5 if it develops with uses permitted in Subarea 4.

(iii) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to public street rights-of-way, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side. Such easements shall be established by separate recorded instruments and shall not be required to be included in any plat for a public street.

(D) Private Roads. Paved private roads shall be permitted to be constructed in order to serve individual sites or a cluster of individual sites on routes which are intended to bring employees, delivery vehicles, and visitors to and from these sites and are not intended to serve large volumes of traffic from the general public. Private roads are intended to serve the same general purposes as private driveways but at a larger size to provide efficient routes of vehicular access for business purposes with minimal interference from public traffic. Pavement widths and road designs shall be reviewed and approved as part of a CODA application or Final Development Plan application (as applicable) and shall be evaluated based on the type and volume of traffic that is expected to be served by the improvement. Private roads shall be maintained by the owner(s) of the properties on which they are located or by a forced and funded property owners' association.

(E) Green Chapel Road Streetscape Design. Green Chapel Road may have portions of its right-of-way located in the City of Johnstown and other portions located in the City of New Albany along the frontage on this street for Subarea 4. The City of New Albany is constructing, or soon will construct, significant improvements to Green Chapel Road beginning at Mink Street and extending westward to the western edge of this PD district. The streetscape within the public street right-of-way and adjacent utilities easements along the entirety of the north side of Green Chapel Road between its intersection with Mink Street on the east to the western edge of this PD district on the west will be as installed by the City of New Albany as part of its improvements to that street.

Section 9.6 Screening/Buffering; Landscaping. For those perimeter boundaries which abut real property that meets the definition of a Residential Property (as such term is defined in Section 5.6(B)) at the time that an application is filed for a Building Permit (as such term is defined in Section 5.6(B)) on real property located within this subarea, has a zoning classification which permits the development and operation of residential uses thereon, and (ii) that is not owned by the applicant for rezoning/Preliminary Development Plan approval, its affiliates, or by the applicant for the Building Permit, screening and buffering shall be provided on the property to which the Building Permit applies within the required minimum pavement setback along the shared property line with the abutting property. Such screening and buffering may include a fence, landscaping, mounding, or some combination thereof. Screening for uses and development within Subarea 5 which would be permitted in Subarea 4 shall achieve an opacity of 75% upon installation of a fence or, if mounding and/or landscaping is utilized, on the date that is 5 years after planting to a minimum height of 8 feet above ground level, as viewed from the abutting property outside of Subarea 5, and with mounding to be a minimum of 4 feet in height. Screening for uses and development within Subarea 5 which would be permitted in Subarea 1, a minimum 6-foot high mound shall be installed on the property to which the Building Permit applies along the shared property line with the abutting property. The mound shall include a landscape buffer which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a minimum height of 10 feet above ground level.

If existing trees are found within the required minimum pavement setback from a boundary of Subarea 5 where the screening requirement contemplated in the immediately preceding paragraph applies, the existing trees may be utilized for the required screening. The opacity and

timing requirements are still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved as part of a CODA application or Final Development Plan application (as applicable). The required screening and buffering as detailed in this **Section 9.6** shall be installed along the entirety of the perimeter boundary lines to which they apply with the first development that occurs in Subarea 5, unless a waiver of this timing requirement is approved as part of a CODA application or Final Development Plan application. The provisions of this Section 9.6 shall apply to the exclusion of **Section 5.6(B) and (C)**, when otherwise applicable.

ARTICLE X: PARKING AND LOADING. Parking and loading shall be provided within this PD district in accordance with the provisions of this Article IX, except as otherwise provided in the standards and requirements that are particular to a subarea as set forth in another Article of this text that applies to the subarea.

Section 10.1 Minimum Number of Parking Spaces. Parking spaces shall be provided according to the following table. If a use consists of more than one component use (for example, a religious use with a school), the required minimum number of parking spaces shall be the sum of the required spaces for those component uses.

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Multi-family	One space per bedroom, except that three-bedroom units shall not be required to exceed two and one-half spaces per unit.
Retail shopping centers (meaning one or more buildings initially constructed as a single development project and which contain three or more different occupants, tenants, or users)	One space for each 200 square feet of gross floor area, plus one for each three persons allowed under maximum occupancy in any theater or place of assembly
Home furnishings, appliances, apparel, and similar retail sales	One for each 250 square feet of gross floor area.
Restaurants, coffee shops, and similar uses without drive-thrus	One for each 75 square feet of gross floor area.
Restaurants, coffee shops, and similar uses with drive-thrus	One for each 75 square feet of gross floor area, plus a number of stacking spaces serving the drive-thru lane which is equal to a minimum of 20% of the total parking spaces required
Preschools and child day care	One for each 15 students of proposed capacity

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Libraries, museums, community centers.	One for each 400 square feet of gross floor area
Public or private schools, Kindergarten through 12 th grade	Three for each classroom or one for each five seats in the main auditorium, whichever is greater.
Colleges, universities, trade schools, or other post-secondary educational	In accordance with a parking plan approved as part of a Final Development Plan application
Churches and other places of public worship	One for each four seats in main auditorium.
Retail stores selling food, department or general merchandise, pharmacies, and/or similar items	One for each 200 square feet of gross floor area; if a drive-thru lane is present (e.g., to serve a pharmacy use), a number of stacking spaces serving the drive-thru lane which is equal to a minimum of 20% of the total parking spaces required shall be provided, but in no event shall more than 7 stacking spaces be required
Personal services, including banks, savings and loans, repair services without drive-through facilities.	One for each 200 square feet of gross floor area
Banks, savings and loans and similar uses with drive-through facilities.	One for each 200 square feet of gross floor area, plus a number of stacking spaces serving the drive-thru lane which is equal to a minimum of 60% of the total parking spaces required
Barber and beauty shop; salons	Two for each work station and for each room providing a direct service to customers
Gasoline service stations	One for each two gasoline dispensing units, plus one for each employee during the main shift, plus two for each service bay. If a convenience store (exclusive of a retail kiosk) is present, then an additional one space per 200 square feet of the building shall be provided.
Auto repair	One space per service bay plus three spaces per 1,000 square feet for retail and office components
Car or truck wash	Three stacking spaces for each bay or stall for a non-automated facility, and six stacking spaces for an automated facility, plus one space per employee on the main shift

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Automobile sales and services	One for each 400 square feet of gross floor space
Hotels and bed and breakfast inns	One for each sleeping room or suite, plus one for each employee during main shift
Funeral homes	One for each 50 square feet of gross floor area
Professional, business, and administrative offices	One for each 250 square feet of gross floor area
Medical or dental offices	Five for each examination room and laboratory space, plus one for each employee during main work shift
Outpatient surgery centers, ambulatory care facilities, and similar facilities	In accordance with a parking plan approved as part of a Final Development Plan application
Medical urgent care	Three for each examination room, plus one for each other employee during main work shift
Hospitals	In accordance with a parking plan approved as part of a Final Development Plan application
Stand-alone emergency rooms	Three for each examination room, plus one for each other employee during main work shift
Manufacturing, compounding, processing, assembling, packaging or treating of goods	Two for each three employees during work shift having greatest number of employees, plus one for each vehicle maintained on the premises
Warehouse	Fifteen spaces for buildings up to 10,000 square feet in gross floor area, plus one space for every 3,000 square feet of gross floor area above 10,000 gross square feet
Wholesale distribution center	Twenty spaces for buildings up to 10,000 square feet in gross floor area, plus one space for every 2,500 square feet of gross floor area above 10,000 gross square feet
Data centers	One for each employee on the main shift
Outdoor sports fields and tennis, pickleball, or other courts	Twenty for each playfield, plus one for each six seats in stands. Three for every playing court.
Libraries, museums, community centers.	One for each 400 square feet of gross floor area.

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Civic, social, fraternal organizations	One for each three persons allowed under occupancy of maximum main meeting room.
Nursing homes	One for every four beds, plus one per employee on the main shift
Assisted living facilities and rehabilitation centers	One space for every three residential units, plus one per employee on the main shift
Independent living facilities	One per residential unit, plus one for each employee on the main shift
Animal hospitals/clinics, veterinarian office	Four for each examination room, surgery room, and laboratory space
Fitness centers and health clubs	One space per 300 square feet of gross floor area
Gymnasiums, fieldhouses, and similar facilities	One space per 250 square feet of gross floor area
Theaters (for live performances or films), stadium or sports arenas, auditorium or other assembly halls other than schools.	One for each three seats
All other uses	In accordance with a parking plan approved as part of a CODA application or Final Development Plan application (as applicable)

Section 10.2 Provision of Parking for the Disabled. Parking spaces shall be designated for the physically handicapped and may be used to compute the total number of spaces required. The number and location of the designated spaces shall be in compliance with the requirements of the Ohio Building Code and the federal Americans With Disabilities Act.. All such parking spaces shall be designated by free-standing signs as provided in the Ohio Manual of Uniform Traffic Control Devices.

Section 10.3 Minimum Number of Off-Street Loading Spaces.

Loading spaces shall be provided for the loading and unloading of merchandise and goods, and may be located within a building, along a drive aisle adjacent to a building where a connected sidewalk is present, or within a service area or near a loading dock and shall be located so as not to impede normal vehicular parking according to the following schedule of uses. A building may share loading spaces when it contains multiple uses.

<u>Use Category</u>	<u>Building Gross Square Footage</u>	<u>Minimum Number of Spaces</u>
MI, CI, MPI, WD, NC, AR, CC, MU	0 – 2,500	Zero
	2,500-10,000	One
	10,001-100,000	Two
	100,001-200,000	Three
	Each additional 100,000 or portion thereof	One additional
O	0 – 50,000	Zero
	50,001-100,000	One
O (cont.)	100,001-200,000	Two
	Each additional 100,000	One additional
DC	Per building	One
All other use categories		In accordance with a loading space plan approved as part of a CODA application or Final Development Plan application (as applicable)

Section 10.4 Specifications and Requirements. Parking spaces and loading spaces shall meet the following requirements:

- (A) Area and Dimensions - Parking Spaces.

	<u>Minimum Width (measured in feet parallel to aisle)</u>	<u>Minimum Length (feet)</u>	<u>Maneuvering Lane Width (feet)</u>
Parallel Parking	9	23	12
30°-53° Angle Parking	13	20	15
54°-74° Angle Parking	9	19	22
75°-90° Angle Parking	9	19	22

(B) Area and Dimensions - Loading Spaces. Loading spaces shall conform to the following minimum requirements:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
30 feet	12 feet	15 feet

(C) Access. All off-street parking and loading areas provided in accordance with this Article shall have direct or indirect access to a publicly dedicated and improved street or alley.

(D) Surfacing. All off-street parking and loading areas, except for parking areas serving single-family residential uses, shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

(E) Proximity to use.

(i) On property from which uses that are permitted or conditional in the O, MI, CI, MPI, DC, WD, NC, AR, or CC use categories are developed and operated, required parking and loading spaces shall be provided on the same parcel as the principal use which they serve, or on an adjacent parcel that is under common ownership with the parcel containing the principal use.

(ii) On property from which uses that are permitted or conditional in the MFR, MU, and/or POS use categories are developed and operated districts, required parking and loading spaces shall be provided either on the same parcel as the principal use which they serve, on an adjacent parcel that is under common ownership with the parcel containing the principal use, or on a parcel that is not under common ownership with the parcel containing the principal use that is within 1,000 feet of the principal use which they serve.

(iii) Two (2) or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided those facilities are located so as to meet the requirements of this Article X, and the number of spaces so provided shall not be less than the sum of required spaces. A written agreement between relevant parties, stating the terms under which the proposed parking shall be developed, used, and maintained, shall be filed with a CODA application or Final Development Plan application, as applicable. Such agreement shall be approved

by the City Attorney or his or her designee prior to the approval of the relevant application.

ARTICLE XI: MISCELLANEOUS.

Section 11.1 Parkland Credits. Dedications of land to the City as public parkland are required by Codified Ordinances Chapter 1164. In the event that any property owner or developer within this PD district dedicates parkland to the City in excess of the minimum required parkland dedication requirement, a credit shall be provided which may be applied to future parkland dedication requirements. The application of any such credits to a development proposal shall be made by and through a written request made as part of a Final Development Plan application, which shall be accompanied by a written and signed letter from the applicant or property owner that made the excess land dedication to provide its consent for the use of the credits. Once credits are allocated to a portion of the PD district, they shall remain attributable to that portion of the district unless a Final Development Plan application is approved to move them to another location, subject to the same procedures and requirements that applied to the original allocation of the credits.

Section 11.2 Bicycle Parking. Bicycle parking shall be provided at the rate of 5.0% of the total number of required vehicular parking spaces for a development, provided that in no event shall less than 5 nor more than 30 bicycle parking spaces be required (but shall be permitted) to serve any single building or use. Bicycle parking in excess of the maximum required is permitted. Where existing bicycle parking has been provided that is in excess of the minimum which is required to serve an existing building or use, such excess amounts may be counted and applied toward meeting the bicycle parking space requirement of another building or use with a pedestrian entrance that is located within 1,000 feet of said bicycle parking spaces. The requirement for bicycle parking may be waived when the nature of a use or development is such that either (1) the type or volume of traffic is likely to create safety issues due to conflicts between bicycle and vehicular traffic (for example, a distribution center), or (2) bicycle traffic will cause security concerns (for example, data centers).

Section 11.3 Pedestrian Connectivity. Various specific commitments to the provision of public sidewalks (all of which shall be ADA compliant) and public paved leisure trails have been made throughout this text along with commitments to construct these improvements to the boundary lines of the PD district in order to promote their extensions in the future to connect with other properties within and areas of the City. As individual development proposals are brought forth for review as part of a CODA application or Final Development Plan application, each applicant shall identify and provide for additional pedestrian routes within the development that will, where practical, also promote the goal of improving the connectivity of the site to areas outside of its boundaries. The applicant for this zoning/Preliminary Development Plan application commits to actively participate in a broader planning effort to be undertaken by the

City to identify and pursue opportunities to enhance pedestrian connectivity throughout the municipality.

JOHNSTOWN OPPORTUNITY PLANNED DEVELOPMENT DISTRICT (PD)

NOVEMBER 8, 2023

ARTICLE I: BACKGROUND

Section 1.1 Introduction and Summary. The City of Johnstown has embarked on a planning effort which seeks to position the community for master-planned and strategic growth. As part of this effort, it has adopted a *Land Use Framework* to supplement its Comprehensive Plan, which provides recommendations for land use and development in areas within and around the City. In addition, the City has created a new Planned Development (PD) classification in its zoning code which facilitates the development of a variety of uses and provides a mechanism for an applicant to propose standards under which such development is to occur. The combination of these two actions serves as a catalyst to allow Johnstown to capitalize on the opportunities that the Intel Campus and supporting projects will bring to the municipality.

This PD district includes 407.2+/- acres, the vast majority of which is owned or controlled by The Johnstown Land Company LLC and its affiliated business entities (Subarea 2B as defined herein is not owned or controlled by any of these entities but is being included with that property owner's consent). Portions of the subject properties are already within Johnstown's boundaries and the remainder (285.9+/- acres) is in the process of being annexed to the City. This land is in prime position for development in a manner that is complimentary to existing conditions while also providing significant opportunities for economic development that benefits the City. It provides a rare opening to master plan a significant amount of acreage under one planned development, which most communities never see.

The subject properties are mostly contained within an area bounded by Clover Valley Road on the west, Duncan Plains Road on the north, Green Chapel Road on the south, and Mink Street on the east. Other portions are located to the north of and adjacent to Duncan Plains Road and are served by Enterprise Drive.

This PD district is located within the *Land Use Framework* area that is identified for "Jobs." The shared goals of the applicant and the City are to strengthen the finances of the community through increased real estate taxes to be generated from this PD district and the collection of income taxes from new jobs. Attracting these types of developments are only possible by also providing a mix of other uses to support them. This zoning text provides for a range of uses as well as development standards and design requirements for the subject properties to facilitate economic growth.

Section 1.2 Regulatory Vision.

Long-range master planning, investment in public infrastructure, and proactive adoption of zoning standards to attract the right mix of uses collectively serve as the modern formula for a community's successful growth strategy. Zoning standards designed to attract employment-

generating uses also will allow for supporting service, retail, entertainment, recreational, and residential uses in close proximity, as businesses are increasingly becoming more interested in development sites where their employees can work in close proximity to where they live, shop, and socialize. The standards and requirements in this text are intended to provide a blueprint for success.

Section 1.3 Subareas. The PD is divided into five “subareas” as depicted on the accompanying Subarea Plan and as more particularly described in legal descriptions which have been filed along with this rezoning application. More specifically:

(A) Subarea 1. Subarea 1 consists of 182.7+/- acres which are bounded on the west by Clover Valley Road and on the north by Duncan-Plains Road, and consists of the western and central portions of the PD district.

(B) Subarea 2. Subarea 2 consists of 68.4+/- acres located to the north of and adjacent to Duncan-Plains Road and partially extending northward to U.S. Route 62. This subarea is also served by Enterprise Drive.

(C) Subarea 3. Subarea 3 consists of 70.3+/- acres located generally to the southwest of (but not adjacent to) the intersection of Duncan-Plains Road and Mink Street, to the east of and adjacent to Subarea 1, and to the west of and adjacent to Mink Street. It is north of and adjacent to Subarea 4.

(D) Subarea 4. Subarea 4 consists of a total of 60.1+/- acres located to the west and northwest of the intersection of Duncan-Plains Road and Mink Street, directly to the south of and adjacent to Subarea 3.

(E) Subarea 5. Subarea 5 consists of 25.7+/- acres located to the north of and adjacent to Green Chapel Road, generally to the east of its intersection with Clover Valley Road and to the south of and adjacent to Subarea 1.

Section 1.4 Summary of PD Regulatory Concept. This PD will facilitate creative development and will foster the goals of being flexible and yet predictable. It will accommodate the mixing of uses in certain locations where the segregation of uses would result in outdated and uninspired development patterns. By the act of approving this zoning and Preliminary Development Plan, certain baseline zoning rights will be applied throughout the zoning district. All other use and development rights that previously applied to these properties will no longer apply (*see Section 2.1*). The placement of use and development rights throughout the zoning district will be subject to certain limitations and requirements as detailed throughout this text.

Section 1.5 Application and Interpretation. This zoning text applies standards and requirements which are specific to the land located within it. In the future, additional land may be made subject to this text in accordance with rules and procedures detailed in Codified

Ordinances Chapter 1164, including (but not limited to) Section 1164.01(e). In the event of a conflict between any provision of this zoning text and the Codified Ordinances, the provision in this zoning text shall govern. When this text is silent on a particular matter, then the provisions of the Codified Ordinances shall be applied.

ARTICLE 2: USES

Section 2.1 Baseline Rights. Upon the approval of this zoning, certain uses and development rights shall be established as baseline rights within each subarea of this zoning district. The chart in **Section 2.2** below (the “Use Chart”) sets forth the use rights which are being established as baseline rights within each subarea. Baseline uses shall be permitted to be developed and operated on applicable property in accordance with relevant procedures as detailed later in this text. Further definitions of each use category are provided in **Section 2.3**.

Section 2.2 Use Chart.

The following Use Chart details the use categories which are allowed to be developed and operated in each subarea in this zoning district. Where a “**P**” is used in the chart, this indicates that the use category is permitted in the relevant subarea as a “baseline permitted use category” upon the effective date of this zoning text without the need for further zoning approvals, but with development still being subject to any required Final Development Plan or Certificate of Development Approval (“**CODA**”) application reviews and approvals pursuant to the requirements of Codified Ordinances Chapter 1164. Where a “**C**” is used in the chart, the uses within the particular category shall be conditional uses to be reviewed in accordance with Section 1164.03(b) of the Zoning Ordinance. Where an “**X**” is used in the chart, this indicates that all uses in the use category are prohibited from being developed or operated in the relevant subarea without the approval of a separate rezoning application that would otherwise permit them.

USE CHART

<u>Use Category</u>	<u>Subarea 1</u>	<u>Subarea 2</u>	<u>Subarea 3</u>	<u>Subarea 4</u>	<u>Subarea 5**</u>
Office Uses (O)	P	P	P	P	P
Major Institutional Uses (MI)	P, except that public transit facilities and park-and-ride facilities shall be	P, except that public transit facilities and park-and-ride facilities shall be conditional uses	X	C	P, if associated with Subarea 1 uses, and provided that public transit facilities and park-and-ride

<u>Use Category</u>	<u>Subarea 1</u>	<u>Subarea 2</u>	<u>Subarea 3</u>	<u>Subarea 4</u>	<u>Subarea 5**</u>
	conditional uses				facilities shall be conditional uses C, if associated with other uses
Community Institutional Uses (CI)	X	P	P	P, as part of development under the MU category	P, as part of development under the MU category
Manufacturing, Production, and Industrial Uses (MPI)	P	P	X	X	P
Data Center Uses (DC)	P	P	X	X	P
Warehousing and Distribution Uses (WD)	P	P	X	X	P
Neighborhood Commercial Uses (NC)	X	X	P	P	P
Auto-Related Uses (AR)	X, except that electric vehicle charging stations shall be permitted	X, except that electric vehicle charging stations shall be permitted	X, except that electric vehicle charging stations shall be permitted	C, except that electric vehicle charging stations shall be permitted	C, except that electric vehicle charging stations shall be permitted
Community Commercial Uses (CC):	X	X	X	P	P
Multi-Family Residential (MFR)	X	X	P	P, as part of development	X

<u>Use Category</u>	<u>Subarea 1</u>	<u>Subarea 2</u>	<u>Subarea 3</u>	<u>Subarea 4</u>	<u>Subarea 5**</u>
				under the MU use category	
Mixed Use (MU):	X	X	P	P	X
Parkland and Open Space Uses (POS)	C	C	P	P	P
Parking Structures	C	C	P	P	C

**See Section 9.2 for use limitations that are applicable to Subarea 5.

Section 2.3 Permitted and Conditional Uses. The following land use categories shall apply to this zoning district:

(A) Office Uses (O). Office Uses (O) are intended to include a wide range of professional, administrative, medical, and similar office uses. These uses include, but are not limited to:

(i) Administrative and business offices which do not include on-site retail sales to customers, do not have an inventory of goods or products on the property from which office uses are conducted, and do not store non-office equipment or trucks on-site; and

(ii) Professional offices which may or may not include the provision of services to the general public, such as but not limited to medical services, mental health services, veterinary medical services (excluding daycare and overnight boarding), legal services, accounting services, engineering services, governmental services, and other services which are customarily provided in a professional office setting. Such offices do not include on-site retail sales to customers other than the sale of products which are ancillary to the primary office use such as pharmacies which dispense medication to patients that are served by a physician or other care provider that is located on-premises.

(B) Major Institutional Uses. Major Institutional Uses (MI) are intended to include uses that serve civic, educational, health, or other purposes which further the general health, education, safety, or welfare of the community and have a relatively large scale and/or intensity of use. These uses include, but are not limited to:

(i) Hospitals;

(ii) Ambulatory care facilities, defined to mean “facilities providing a range of different medical services on an outpatient basis such as (but not limited to) physician services, wellness services, treatment programs, outpatient procedures and surgeries,

clinics, counseling centers, medical laboratories, rehabilitation services, diagnostic services, and related or similar services and/or uses”;

(iii) Physical rehabilitation facilities, but excluding alcohol, drug, or other treatment facilities;

(iv) Primary and secondary schools, both public and private;

(v) Public or private higher education facilities such as trade schools, community colleges, colleges, and universities;

(vi) Governmental services such as public service storage, maintenance operation facilities, police protection, and fire and EMS services;

(vii) Public, quasi-public, or private utilities services, infrastructure, and storage of materials and equipment related thereto;

(viii) Public transit facilities and park-and-ride facilities, with the latter facilities defined to mean “a facility, paved area, or some combination thereof which provides daily parking for local bus or shuttle passengers or car-pooling.” Public transit facilities and park-and-ride facilities shall not be permitted to include restrooms or showers as part of such facilities or uses; and

(ix) Recreational and athletic facilities such as recreational centers, field houses, and related or similar uses.

(C) Community Institutional Uses. Community Institutional Uses (CI) are intended to include uses that serve civic, educational, health, or other purposes which further the general health, education, safety, or welfare of the community and have a relatively small or moderate scale and/or intensity of use. These uses include, but are not limited to:

(i) Religious exercise facilities and related uses;

(ii) Preschools;

(iii) Child day care and adult day care;

(iv) Medical or psychological urgent care;

(v) Stand-alone emergency room facilities;

(vi) Nursing homes, memory care facilities, assisted living facilities, and congregate care facilities, including independent living facilities when combined with one or more of the foregoing. “Independent living facilities” shall be defined to mean “senior residential living facilities which do not provide meal preparation or related services to residents”;

(vii) Libraries; and

(viii) Museums.

(D) Manufacturing, Production, and Industrial Uses (MPI). Manufacturing, Production, and Industrial Uses (MPI) are intended to include industrial, manufacturing, assembly, production, and other similar uses. These uses do not include animal processing facilities, which are prohibited in this PD district, but do include, but are not limited to:

- (i) Manufacturing and production;
- (ii) Research and development, with or without production;
- (iii) Assembly of goods and products;

(iv) Industrial product sales, which includes uses and users that sell, rent, or lease products, equipment, machinery, or supplies generally intended for industrial or commercial users. Sales may be wholesale **but not retail**. This use may include display areas and products may be delivered to customers off-site. Administrative offices, warehouses, and product repair are permitted uses in association with the primary sales use;

(v) Industrial services, which includes uses and users that repair or service industrial, business, or consumer machinery, equipment, or products. Few customers (especially the general public) come to the site. Examples of these types of uses include but are not limited to welding shops, machine shops, tool and equipment repair, and truck and large equipment repair;

(vi) Essential services such as (but not limited to) electric substations and water and sanitary sewer facilities and infrastructure.

(E) Data Center Uses (DC). Data center (DC) uses are intended to include data centers and related accessory uses. “Data centers” shall be defined to mean “a facility containing large groups of networked computer servers typically used by organizations for the remote storage, processing, and distribution of large amounts of data and information”:

(F) Warehousing and Distribution Uses (WD). Warehousing and Distribution Uses (WD) are intended to include uses that store and provide for the distribution of goods and products. “Warehousing and distribution” uses shall be defined to mean “a facility to which goods, products, materials, and/or equipment are delivered and later stored and distributed to customers or to other facilities.”;

(G) Neighborhood Commercial Uses (NC). Neighborhood Commercial Uses (NC) are intended to include retail, restaurant, and service-oriented uses for the convenience of the general public. No individual user operating under the NC use category shall be permitted to occupy more than 20,000 gross square feet of interior building space unless approved as part of a specific request by an applicant as part of a Final Development Plan application. Permitted uses within the NC designation shall include but not be limited to:

(i) Administrative, business, professional, medical, dental, and similar office uses;

(ii) Retail stores primarily engaged in selling goods, products, apparel, and/or merchandise to customers for personal or household use or consumption;

(iii) Pharmacies and drug stores; and

(iv) Personal service uses including, but not limited to:

(a) Banks and other financial institutions, but excluding check cashing or payday loan uses;

(b) Barber shops and beauty salons;

(c) Dry cleaners; and

(d) Athletic clubs and fitness centers.

(v) Restaurants;

(vi) Bars, taverns, wine shops, and liquor stores;

(vii) Bed and breakfast inns; and

(viii) Private clubs requiring the payment of membership dues or fees.

(H) Auto-Related Uses: Auto-Related Uses (AR) are intended to include those uses which typically have a regular flow of vehicular traffic during business hours and provide services and/or products serving vehicles and/or their drivers and passengers.

(i) Gasoline and other fuel sales with or without a convenience store, restaurant, car wash, and/or other accessory uses;

(ii) Electric vehicle charging stations;

(iii) Oil changes, motorized vehicle engine repairs, and motorized vehicle body repairs; and

(iv) Drive-thrus in association with a permitted or approved conditional use in the NC use category or the CC use category; and

(v) Car and truck washes.

(I) Community Commercial Uses (CC). Community Commercial Uses (CC) are intended to allow for (but not require) an anchor-type commercial use within a cohesive development area that includes smaller complementary uses. The presence of an anchor use results in the development serving a broader market than a development containing only NC uses.

- (i) Permitted uses within the CC designation include:
 - (a) All uses permitted under the NC use category;
 - (b) Hotels, with or without conference centers, provided that each individual room for lodging is accessed using a door that is interior to the building in which it is located;
 - (c) Grocery stores;
 - (d) Wholesale clubs or stores;
 - (e) Lumber and home improvement sales and services;
 - (f) Sales and service of new and/or used automobile, truck, recreational vehicle, or other motorized vehicles or watercraft;
 - (g) Veterinarian offices, animal hospitals, and boarding facilities (in each case with or without outdoor areas for animals);
 - (h) Movie theaters, bowling alleys, concert halls and other large-scale indoor entertainment facilities; and
 - (i) Event and banquet centers.
- (ii) Limitations. The following limitations shall apply to uses under the CC use category:
 - (a) An “Anchor Use” shall be “any use other than hotels or uses permitted in the MFR use category that is permitted or conditional in the CC use category and occupies at least 75,000 square feet of gross floor area.”
 - (b) When an Anchor Use is proposed as part of a development, the Final Development Plan which includes the proposed use shall include a minimum of 10 acres.
 - (c) No more than two Anchor Uses shall be located in this PD district, and no two Anchor Uses shall be permitted in the same subarea.

(J) Multi-Family Residential (MFR). Multi-Family Residential Uses (MFR) are intended to provide residential living opportunities such as multiple single-story “flats” or multiple-story attached townhomes in proximity to job centers, service-oriented retail uses, restaurants, and other amenities. Buildings containing three (3) or more individual living units shall be permitted under this use category, along with private community centers or clubhouses, swimming pools, indoor and outdoor recreational activities, and other uses and improvements that are customary in a multi-family community. Independent living uses are included as a permitted use in the MFR use category.

(K) Mixed Use (MU). The Mixed Use (MU) category permits development that includes both (a) uses in the MFR use category or multi-family units located above first floor commercial or office space and (b) two or more uses from the NC and/or CC use categories.

(L) Parkland and Open Space. Parkland and Open Space (POS) uses are intended to include passive and active public parkland and private open space and other uses which are intended to promote outdoor activities. Examples of amenities include, but are not limited to, ballfields, playgrounds, tennis and pickleball courts, leisure trails and bike paths, disc golf courses, outdoor stages, and festivals.

(M) Parking Structures (PS). Parking structures (PS) shall be defined to mean “buildings or structures used for the parking of vehicles and which are available to residents, clients, customers, and/or the public with or without a fee being charged and which may be constructed above or below finished grade.” The heights of parking structures shall not exceed the height of any adjacent building.

Section 2.4 Similar Uses. The list of uses provided in Sections 2.2 and 2.3 are specific in their definitions in some instances and general in others. When a general description of a permitted use or conditional use is provided and it is unclear if a proposed development or use of property fits into that general use description, an applicant shall be permitted to make a written request to the City Manager (such officer being contemplated in Codified Ordinances Section 1125.05) for a similar use determination. Within 10 business days of receipt of such a written request, the City Manager shall make a written determination as to whether or not the use that is described in the applicant’s written request is a similar use to any permitted or conditional use that is allowed to be developed and operated within the subarea to which the request applies. A determination that a use is similar to uses permitted by right or which are conditional shall be considered as a clarification of the use regulations of this zoning district and not as a variance applying to a particular situation. Any use found to be similar shall thereafter be considered as a permitted or conditional use (as applicable) in the relevant use category throughout zoning district. Determinations of similar uses shall be made only with reference to those permitted and conditional uses listed in Sections 2.2 and 2.3 for the applicable subarea, and not to previously approved similar uses.

A written determination by the City Manager that the use specified in an applicant’s written request under this section is neither permitted nor conditional within the relevant use category shall be subject to an administrative appeal by the applicant to City Council. Such an administrative appeal shall be made by filing a notice of the appeal with the City Council Clerk within 15 days after the City Manager’s written determination has been delivered to the applicant. City Council shall then hold a hearing on the appeal at its next regularly scheduled meeting that is at least 20 days after the City Council Clerk’s receipt of the appeal. Following the hearing, City Council shall make an administrative determination of whether or not the disapproval of the similar use request was illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence contained within and accompanying the applicant’s written request for a similar use determination. If City Council overturns the decision of the City Manager, then it shall have the same result as if the City Manager had approved the determination. If City Council upholds the City Manager’s

decision or overturns the determination with conditions or conclusions to which the applicant objects, the applicant may file an administrative appeal in court in accordance with applicable state law.

Section 2.5 Prohibited Uses. Any use that is not a permitted or conditional use in a use category provided in **Section 2.3** and does not constitute a similar use as contemplated in **Section 2.4** shall be prohibited unless and until a rezoning application is approved to amend this text to allow the use. Without limiting the foregoing, the following uses are prohibited in this PD district: Sexually-oriented businesses, tattoo parlors, gambling establishments, funeral homes, motels (defined to mean facilities providing temporary lodging to transient guests with access to one or more rooms being provided from an exterior door), and “residential hotels” (such term being defined in Ohio Revised Code 3731.01(A)(4)).

Section 2.6 Special Provisions Concerning Multi-Family Uses. The following requirements shall apply to multi-family uses, as developed under the MFR use category or the MU use category:

(A) **Maximum Occupancy.** Given the relatively small living areas that are anticipated to be contained within multi-family units, in order to ensure the health and safety of residents and to avoid an undue burden on police, fire, EMS, and other governmental services in the cases of fire or other casualty or emergency events, the maximum residential occupancy within each multi-family unit shall be two persons per bedroom contained in that unit. For example, a one-bedroom unit will have a maximum permitted residential occupancy of two people. Owners and managers of multi-family residential communities shall be responsible for enforcing these occupancy limits as they relate to permanent residents.

(B) **Phasing.** No applications for building permits for the construction of any multi-family units within this PD district shall be allowed to be filed until such time as at least 50 acres of property located within Subarea 1 and/or Subarea 2 have been sold and conveyed by JLC to an unaffiliated third party. Construction of multi-family units within this PD district shall be phased in accordance with this subsection (B). As part of the first phase of development of multi-family units, an applicant or applicants shall be permitted to file one more applications for building permits to construct up to 300 multi-family units in locations as permitted by this text. The date on which the first building permit is issued for multi-family development in this PD district shall be referred to herein as the “Initial Permit Date”. Thereafter:

(i) The City shall not be required to issue additional building permits for multi-family development within this PD district until the date that is exactly 18 months after the Initial Permit Date, at which time it shall issue (if requested) one or more additional building permits (if all other requirements for the issuance of said permit(s) are met) for up to an additional 300 units, meaning that beginning on that 18-month date building permits may be issued for up to 600 multi-family units within this PD district;

(ii) Except as provided in the immediately preceding subsection (i), the City shall not be required to issue additional building permits for multi-family development

within this PD district until the date that is exactly 36 months after the Initial Permit Date, at which time the City shall issue (if requested) additional building permits (if all other requirements for the issuance of said permit(s) are met) for up to an additional 300 units, meaning that beginning on that 36-month date building permits may be issued for up to 900 multi-family units within this PD district; and

(iii) Except as provided in the immediately preceding subsections (i) and (ii) and subject to the requirements of **Section 4.2(C)(ii)**, the City shall not be required to issue additional building permits for multi-family development within this PD district until the date that is exactly 54 months after the Initial Permit Date, at which time the City shall be permitted to issue additional building permits (if all other requirements for the issuance of said permit(s) are met) for any remaining number of multi-family units which are permitted to be developed and constructed within this PD district as provided in this text.

Section 2.7 Major Economic Development Projects. Codified Ordinances Section 1164.06(j), defines the term “**Major Economic Development Project**” to mean “a development containing at least 50,000 square feet of gross building floor area and containing one or more of the following land uses: administrative or professional office uses; medical office uses; research and development facilities; warehousing and/or distribution facilities; data centers; industrial, manufacturing, assembly, and/or production uses, and other uses which are identified as Major Economic Development Projects in an approved Zoning Text. In no circumstance will residential, retail or restaurant use be eligible for Major Economic Development Project designation.” In this PD district, Major Economic Development Projects shall be as defined in Codified Ordinances Section 1164.06(j) and shall include all other permitted uses in the O, MPI, DC, and WD use categories that meet the minimum square footage requirement in that definition.

ARTICLE 3: DENSITY

Section 3.1 Intent. The permitted densities of development types shall be as provided in this Article 3.

Section 3.2 Non-Residential Uses. Regulation of the density of non-residential uses will occur by the application of the following maximum lot coverage standards as well as building height limitations, minimum setbacks, and other objective requirements provided throughout this text. For purposes of this text, the term “**lot coverage**” shall mean “the percentage of the total acreage within real property that is the subject of each Final Development Plan application or CODA application which contains impervious surfaces, such as (but not limited to) buildings and pavement.” Maximum lot coverages are as follows:

(A) Uses that are permitted or conditional in the O, MI, CI, MPI, DC, WD, NC, AR, CC, and MU use categories: 80%

(B) Uses that are permitted in the POS category or PS category: A percentage as approved as part of a Final Development Plan or CODA application.

Section 3.3 Residential Uses. The maximum residential density in this PD district shall be equal to the product of (A) the total gross acreage contained in the zoning district and (B) 3.0 residential units per acre. Therefore, this PD district shall have a maximum density of 407.2 acres x 3.0 units/acre = 1,221 units, but only 900 units shall be permitted to be developed until such time as all of the thresholds as provided in Section 4.2(C)(ii) have been met. Upon the legally effective approval of this zoning text, residential units shall be distributed within this PD district as follows:

(A) Subarea 3. 450 units shall be permitted as baseline rights in Subarea 3. The amount of residential units which are permitted to be developed in Subarea 3 may increase or decrease in accordance with the Unit Bank Transfer Process as set forth in Section 4.2(C) of this text.

(B) Subarea 4. 450 units shall be permitted as baseline rights in Subarea 4, but only when developed and constructed under the MU use category and related standards and requirements. The amount of residential units which are permitted to be developed in Subarea 4 may increase or decrease in accordance with the Unit Transfer Process as set forth in Section 4.2(C).

(C) Subarea 5. Units on deposit in, or which in the future are deposited into, the Unit Bank (as such term is contemplated in Section 4.2(C)) may be transferred into Subarea 5 if it is developed with uses permitted under the MU use category.

(D) Unit Bank. The remaining 321 permitted units (to be referred to herein as the “Qualified Units”) initially shall be on deposit in the Unit Bank, as such term is contemplated in Section 4.2(C). Units on deposit at any particular time in the Unit Bank may be transferred into Subarea 3, Subarea 4, or Subarea 5 in accordance with the Unit Bank Transfer Process, subject to the restrictions which apply to Qualified Units as set forth in Section 4.2(C).

(E) Individual Developments. It is the intent that individual residential developments may provide for densities in excess of 3.0 units/acre, provided that the gross maximum density throughout the PD district and any density permitted in Subarea 3, Subarea 4, or Subarea 5 at any particular point in time is not exceeded.

ARTICLE 4: POST-ZONING PROCEDURES

Section 4.1 Intent. The review procedures for development proposals within a PD district are based on the procedures set forth in Chapter 1164 of the Codified Ordinances. Certain additions to those procedures are being included in this text based on the unique qualities of this PD district.

Section 4.2 Review Processes. There are three review processes which shall apply to development proposals in this PD district:

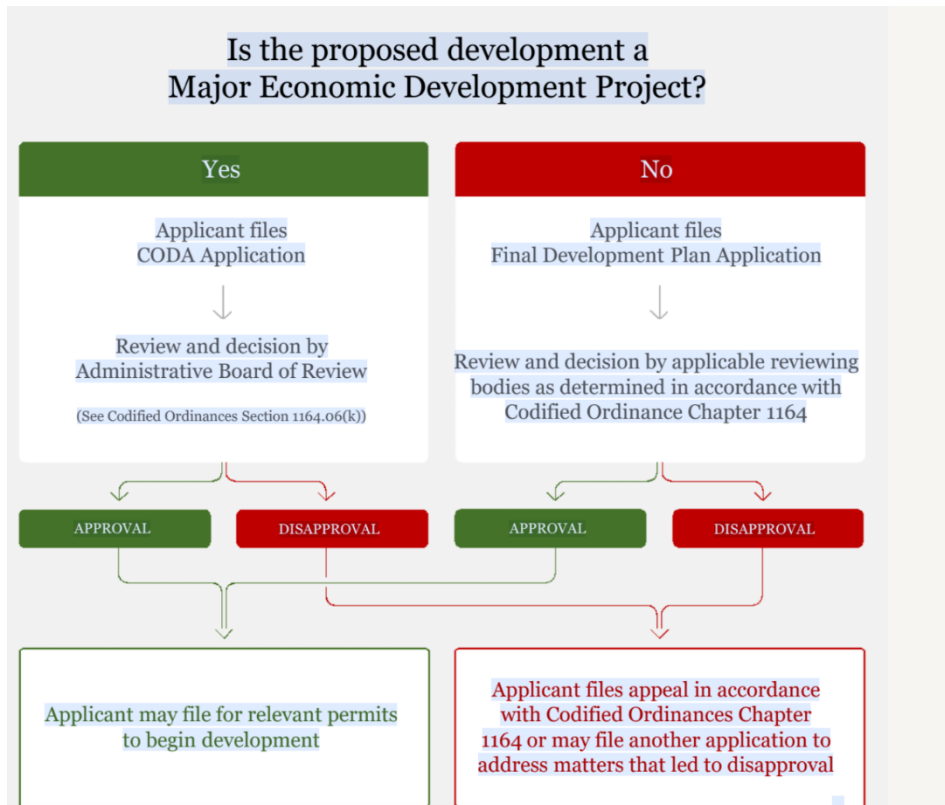
(A) Review Process #1 – Major Economic Development Project. When a Major Economic Development Project identified in **Section 2.7** above falls into a baseline permitted or conditional use right within a subarea and a development relating to the same is proposed, an owner, developer, or other applicant shall be required to file a CODA application for review and approval in accordance with Codified Ordinances Chapter 1164.

(B) Review Process #2 – Other Projects. When a project that does not qualify as a Major Economic Development Project falls into a baseline permitted or conditional use right in a subarea and a development relating to the same is proposed, an owner, developer, or other applicant shall be required to obtain approval of a Final Development Plan application before such use or development rights may be utilized. The Final Development Plan shall be reviewed and approved, approved with conditions, or disapproved in accordance with the applicable procedures set forth in Codified Ordinances Chapter 1164.

Illustration 4.2. – Post-Zoning Procedures Flow Chart

The flow chart below is being provided as an illustration of how post-zoning procedures for review of development in this PD district are to occur.

Commented [JM1]: Eliminate references to Subarea 5



(C) **Review Process # 3 – Residential Unit Transfers.** The approval of this PD district hereby serves to create a “Unit Bank”. The Unit Bank shall be utilized to hold the Qualified Units under required thresholds are met for their release as provided in **Section 4.2(C)(ii)** and to facilitate the transfer of undeveloped units between subareas in which uses under the MFR use category and/or the MU use category are permitted (i.e., Subareas 3 and 4). Upon approval of the rezoning/Preliminary Development Plan application that serves to create this PD district, the Qualified Units shall be deemed to be deposited in the Unit Bank as provided in **Section 3.3(D)**. The rights to develop residential units that are on deposit in the Unit Bank at any particular point in time shall be deemed to run in favor of, and shall be owned by, The Johnstown Land Company LLC (“JLC”), and may be assigned or transferred to another party only with the written consent of JLC, as determined in its sole discretion.

(i) **Transfers.** JLC, or another authorized applicant who seeks to transfer residential units to and from permitted subareas or to and from the Unit Bank may, as

part of a Final Development Plan application but subject to the restrictions on the Qualified Units set forth in Section 4.2(C)(ii) below, make a written request to do one or more of the following, and upon approval of the application the balance of units that are within the Unit Bank shall automatically be adjusted accordingly:

(a) Deposit undeveloped units from a particular subarea into the Unit Bank and hold them there until a development opportunity arises in which rights to the deposited units will be needed in order to reach the applicant's desired density;

(b) Withdraw units from the Unit Bank and apply them to a permitted location, where they may then be developed in accordance with the approved Final Development Plan; or

(c) Deposit undeveloped units into the Unit Bank and immediately thereafter withdraw them for use in another permitted location.

(ii) Qualified Units. The right and ability of an applicant or landowner within this PD district to construct the Qualified Units (such term being defined in Section 3.3(D)) shall be contingent upon verification, in accordance with Section 4.2(C)(ii)(b), that all thresholds have been met as provided in Section 4.2(C)(ii)(a).

(a) Thresholds. Qualified Units shall not be permitted to be withdrawn from the Unit Bank for development within an otherwise permissible portion of this PD district until all of the following thresholds have been met:

(I) At least four years have passed since the date when this zoning text becomes legally effective;

(II) At least 600 multi-family units have been constructed within this PD district and issued occupancy permits, and at least 90% of those units have been leased to tenants;

(III) Written verification has been provided by JLC or another applicant to the City that the total number of occupants of multi-family residential units in the PD district (the "Total Occupants") is equal to or less than the product of (aa) two occupants and (bb) the total number of bedrooms within all leased units;

(IV) The monthly lease rate that is being charged for units that have been leased is \$1.75 per square foot of gross leased area per unit, on average (the "Average Per Unit Rent"). The minimum Average Per Unit Rent shall increase by 5.0% every third year following the issuance of the first building permit for the first multi-family units that are to be constructed in this PD district; and

(V) The sum of the annual real property tax and income tax revenues being received by the Johnstown-Monroe Local School District from multi-family development in the PD district exceeds the annual costs of the school district to educate students which reside in such development, as calculated for the then-current or most recent school year.

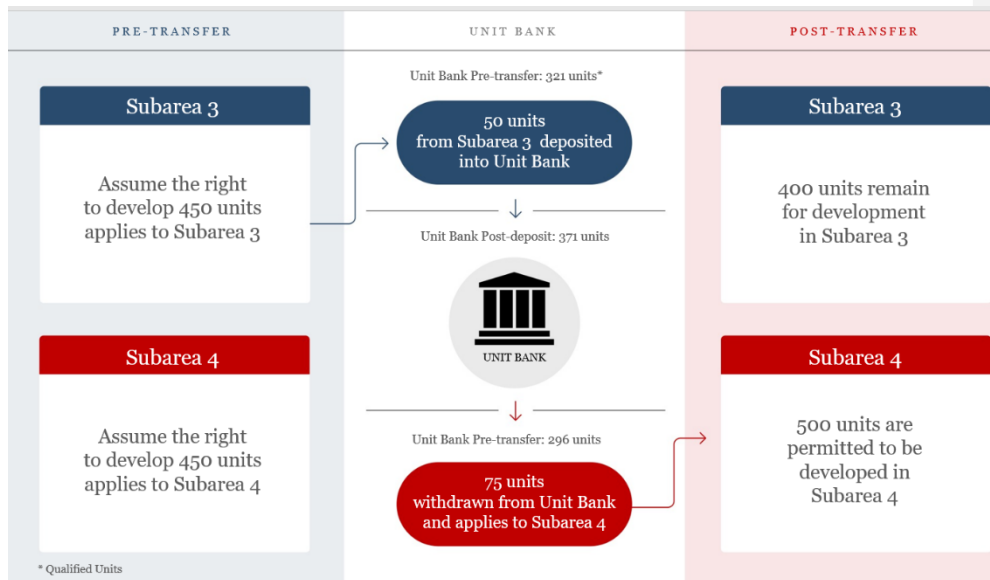
(b) Release of Qualified Units. In order to allow for the release of the Qualified Units from the Unit Bank so that they are allowed to be constructed within the PD district following the approval of one or more Final Development Plan applications, JLC shall submit a written request to the City (either alone or in conjunction with a Final Development Plan application) for confirmation that the thresholds to construct the Qualified Units have been met as detailed in Section 4.2(C)(ii)(a) (a “Confirmation Request”). Within 3 business days of filing the Confirmation Request with the City, JLC shall deliver a courtesy copy of the same to the Superintendent of the Johnstown-Monroe School District. The Confirmation Request shall include data and/or other written evidence in support of the applicant’s position that all required thresholds have been met and shall be executed by an officer of JLC. At the next City Council meeting that is at least 20 days following the submission of the Confirmation Request to the City, City Council shall review the same and take action to confirm or deny it. City Council’s action on the Confirmation Request shall be deemed to be administrative in nature and a decision to deny it may be appealed in the same manner as any other administrative decision in this PD district. City Council shall approve the Confirmation Request if it determines that all of the thresholds set forth in Section 4.2(C)(ii)(a)(I) through (V) have been met. An approval of the Confirmation Request shall allow all Qualified Units to be developed and constructed in locations as otherwise permitted by this zoning text.

(iii) Accounting. Once a Final Development Plan application is approved which includes residential unit deposits into and/or withdrawals from the Unit Bank, the applicant shall, within ten (10) business days after the action to approve the application has been taken, present an updated written accounting of the number of units which are then on deposit in the Unit Bank and detailing the existing or permitted locations within the PD district for units which are not on deposit in the Unit Bank, which shall be signed by its authorized representative. The City Manager shall then review the same and, within ten business (10) days following receipt thereof, either countersign the document to evidence his or her confirmation of its accuracy, or provide the applicant with comments on the same, which the parties shall then work diligently and in good faith to address. Once such items are addressed to the satisfaction of both parties, then the applicant shall sign, and the City Manager or his or her designee shall countersign, the revised document. The fully executed document shall constitute the latest accurate accounting of the number of units in the Unit Bank and in various locations.

(iv) Effect of Unit Construction. Once construction commences on any residential unit pursuant to an approved Final Development Plan, that unit shall be subtracted from the total gross number of residential units remaining for development within this PD district. The difference between the total gross number of residential units that are permitted within this PD district and the number of units that have commenced construction or for which construction has been completed shall constitute the remaining permitted residential density within this PD district.

Illustration 4.2(B) – Unit Bank Transfer Procedure - Example

Assume 100 units on deposit in the Unit Bank and applicant seeks to withdraw 25 units and apply them to Subarea 4. Applicant also seeks to transfer 50 units from Subarea 3 to Subarea 4. Applicant files Final Development Plan application that includes a written request for units transfers. Upon application approval, the result is as follows:



ARTICLE V: SUBAREA 1 - DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 5.1 Applicability. Subarea 1 consists of 182.7+/- acres which are bounded on the west by Clover Valley Road and on the north by Duncan-Plains Road, and which are to the north of and adjacent to Subarea 5 and to the west of and adjacent to Subarea 3. Its boundaries are more particularly depicted and described in the Subarea Plan. The provisions of this **Article V** are intended to provide standards and requirements for development which apply specifically to Subarea 1. Use rights for this subarea are detailed in **Article II** above.

Section 5.2. Lot Coverage. Maximum lot coverages for Subarea A are provided for each permitted use category in **Section 3.2** above.

Section 5.3 Setbacks.

(A) **Clover Valley Road.** There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Clover Valley Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but in no event shall be located less than 50 feet from the Clover Valley Road right-of-way.

(B) **Duncan Plains Road.** There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Duncan-Plains Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing

may encroach into the minimum building setback but in no event shall be located less than 50 feet from the Duncan Plains Road right-of-way.

(C) Other Perimeter Boundaries. Except as provided in the next sentence, there shall be a minimum pavement and building setback of 25 feet from any perimeter boundary line of Subarea 1 that is not adjacent to a public street right-of-way and is shared with a parcel that is not under common ownership and on which no residential uses exist or are permitted. There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from any perimeter boundary line of Subarea 1 that is not adjacent to a public street right-of-way and is shared with a property that is not under common ownership and on which residential uses exist or are permitted, subject to the requirements of **Sections 5.6(B) and (C)**. From the southern boundary line of Subarea 1, the minimum setbacks shall be equal to the greater of (a) the width of an existing AEP electric easement (ranging from 100 feet to 300 feet, as may be modified in the future) and (b) 50 feet for pavement and 100 feet for buildings.

(D) Other Public Streets. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of any new public streets which are constructed in Subarea 1.

(E) Internal Parcel Lines. There shall be a minimum pavement and building setback of 25 feet from internal parcel lines within this subarea, except that these minimum setbacks shall be zero when the parcel on each side of a shared parcel line is under common ownership.

(F) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located within or outside of this PD district (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this **Section 5.3** as they apply to common property lines shall no longer apply with respect to these parcels.

Section 5.4. Architectural Standards.

(A) Building Height. The maximum building height for structures in Subarea 1 shall be 65 feet. Secondary architectural features such as, but not limited to, roof-mounted equipment, architectural screening elements, and exhaust pipes may exceed this height.

(B) Service and Loading Areas. Service areas and loading areas shall be screened to minimize visibility from off-site view using walls, buildings, fencing, landscaping, or some combination thereof.

(C) Building Designs – All Types.

(i) Building designs shall not mix architectural elements or ornamentation from different styles.

(ii) Buildings shall be required to employ a comparable use of materials on all

elevations.

(iii) The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance (provided, however, that this requirement shall not apply to data centers).

(iv) All elevations of a building that are visible from a public street right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser quality of visual character than any other. Loading docks are not required to have the same degree of finish unless they are visible from a public street right-of-way.

(v) Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this subsection.

(vi) Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure on the same parcel or on an adjacent parcel which is under common ownership. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way, or if fronting on a public right-of-way shall be completely screened from view of that right-of-way.

(vii) All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

(viii) Solar panels shall be permitted on the roofs of buildings, provided that they are not visible from adjacent public street rights-of-way. Solar panels as a stand-alone or primary use of a property shall be prohibited.

(D) Materials.

(i) Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, or cementitious fiberboard (e.g., Hardi-plank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

(ii) Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

(iii) Generally, the quantity of different materials selected for a building shall be minimized.

(E) Additional Standards for Buildings With Office Not as the Primary Use. Buildings that are constructed to accommodate a primary use other than offices often present different design challenges than a typical office building. For instance, data centers, warehousing and/or distribution facilities, and manufacturing plants all have their own unique design requirements. Such buildings are necessarily large and typically include long walls that together provide a box-like form. The standards in this subsection (E) shall apply to buildings in which office is not the primary use and are intended to balance the practical needs of the uses within them with the goal of having exterior designs that are attractive and appropriate based on their locations in a portion of the PD district that facilitates large business operations within substantial buildings.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings in an effort to set expectations for the quality of architecture that will be expected for these structures. While at the same time allowing for some flexibility to allow the architecture of a building to be appropriately designed to meet the functional needs of the building and its occupant(s).

(i) Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public street rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall be designed with a high aesthetic quality while considering the unique nature of the use(s) that will be found therein.

(ii) Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public street right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

(iii) The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, or similar devices.

(iv) Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not appear to be aged or dated even many years after the facility is built.

(v) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public street rights-of-way.

(F) Architectural Examples. The images below are intended to demonstrate buildings of various types which would comply with the requirements, spirit, and intent of this Section 5.4. These images are not meant to require any particular building type to be designed in the manner that is illustrated, and a variety of building aesthetics and character is encouraged throughout the subarea. The buildings that are shown below are representations of the quality of buildings that will be manifested from compliance with this Section 5.4.

Illustration 5.4.1 – Major Office Buildings





Illustration 5.4.2 – Data Centers





Illustration 5.4.3 – Warehousing and Distribution Facilities





Illustration 5.4.4 – Manufacturing, Production, and Industrial Buildings







Section 5.5. Access, Site Circulation, and Traffic Commitments.

(A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 1:

(i) From Green Chapel Road via a new public street that will run northward through Subarea 5 into Subarea 1 (the “Subarea 5 Connector Street”);

(ii) Along Clover Valley Road, using a maximum of two full turn movement access points, provided that these access points are located at least 500 feet from one another as measured between the centers of the intersections of both access points with Clover Valley Road. Additional vehicular access points with less than full turn movements shall be permitted along Clover Valley Road if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 5.5(B); and

(iii) Along Duncan-Plains Road, using a maximum of two full turn movement access points, provided that these access points are located at least 500 feet from one another as measured between the centers of the intersections of both access points with Duncan-Plains Road. Additional vehicular access points with less than full turn movements shall be permitted along Clover Valley Road if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 5.5(B).

(iv) Additional Access Points. Should additional acreage with frontage on any of Green Chapel Road, Clover Valley Road, or Green Chapel Road be added to this PD district at a later date in accordance with the procedures set forth in Codified Ordinances

Chapter 1164, additional full or restricted turn movement access points may be permitted on those streets as detailed in an approved amendment or addendum to this zoning text.

(B) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. The Licking County Transportation Improvement District (the “TID”) is planning to construct significant improvements to Clover Valley Road, Duncan Plains Road, and Mink Street in the vicinity of this PD district. Except as otherwise provided in this Section 5.5(B), design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense, and design and construction of improvements to Clover Valley Road, Duncan Plains Road, and Mink Street shall be the responsibility of the TID at its sole cost and expense, or by another relevant government entity. To clarify, nothing in this Section 5.5(B) shall require an owner or developer of real property within this PD district to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

When a proposed development includes the construction of a new public street within this subarea that will intersect with Green Chapel Road (through Subarea 5), Clover Valley Road, or Duncan Plains Road, or includes the construction of another private vehicular access point along one of those streets, then in conjunction with the filing of a CODA application or a Final Development Plan application (as applicable), the applicant shall file a traffic analysis which examines the need for traffic signals, roundabouts, and/or additional turn lanes (if any) on these streets as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for designing and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives which serve multiple parcels not under common ownership are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners’ association. Such easements and maintenance obligations may be established as part of a broader Declaration of Covenants, Conditions and Restrictions (“CCRs”) applicable to the subarea or a similar document which governs the forced and funded property owners’ association, which shall be recorded with the Licking County Recorder.

(C) Rights-of-Way. The developer shall dedicate property from Subarea 1 to the City

as rights-of-way as follows, with such dedications being required for a particular parcel after such time as a CODA application or Final Development Plan application is approved for that parcel and as a condition of receiving a building permit for construction on that parcel:

(i) For a distance of 40 feet as measured from the centerline of Clover Valley Road.

(ii) For a distance of 40 feet as measured from the centerline of Duncan-Plains Road;

(iii) For a total width of at least 60 feet for new public streets which are internal to this subarea.

(iv) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to public street rights-of-way, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side. Such easements shall be established by separate recorded instruments and shall not be required to be included in any plat for a public street.

(D) Private Roads. Paved private roads shall be permitted to be constructed in order to serve individual sites or a cluster of individual sites on routes which are intended to bring employees, delivery vehicles, and visitors to and from these sites and are not intended to serve large volumes of traffic from the general public. Private roads are intended to serve the same general purposes as private driveways but at a larger size to provide efficient routes of vehicular access for business purposes with minimal interference from public traffic. Pavement widths and road designs shall be reviewed and approved as part of a CODA application or Final Development Plan application (as applicable) and shall be evaluated based on the type and volume of traffic that is expected to be served by the improvement. Private roads shall be maintained by the owner(s) of the properties on which they are located or by a forced and funded property owners' association.

(E) Clover Valley Road and Duncan-Plains Road Streetscape Designs. Streetscape designs and improvements shall be consistent across all portions of Subarea 1 which are adjacent to Clover Valley Road. Similarly, streetscape designs and improvements shall be consistent across all portions of Subarea 1, which are adjacent to Duncan-Plains Road. For each of these streets, streetscape designs and standards shall be presented as part of the first CODA application or Final Development Plan application (as applicable) for development of the first parcel with frontage on that street.

Section 5.6 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards.

(A) Tree Preservation. During all periods of construction, standard tree preservation practices will be in place to protect trees that are to remain on a site once development is completed, including the installation of snow fencing at the drip line. Tree Preservation Zones shall be

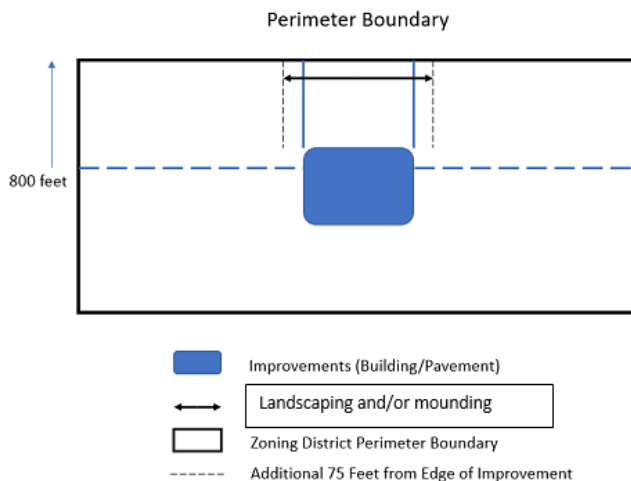
established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively “Environmental Permits”), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they are dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a CODA application or Final Development Plan application (as applicable), but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) Landscaping Required Adjacent to Residential Uses. For those perimeter boundaries which abut real property (i) containing existing residential uses or, as determined at the time that an application is filed for a building permit (“Building Permit”) on real property located within this subarea, has a zoning classification which permits the development and operation of residential uses thereon, and (ii) that is not owned by the applicant for rezoning/Preliminary Development Plan approval, its affiliates, or by the applicant for the Building Permit (any real property meeting either of the foregoing criteria to be referred to herein as “Residential Property”), a minimum 6-foot high mound shall be installed on the property to which the Building Permit applies along the shared property line with the abutting property. The mound shall include a landscape buffer which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a minimum height of 10 feet above ground level. These mounds shall be installed within the required minimum pavement setback area as required by this zoning text and may encroach on the abutting property if the owner of that property consents in a writing that is recorded with the Office of the Licking County Recorder (the “Recorder”). The plan for these areas must be reviewed and approved as part of a CODA application or Final Development Plan application. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting, and in these circumstances breaks in required mounding and landscaping shall be permitted to accommodate vehicular and pedestrian access points. Where an electric easement exists and extends at least 100 feet from a perimeter boundary line for this subarea, which is shared with a Residential Property, the requirements of this subsection (B) shall not apply.

If existing trees are found within perimeter areas that have existing screening and buffering, the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved as part of a CODA

application or Final Development Plan application (as applicable).

(C) **Phasing of Residential Screening.** In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within Subarea 1, for all portions of Subarea 1 where there is required mounding and/or landscaping as contemplated in the immediately preceding subsection (B), it may be installed in phases. For each phase of development in Subarea 1, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant applications) that buildings, paved parking areas, and/or above-ground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line. At a minimum for each phase, this mounding and/or landscaping shall be installed along the portion of the relevant perimeter boundary line of the subarea between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 feet apart. The following illustration is being provided as an example of this requirement:



(D) **Stormwater Management.** Regional stormwater management basins are encouraged when practical from a civil engineering and cost standpoint. When utilized, the applicant shall be required to record, with the Recorder, one or more easements, and/or other instruments which detail the properties which are benefitted and burdened by the relevant basins and the methods for maintaining and sharing the costs of maintaining the same, if the basins are not maintained by the City. Nothing herein shall be read to prohibit the installation of stormwater management basins on a single parcel to serve improvements thereon. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. The perimeters

of these basins shall be grassed and/or landscaped.

(E) Street Trees. A street tree row shall be established along each of Clover Valley Road and Duncan-Plains Road, and any new public streets constructed internally within Subarea 1 and shall contain 1 tree for every 30 feet of street frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be 3 caliper inches (this requirement shall be waived in areas within utility easements that do not permit such plantings). Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage the street trees, the requirement to install them may be waived by the applicable reviewing body.

(F) Parking Areas. Within Subarea 1, there shall be no less than 1 tree planted for every 10 parking spaces located therein. These trees may be counted toward the requirements for on-site tree plantings as provided in Section 5.6(H) below. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(G) Pedestrian Circulation. An 8-foot-wide asphalt leisure trail is required to be installed along the frontages of Subarea 1 on Clover Valley Road and Duncan-Plains Road as adjacent development occurs. On new streets within Subarea 1, a 5-foot wide concrete sidewalk shall be provided on both sides of the street, provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trails that are required to be constructed in accordance with the immediately preceding sentence or in order to connect to leisure trails in other subareas within the PD district. Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(H) On-Site Tree Plantings. For every 10,000 square feet (or portion thereof) of lot coverage on a parcel in Subarea 1, at least three trees shall be planted on the parcel which meets the minimum size requirements of the following subsection (I). When 20 trees or more trees are required to be planted on a parcel, at least two species shall be used, and when 50 or more trees are required to be planted on a parcel, at least three species shall be used. Trees which are preserved on the site may count toward meeting the minimum planting requirement. Trees which are preserved within Subarea 1 outside of the boundaries of a parcel may be used to meet up to 40% of the planting requirements on a particular parcel, provided that trees counted for this purpose may not count toward the tree planting requirements on another parcel.

(I) Minimum On-Site Tree Sizes; Species. Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

(J) Stream Corridors. A “Stream Corridor Protection Zone” shall be required to cover streams that are to remain after development is complete and which have a drainage area greater than 50 acres. Such a zone shall cover a corridor width that is a minimum of 100 feet in width, with a minimum of 25 feet of this width being located to each side of the centerline of the stream. Within a Stream Corridor Protection Zone no buildings, structures, or other manmade objects shall be installed or erected, with the exception of paved or mulched leisure paths and/or pedestrian or vehicular crossings as permitted under applicable federal and state permits.

(K) Parking Lot Perimeter Landscaping. Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights.

(L) Trash Receptacles. Dumpsters, or similar garbage collection devices shall not be located forward of the furthest front building façade from either public street frontage or the front property line and shall not be located within required minimum side yard or rear yard pavement setbacks. They shall be enclosed by walls and/or fences to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonable distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 5.7 Parking and Loading. Parking and loading within this subarea shall be provided in accordance with Article IX hereof.

Section 5.8 Lighting.

(A) Fixture Types. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a building shall be the same or substantially similar in style and color.

(B) Light Poles. All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 30 feet in height.

(C) Details and Specifications. Lighting details shall be included in a CODA application or Final Development Plan application (as applicable) for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

(D) Colored Lights. No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon lights shall be prohibited.

- (E) Ground mounted lighting shall be shielded and landscaped.

Section 5.9 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 1 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown.

For the purposes of this **Section 5.9**, connections by way of piping, cables, or conduits between a building and ground mounted equipment or accessory structures may be installed above-ground provided that, when such a connection is to be made between a building façade that is oriented toward a public right-of-way and ground-mounted equipment or an accessory structure located between that building façade and the public right-of-way:

(A) The ground mounted equipment or structure is located at least 500 feet from the edge of the public right-of-way or the piping, cables, and/or conduits between a building and ground mounted equipment or structures are not visible from the public right-of-way; and

(B) The connection is installed for its entire length at a height that does not exceed the height of the ground mounted equipment or structure to which the connection is made; and

(C) The connection is on the rear of the ground-mounted equipment or structure (i.e., the side which faces the building where the other end of the connection is being made).

Section 5.10 Signage. The standards and requirements of relevant provisions of Codified Ordinances Chapter 1177 for signage shall be the baseline for permitted signage in this subarea. Notwithstanding the foregoing, an applicant may present a master signage plan as part of a CODA application or Final Development Plan application. Such a plan shall identify the types of signs, number of signs, maximum heights, maximum sign areas, and general designs of proposed signs (not including content that falls under state or federal constitutional protections). If approved, the master sign plan, once approved, shall provide approved rights, obligations, and standards for signage within the development that is the subject of the application. To the extent that a master signage plan conflicts with any standard in relevant provisions of the Codified Ordinances, the standards in the master signage plan shall apply, and to the extent that the master signage plan is silent on a particular standard, the relevant standard in the Codified Ordinances shall apply.

ARTICLE VI: SUBAREA 2 - DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 6.1 Applicability. Subarea 2 consists of 68.4+/- acres located to the north of and adjacent to Duncan-Plains Road and partially extending northward to U.S. Route 62. The subarea is split by Enterprise Drive. Subarea 2 will consist of two subsets of the subarea: Subarea 2A will be comprised of those portions of Subarea 2 which are to the west and/or north of Enterprise Drive and extends to U.S. Route 62. Subarea 2B will be comprised of all portions of Subarea 2 which are to the east and/or south of Enterprise Drive.

The boundaries of Subarea 2 (Subareas 2A and 2B) are more particularly depicted and described in the Preliminary Development Plan. The provisions of this Article VI are intended to provide standards and requirements for development which apply specifically to Subarea 2. Use rights for this subarea are detailed in Article II above.

Section 6.2. Lot Coverage. Maximum lot coverages for Subarea 2 are provided for each permitted use category in Section 3.2 above.

Section 6.3 Setbacks.

(A) Duncan-Plains Road. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 75 feet from the right-of-way of Duncan-Plains Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but not into the minimum pavement setback.

(B) Enterprise Drive. There shall be a minimum pavement setback of 15 feet and a minimum building setback of 40 feet from the right-of-way of Enterprise Drive. Security fencing may encroach into the minimum building setback but not into the minimum pavement setback.

(C) U.S. Route 62. There shall be a minimum setback of 100 feet from the right-of-way of U.S. Route 62 for any improvements other than paved drives as measured after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but not into the minimum pavement setback.

(D) Other Perimeter Boundaries.

(i) Subarea 2A. For those perimeter boundaries which abut Residential Property (such term being defined in Section 5.6(B) above) at the time that an application for a Building Permit (also being defined in Section 5.6(B) above) is filed with respect to a particular parcel within Subarea 2A, there shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet. For those perimeter boundaries of Subarea 2A which do not abut Residential Property or a public street right-of-way, there shall be a minimum pavement setback of 15 feet and a minimum building setback of 50 feet.

(ii) Subarea 2B. There shall be a minimum pavement setback of 15 feet and a minimum building setback of 50 feet from all perimeter boundary lines of Subarea 2B that are not adjacent to a public street right-of-way.

(E) Other Public Streets. There shall be a minimum pavement setback of 15 feet and a minimum building setback of 50 feet from the right-of-way of any new public streets which are constructed in Subarea 2.

(F) Internal Parcel Lines. There shall be a minimum pavement and building setback of 25 feet from internal parcel lines within this Subarea 2B, except that these minimum setbacks shall

be zero when the parcel on each side of a shared parcel line is under common ownership. There shall be a zero minimum pavement setback and a minimum building setback of 40 feet from internal parcel lines within subarea 2B.

(G) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located within or outside of this PD district (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this Section 6.3 as they apply to common property lines shall no longer apply with respect to these parcels.

Section 6.4. Architectural Standards.

(A) Building Height. The maximum building height for structures in Subarea 2 shall be 65 feet. Secondary architectural features such as, but not limited to, roof-mounted equipment, architectural screening elements, and exhaust pipes may exceed this height.

(B) Service and Loading Areas. Service areas and loading areas shall be screened to minimize visibility from off-site view using walls, buildings, fencing, landscaping, or some combination thereof.

(C) Building Designs – All Types.

(i) Building designs shall not mix architectural elements or ornamentation from different styles.

(ii) Buildings shall be required to employ a comparable use of materials on all elevations.

(iii) The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance (provided, however, that this requirement shall not apply to data centers).

(iv) All elevations of a building that are visible from a public street right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser quality of visual character than any other. Loading docks are not required to have the same degree of finish unless they are visible from a public street right-of-way.

(v) Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this subsection.

(vi) Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure on the same parcel or on an adjacent parcel which is under common ownership. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way, or if fronting on a public right-of-way shall be completely screened from view of that right-of-way.

(vii) All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

(viii) Solar panels shall be permitted on the roofs of buildings, provided that they are not visible from adjacent public street rights-of-way. Solar panels as a stand-alone or primary use of a property shall be prohibited.

(D) Materials.

(i) Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, or cementitious fiberboard (e.g., Hardi-plank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

(ii) Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

(iii) Generally, the quantity of different materials selected for a building shall be minimized.

(E) Additional Standards for Buildings With Office Not as the Primary Use.

Buildings that are constructed to accommodate a primary use other than offices often present different design challenges than a typical office building. For instance, data centers, warehousing and/or distribution facilities, and manufacturing plants all have their own unique design requirements. Such buildings are necessarily large and typically include long walls that together provide a box-like form. The standards in this subsection (D) shall apply to buildings in which office is not the primary use and are intended to balance the practical needs of the uses within them with the goal of having exterior designs that are attractive and appropriate based on their locations in a portion of the PD district that facilitates large business operations within substantial buildings.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings in an effort to set expectations for the quality of architecture that will be

expected for these structures. While at the same time allowing for some flexibility to allow the architecture of a building to be appropriately designed to meet the needs of its occupant(s).

(i) Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public street rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall be designed to maximize aesthetic quality while considering the unique nature of the use(s) that will be found therein.

(ii) Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public street right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

(iii) The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

(iv) Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not appear to be aged or dated even many years after the facility is built.

(v) Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public street rights-of-way.

(F) Architectural Examples.

For buildings in Subarea 2A and Subarea 2B, the images provided in Section 5.4 of this text are incorporated into this subsection by reference and are intended to demonstrate buildings of various types which would comply with the requirements, spirit, and intent of this Section 6.4. These images are not meant to require any particular building type to be designed in the manner that is illustrated, and a variety of building aesthetics and character is encouraged throughout the subarea. The buildings that are shown in Section 5.4 are representations of the character and quality of buildings that will be manifested from compliance with this Section 6.4.

Section 6.5. Access, Site Circulation, and Traffic Commitments.

(A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 2:

(i) Along Enterprise Drive, with access points approved as part of a CODA application or Final Development Plan application (as applicable);

(ii) Along U.S. Route 62 at a full turn movement access point where Subarea 2A abuts that street, if supported by an approved Traffic Access Analysis as contemplated in **Section 6.5(B)**;

(iii) One (1) access point with full turn movements along Duncan-Plains Road to serve Subarea 2B, with the access point approved as part of a CODA application or Final Development Plan application (as applicable); and

(iv) **Additional Access Points**. Should additional acreage with frontage on Duncan-Plains Road or U.S. Route 62 be added to this PD district at a later date in accordance with the procedures set forth in Codified Ordinances Chapter 1164, additional full or restricted turn movement access points may be permitted on those streets as detailed in an approved amendment or addendum to this zoning text.

(B) **Traffic Analyses**. The Licking County Transportation Improvement District (the “TID”) is planning to construct significant improvements to Duncan Plains Road. Except as otherwise provided in this **Section 6.5(B)**, design and construction of improvements to Duncan Plains Road shall be the responsibility of the TID at its sole cost and expense, or another relevant government entity. To clarify, nothing in this **Section 6.5(B)** shall require an owner or developer of real property within this subarea to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

If a proposed development is anticipated to produce enough additional traffic that a turn lane on Duncan-Plains Road or Enterprise Drive or a traffic signal or roundabout at the intersection of Enterprise Drive and Duncan-Plains Road will be required, then in reviewing a CODA application or a Final Development Plan application (as applicable), the City Engineer may require the applicant to prepare a traffic analysis which examines the need for the same. The City Engineer shall notify the applicant in writing of the need for the traffic analysis no later than 5 business days after the relevant application is filed with the City. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Notwithstanding the foregoing, the required reviewing body may approve the relevant application with a condition that the traffic analysis be finalized at a later date to the satisfaction of the City Engineer. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for designing and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other

easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association.

(C) Rights-of-Way: The property owners shall dedicate property from Subarea 2 to the City as rights-of-way as follows (no additional right-of-way dedication shall be required for Enterprise Drive), with such dedications being required for a particular parcel after such time as a CODA application or Final Development Plan application is approved for that parcel and as a condition of receiving a building permit for construction on that parcel:

- (i) For a distance of 40 feet as measured from the centerline of Duncan-Plains Road.
- (ii) For a distance of 50 feet as measured from the centerline of U.S. Route 62
- (iii) For a total width of at least 60 feet for new public streets which are internal to this subarea.

(D) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to street rights-of-way, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side

(E) Private Roads. Paved private roads shall be permitted to be constructed in order to serve individual sites or a cluster of individual sites on routes which are intended to bring employees' delivery vehicles, and visitors to and from these sites and are not intended to serve the general public. Private roads are intended to serve the same general purposes as private driveways but at a larger size to provide efficient routes of vehicular access for business purposes with minimal interference from public traffic. Pavement widths and road designs shall be reviewed and approved as part of a CODA application and shall be evaluated based on the type and volume of traffic that is expected to be served by the improvement. Private roads shall be maintained by the owner(s) of the properties on which they are located or by a forced and funded property owners' association.

(F) Duncan-Plains Road Streetscape Designs. Streetscape designs and improvements within public street rights-of-way and adjacent utilities easements shall be consistent across all portions of Subarea 2 which are adjacent to Duncan-Plains Road. Streetscape designs and standards shall be presented as part of the first CODA application or Final Development Plan application (as applicable) for development of the first parcel with frontage on that street.

Section 6.6 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards.

(A) Tree Preservation. During all periods of construction standard tree preservation practices will be in place to protect trees that are to remain on a site once development is completed,

including the installation of snow fencing at the drip line. Tree Preservation Zones shall be established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively “Environmental Permits”), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they are dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a CODA application or Final Development Plan application (as applicable), but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) Screening From Adjacent Residential Uses. For those perimeter boundaries in Subarea 2 which abut real property (i) containing existing residential uses located in the City or, (ii) as determined at the time that an application is filed for a Building Permit (such term being defined in Section 5.6(B)) on real property located within this subarea, qualifies as a Residential Property (such term also being defined in Section 5.6(B)) that is located in the City, an opaque fence and/or landscaping with at least 80% opacity within three (3) years after installation shall be installed within the required minimum pavement setback. The fence shall be at least 8 feet in height.

(C) Stormwater Management. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. The perimeters of these basins shall be grassed and/or landscaped.

(D) Street Trees. Streets trees shall be planted along Duncan Plains Road as adjacent development occurs in accordance with the design standards that are contemplated in Section 5.5(E) above. A street tree row shall be established along Enterprise Drive and any new public streets constructed internally within Subarea 2 and shall contain 1 tree for every 30 feet of street frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be 2.5 inches to 3 caliper inches (this requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines). Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage the street trees, the requirement to install them may be waived by the applicable reviewing body.

(E) Parking Areas. Within Subarea 2, there shall be no less than 1 tree planted for every 10 automotive parking spaces located therein. These trees may be counted toward the

requirements for on-site tree plantings as provided in **Section 6.6(H)** below. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(F) **Pedestrian Circulation.** An 8-foot-wide asphalt leisure trail is required to be installed along the frontages of Subarea 2A and 2B on Duncan Plains Road. On new streets within Subarea 2A, a 5-foot wide concrete sidewalk shall be provided on both sides of the street, provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trail that is required to be constructed in accordance with the immediately preceding sentence. Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(G) **On-Site Tree Plantings.** On-site tree plantings shall be provided in Subarea 2 in accordance with the requirements that apply to Subarea 1 as detailed in **Section 5.5(E)** above. **Minimum On-Site Tree Sizes; Species:** Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade. **Parking Lot Perimeter Landscaping.** Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights.

(H) **Trash Receptacles.** Dumpsters, or similar garbage collection devices shall not be located forward of the furthest front building façade from public street frontage or the front property line and shall not be located within required minimum side yard or rear yard setbacks. They shall be enclosed by walls and/or fences to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonably distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 6.7 Parking and Loading. Parking and loading within this subarea shall be provided in accordance with **Article IX** hereof.

Section 6.8 Lighting.

(A) **Fixture Types.** All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a building shall be the same or substantially similar in style and color.

(B) Light Poles. All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 30 feet in height.

(C) Details and Specifications. Lighting details shall be included in a CODA application or Final Development Plan application (as applicable) for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

Commented [JM2]: How can we address lighting standard and maintenance?

(D) Colored Lights. No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon lights shall be prohibited.

(E) Ground mounted lighting shall be shielded and landscaped.

Section 6.9 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 2 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown.. For the purposes of this Section 6.9, connections by way of piping, cables, or conduits between a building and ground mounted equipment or accessory structures may be installed above-ground provided that, when such a connection is to be made between a building façade that is oriented toward a public right-of-way and ground-mounted equipment or an accessory structure located between that building façade and the public right-of-way:

(A) The ground mounted equipment or structure is located at least 500 feet from the edge of the public right-of-way or the piping, cables, and/or conduits between a building and ground mounted equipment or structures are not visible from the public right-of-way; and

(B) The connection is installed for its entire length at a height that does not exceed the height of the ground mounted equipment or structure to which the connection is made; and

(C) The connection is on the rear of the ground-mounted equipment or structure (i.e., the side which faces the building where the other end of the connection is being made).

Section 6.10 Signage. The standards and requirements of relevant provisions of Codified Ordinances Chapter 1177 for signage shall be the baseline for permitted signage in this subarea. Notwithstanding the foregoing, an applicant may present a master signage plan as part of a CODA application or Final Development Plan application. Such a plan shall identify the types of signs, number of signs, maximum heights, maximum sign areas, and general designs of proposed signs (not including content that falls under state or federal constitutional protections). If approved, the master sign plan, once approved, shall provide approved rights, obligations, and standards for signage within the development that is the subject of the application. To the extent that a master signage plan conflicts with any standard in relevant provisions of the Codified Ordinances, the standards in the master signage plan shall apply, and to the extent that the master signage plan is

silent on a particular standard, the relevant standard in the Codified Ordinances shall apply.

ARTICLE VII: SUBAREA 3 - DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 7.1 Applicability. Subarea 3 consists of 70.3+/- acres located generally to the southwest of (but not adjacent to) the intersection of Duncan-Plains Road and Mink Street, to the east of and adjacent to Subarea 1, and to the west of and adjacent to Mink Street. The boundaries of Subarea 3 are more particularly depicted and described in the Preliminary Development Plan. The provisions of this **Article VII** are intended to provide standards and requirements for development which apply specifically to Subarea 3. Use rights for this subarea are detailed in **Article II** above. All development occurring in Subarea 3 shall be required to file a Final Development Plan application for review and approval in accordance with Codified Ordinances Section 1164.

Section 7.2 Standards. Development within Subarea 3 is to occur under the Multi-Family Residential (MFR) use category, under the Mixed Use (MU) use category, or under some combination of both categories.

(A) Density. Development under the MFR use category shall occur in accordance with the standards and requirements of this **Article VII**.

(B) Density. Development under the MU use category shall occur in accordance with the standards and requirements of **Section 7.3**, **Section 7.4**, **Section 7.5(D)**, and **Article VIII** below. Other provisions of this **Article VII** shall not apply to development or uses occurring under the MU use category.

Section 7.3 Mixed Use (MU) Uses – Limitations. The following limitations shall apply to development and operation of uses under the MU use category within Subarea 3:

(A) Density. Permitted density of development under the Mixed Use (MU) category shall be subject to the lot coverage maximums in **Section 3.2** above and applicable standards and requirements of **Section 7.3**, **Section 7.4**, **Section 7.5(D)** and of **Article VIII**.

(B) Acreage. No more than 50% of the total gross acreage contained within Subarea 3 shall be developed under the MU use category, the NC use category, or any combination thereof.

(C) Location. Development under the Mixed Use (MU) use category within Subarea 3 shall be permitted only on real property which is adjacent to Subarea 4, or fronts on Mink Street, or which is adjacent to other real property within Subarea 3 which is the subject of a previously approved Final Development Plan application under the MU use category.

Section 7.4 Permitted Residential Density. Permitted residential density within Subarea 3 shall be as calculated and provided in **Section 3.3** and **Section 4.2(C)** above, regardless of

whether residential development is occurring under the Multi-Family Residential (MFR) use category, the Mixed Use (MU) use category, or both.

Section 7.5 Unit and Setback Requirements.

(A) Types of Units. Permitted types of dwelling units in Subarea 3 are limited to attached units within buildings consisting of 3 units or more.

(B) Sizes and Configuration. One, two, and three bedroom units will be permitted, provided that no more than 5% of the total number of units permitted to be developed in this PD district will have three bedrooms. and maximum gross floor areas of each unit type shall be as follows: The minimum

<u>Unit Type</u>	<u>Minimum Gross Floor Area</u>	<u>Maximum Gross Floor Area</u>
One bedroom	500	800
Two bedroom	650	950
Three bedroom	800	1,200

(C) Lot Sizes. There shall be no minimum lot width and a minimum lot area of 20,000 square feet.

(D) Setbacks. The following minimum setbacks shall apply:

(i) Southern Perimeter Boundary. There shall be a minimum pavement setback of 10 feet and a minimum building setback of 20 feet from the southern boundary line of Subarea 3, except that there shall be a zero pavement and building setback required if development occurring under the MU use category as part of a single project is located in both Subarea 3 and Subarea 4.

(ii) Mink Street. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Mink Street

(iii) Other Perimeter Boundaries. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the western and northern perimeter boundary lines of Subarea 3.

(iv) Other Public Streets. There shall be a minimum pavement and building setback of 10 feet from any public street rights-of-way in this subarea.

(v) Internal Parcel Lines. There shall be a minimum pavement and building setback of 25 feet from internal parcel lines within this subarea, except that these minimum setbacks shall be zero when the parcel on each side of a shared

parcel line is under common ownership at the time when a certificate of occupancy is issued for a building on a parcel on either side of the internal parcel line.

(vi) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located outside of this subarea or PD district (i) come under common ownership or control, (ii) are zoned to allow compatible MFR category uses or MU category uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this Section 7.5(D) as they apply to common property lines shall no longer apply with respect to these parcels.

Section 7.6. Architectural Standards – MFR Uses.

(A) Building Height. The maximum building height for structures developed under the Multi-Family Residential (MFR) use category shall be 75 feet as measured to the midpoint of a sloped roof or to the top of the parapet of a building with a flat roof. Secondary architectural features such as, but not limited to, roof-mounted equipment, architectural screening elements, and exhaust pipes may exceed this height.

(B) Service and Loading Areas. Service areas and loading areas shall be screened to minimize visibility from off-site view using walls, buildings, fencing, landscaping, or some combination thereof

(C) Exterior Design and Materials

(i) Appearance. Detailed architectural elevations shall be submitted for review as part of a Final Development Plan application. Architectural renderings any also be submitted in order to provide additional context for and perspectives of proposed buildings.

(ii) Wall Finish Materials. Brick, brick veneer, stone, stone veneer, cementitious/composite siding or equivalent, and vinyl shall be permitted as primary and secondary exterior façade materials as well as for trim and accent elements, provided that when vinyl is used a primary material, it shall be of a design and quality that meets or exceeds that of cementitious/composite siding, as confirmed by the relevant reviewing body at the time of review of a CODA application or Final Development Plan application. Metal panels, EIFS, wood, and aluminum also shall be permitted as trim and accent elements. Exterior wall finish materials must be used to complete massing elements. Exposed or painted concrete block shall be prohibited.

(iii) Four-Sided Architecture. Four-sided architecture shall be required on all buildings, meaning that there shall be a cohesive use of design elements on all sides of the structure in a manner that creates continuity and balance among all facades.

(iv) Garages. Detached or attached garages shall be permitted.

(v) Roofs. Roofs may be flat or sloped.

(vi) Accessory Buildings. Buildings which contain uses that are accessory to the primary multi-family residential use (such as, but not limited to, garages and private community clubhouses) shall be designed with a consistent architectural style and appearance that is consistent with the multi-family buildings in the same development.

(vii) Architectural Examples. Various architectural design images for buildings that may be constructed under the MFR use category are being provided in Illustration 7.6 below. The images are intended to demonstrate buildings of various types which would comply with the requirements, spirit, and intent of this Article VII. These images are not meant to require any particular building type to be designed in the manner that is illustrated, and a variety of building aesthetics and character may occur with the subarea. The buildings that are shown below are representations of the character and quality of buildings that will be manifested from compliance with Article VII.

Illustration 7.6 – Example Architecture for Buildings Developed Under the MFR Use Category







Section 7.7 Site Design Standards – MFR Uses. The following standards and requirements shall apply to plans for development under the MFR use category:

- (A) The front of one dwelling unit shall not face the rear of another dwelling unit.
- (B) A required side yard may serve as a rear yard for individual dwellings in a group.
- (C) Dwellings comprising a group may face one another across a court, a parking lot, or open space, provided that there is a minimum distance of 50 feet between buildings where this condition occurs.
- (D) The minimum distance between buildings shall be 10 feet.
- (E) There shall be no more than two rows of parking and a drive aisle located between a building and a public street.

Section 7.8. Access, Site Circulation, and Traffic Commitments.

- (A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 3:

(i) Green Chapel Road. From at least one public street extending through Subarea 4 which has direct access to Green Chapel Road or has indirect access to Green Chapel Road using connections to other public streets within Subarea 4. The public street(s) that are required pursuant to this paragraph shall be required to be completed and open for use by the general public before the first certificate of occupancy for a building in Subarea 3 is issued by the City;

(ii) Mink Street. Along Mink Street, using a single full turn movement shared access point that shall be used by development and uses within both Subarea 3 and Subarea 4. Additional vehicular access points with less than full turn movements shall be permitted along Mink Street if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 7.8(B).

(iii) Additional Access Points. Should additional acreage adjacent to Subarea 3 and outside the boundaries of the PD district develop in the future, public street connections between such properties and Subarea 3 shall be permitted. Nothing shall prohibit an applicant from proposing other new public streets running through or connecting through this subarea if approved as part of a Final Development Plan application and as part of a final plat.

(iv) Rights-of-Way. New public streets in this subarea shall have a right-of-way width of at least 60 feet.

(v) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to public streets, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side.

(B) Private Roads and Drives. Multi-family developments shall have direct access to at least one public street but shall provide internal vehicular circulation routes through a series of private roads and drive aisles. Private roads and drive aisles shall be maintained by the owner of the property on which they are located at that owner's sole cost and expense.

(C) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. The Licking County Transportation Improvement District (the "TID") is planning to construct significant improvements to Mink Street. Except as otherwise provided in this Section 7.7(B), design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense, and design and construction of improvements to Mink Street shall be the responsibility of the TID at its sole cost and expense, or by another relevant government entity. To clarify, nothing in this Section 7.7(B) shall require an owner or developer of real property within this subarea to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except

as provided in the next paragraph.

When a proposed development includes the construction of a new public street within the PD district that will intersect with Green Chapel Road or Mink Street, or includes the construction of another private vehicular access point along one of those streets, then in conjunction with the filing of a CODA application or a Final Development Plan application (as applicable), the applicant shall file a traffic analysis which examines the need for traffic signals, roundabouts, and/or additional turn lanes (if any) on these streets as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for design and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association.

Section 7.9 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards. The following buffering, landscaping, screening, and open space requirements shall apply to Subarea 3:

(A) **Tree Preservation.** During all periods of construction, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line. Tree Preservation Zones shall be established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively "**Environmental Permits**"), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they are dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a Final Development Plan application but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) A “Stream Corridor Protection Zone” shall be required to cover streams that are to remain after development is complete and which have a drainage area greater than 50 acres. Such a zone shall cover a corridor width that is a minimum of 100 feet in width, with a minimum of 25 feet of this width being located to each side of the centerline of the stream. Within a Stream Corridor Protection Zone no buildings, structures, or other manmade objects shall be installed or erected, with the exception of paved or mulched leisure paths and/or pedestrian or vehicular crossings as permitted under applicable federal and state permits.

(C) Stormwater Management. Shared stormwater management basins are encouraged when practical from a civil engineering and cost standpoint. When utilized, the applicant shall be required to record with the Recorder one or easements, and/or other instruments which detail the properties which are benefitted and burdened by the relevant basin and the methods for maintaining and sharing the costs of maintaining the same, if the basin is not maintained by the City. Nothing herein shall be read to prohibit the installation of stormwater management basins on a single parcel to serve improvements thereon. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. The perimeters of these basins shall be grassed and/or landscaped.

(D) Parking Areas.

(i) Within Subarea 3, there shall be no less than 1 tree planted for every 10 parking spaces located therein. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(ii) Where large parking lots (i.e., parking lots containing more than two rows of parking and more than one drive aisle to access parking spaces) are present and are visible from a public street, a landscape buffer shall be provided within the required minimum pavement setback from that street to buffer views into the parking lot from the street to a minimum height of 6 feet and 70 opacity within 5 years of installation.

(E) Pedestrian Circulation. An 8-foot-wide asphalt leisure trail is required to be installed along the west side of Mink Street and on one side of any public street connection to Subarea 3 from Subarea 1 or Subarea 4. A 5-foot wide concrete sidewalk shall be required to be installed on the other side of these streets (other than Mink Street). On all other new streets within Subarea 3, a 5-foot wide concrete sidewalk shall be provided on both sides of the street, provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trail that is required to be constructed in accordance with the immediately preceding sentence. Should it be determined at the time of review of a CODA application of Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(F) Minimum On-Site Tree Sizes; Species. Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

(G) Parking Lot Perimeter Landscaping. Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights. This requirement shall be deemed to be met in areas where the screening required in Section 7.9(F)(ii) is provided.

(H) Trash Receptacles. Dumpsters or similar garbage collection devices shall be enclosed by walls and/or fences to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonably distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 7.10 Parkland and Open Space. Development in Subarea 3 shall be subject to the parkland dedication requirements of Codified Ordinances Chapter 1164.09. Each Final Development Plan application filed for development in this subarea shall provide detailed information as to the manner in which the proposed development which is the subject of the application will meet the requirements of Codified Ordinances Section 1164.09. In addition, the following requirements shall apply to Parkland and/or Open Space, as applicable:

Commented [JM3]: Council doesn't want open space to include Steam Protection corridor zones and flood plains.

(A) Definitions.

(i) For purposes of this text, the term “Parkland” shall mean “land dedicated or transferred to the City by a property owner at no charge to the City which is intended to either (a) provide areas for passive and/or active recreation or enjoyment and which the City will make available for use by the general public at some time in the future or (b) provide an opportunity to accommodate another public use such as, but not limited to, schools or fire or police stations.”

(ii) The term “Open Space” shall mean “privately owned land typified by having a majority of its area as pervious (e.g., grass, landscaping, mulch, trees) which is (i) passive and for the exclusive use and enjoyment of owners or visitors to a particular property and/or (ii) intended to serve residents, employees, and/or visitors from other properties or development and which provides areas for passive and/or active recreation or enjoyment. Open Space may contain treed or forested areas.”

(B) Maintenance. Parkland shall be maintained by the City at its sole cost and expense, provided, however, that a developer or property owners’ association may voluntarily elect to

undertake such maintenance at its cost and expense for a limited period of time. Open space shall be maintained by a property owner, developer, or property owners' association at their sole cost and expense.

(C) Minimum Open Space. Individual projects developed under the MFR use category shall include Open Space on-site which totals a minimum of one-half of one acre for every 100 residential units or portion thereof approved for construction in that development. This requirement may be reduced or completely waived at the time of Final Development Plan approval if a development is adjacent to a public park.

(D) Amenities. Within the required minimum Open Space for uses developed and operated under the MFR use category, two or more of the following amenities shall be included unless their installation or presence would materially negatively impact an environmentally sensitive area: Paved leisure trails (or mulched leisure trails, if a wooded area contains environmentally sensitive areas); private dog park; pickleball, tennis, bocce ball, or similar courts; outdoor pool; pavilion, gazebo, or similar covered gathering area; benches/seating; and/or other recreational, social, or sports features as approved as part of a Final Development Plan. Playgrounds shall not be permitted in this subarea. Private clubhouses or community centers shall be permitted within Open Spaces. Portions of land which are covered by a slab for such buildings or upon which the building foundation is located shall not count toward the minimum Open Space acreage calculation, but all land on which associated exterior features are located shall count toward the requirement.

Section 7.11. Parking. Parking shall be provided in accordance with Article IX below. Required parking spaces may be within garages or paved parking areas. In addition to other permitted parking options, dwelling units may be (i) served by and located above a so-called "podium" parking area within a building (which generally can be described as parking areas which are contained one or more floors of a building and/or which may be partially below adjacent grade), or (ii) may be served by interior parking areas with dwelling units wrapped around them. Such parking shall not be considered to be a parking structure and shall be permitted uses.

Parking shall be provided in this subarea at the minimum rate of one space per bedroom contained within residential units. Shared parking between uses and buildings shall be encouraged. With each Final Development Plan application for development under the Mixed Use (MU) category, a parking study shall be provided to analyze the amount of parking needed to serve the proposed development and to identify opportunities for shared parking internally within the proposed development and, where applicable, other adjacent or nearby development. Parking shall be provided in numbers and locations as are approved as part of the Final Development Plan application.

Section 7.12 Lighting

(A) Fixture Types. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a

building shall be the same or substantially similar in style and color.

(B) **Light Poles.** All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 18 feet in height.

(C) **Details and Specifications.** Lighting details shall be included in a Final Development Plan application for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

(D) **Colored Lights.** No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon lights shall be prohibited.

(E) Ground mounted lighting shall be shielded and landscaped.

Section 7.13 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 3 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown.

Section 7.14 Signage. At each vehicular entry point from a public street into a multi-family development, one ground sign shall be permitted to be installed to identify the community. The ground sign shall be a maximum of 6 feet in height and shall not exceed 36 square feet of sign area. Signage on buildings shall be limited to addresses and/or building numbers and any other signage required by applicable laws or codes. Internal directional signage shall be permitted within each development to facilitate efficient movement of vehicular and/or pedestrian traffic. Open spaces and private community clubhouses shall be permitted to have an identification sign that is no more than 4 feet in height and 20 square feet in sign area. Additional signage shall comply with Codified Ordinances Chapter 1177.

ARTICLE VIII: MIXED USE DEVELOPMENT STANDARDS (SUBAREA 4, LIMITED PORTIONS OF SUBAREA 3, AND (IF APPLICABLE) SUBAREA 5)

Section 8.1 Applicability. The provisions of this *Article VIII* shall apply to Subarea 4, which is permitted to develop only under the Mixed Use (MU) use category. They also shall apply to development and uses under the MU use category when and where permitted in Subarea 3, as detailed in *Article VII*, and in Subarea 5, as detailed in *Article IV*.

Section 8.2 Review Procedure. All development occurring in this PD district under the Mixed Use (MU) use category shall be required to file a Final Development Plan application for review and approval in accordance with Codified Ordinances Chapter 1164.

Section 8.3 Design Intent. Mixed-use development can (and in this PD district shall be permitted to) occur in several different ways. For instance, vertical mixed use development provides for the operation of different use types within the same building. The most common example of this form is a building with first floor retail or office space and multi-family residential uses located on upper floors. However, mixes of any permitted use types within the same building are permissible.

Illustration 8.3(A) – Vertical Mixed Use Examples



On the other hand, horizontal mixed use development combines single-use or multi-use buildings on distinct parcels located within a short distance from other buildings on separate parcels which usually contain different use types. The goal is to bring together complementary uses within a localized area for convenience and to create pedestrian activity and a vibrant sense of place.

Illustration 8.3(B) – Horizontal Mixed Use Examples





All mixed use developments, where permitted in this PD district, will be typified by efficient pedestrian and vehicular connectivity and the accommodation of modes of travel that

are in addition to the automobile, such as bicycles and walking. Physical and functional integration of uses shall be provided through site layout and the designs of buildings and streets.

Section 8.4 Mixed Use Sub-Categories. The Mixed Use (MU) use category will permit two general types of mixed use development which are differentiated based on size, scale, intensity, and function. Each application for a Final Development Plan under the Mixed Use (MU) category shall indicate the type of mixed use development that is being proposed in that application. The two mixed use sub-categories are as follows:

(A) Mixed Use Neighborhood Centers. Mixed Use Neighborhood Centers (“MUNCs”) will provide for the vertical and/or horizontal mixing of uses and development types within a relatively small area to provide reasonable walking and biking distances between them. This kind of mixed use will always include a meaningful residential component. Appropriate residential types include, for example, stand-alone multi-family communities in close proximity to other uses or residential units located above retail and/or office uses. MUNCs shall include some combination of retail spaces, restaurants, and/or personal services to meet the intended character and scale of an urban neighborhood. Such uses should be convenient for residents and visitors to reach by foot and bicycle, in addition to using automobiles on streets that are designed to be traveled at relatively low speeds. See Article II for permitted and conditional use rights.

Example: Downtown Granville





(B) Mixed Use Community Centers. Mixed Use Community Areas (“MUCC”) represent a step up from MUNCs in terms of size and scale. MUCCs can serve several neighborhoods within the development itself and/or within close proximity thereto, but will serve nearby employment centers by mixing retail, dining, entertainment, office, service, civic, and/or institutional uses. The integration of residential uses within the development shall be required in order to ensure extended hours of activity to support a variety of uses which would not be viable with activity that occurs only during business hours.

Example: Perimeter Center - Dublin



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Section 8.5 Lot Requirements. No minimum lot sizes shall be required in the MU use category. Permitted density of development under the Mixed Use (MU) category shall be subject to the lot coverage maximums in **Section 3.2** above.

Section 8.6 Architectural Standards. Mixed use developments often include separate buildings with a variety of architectural designs, or alternatively may provide for a themed design throughout a neighborhood. To allow for flexibility in building designs, architectural requirements for development occurring under the Mixed Use (MU) category shall be presented for review and approval as part of a Final Development Plan and shall further the design principles as described in **Section 8.6(B)** below. Buildings shall not exceed 65 feet in height as measured to the midpoint of a sloped roof or to the top of the parapet of a building with a flat roof.

(A) **Review and Approval of Standards.** Along with each Final Development Plan application under the Mixed Use (MU) use category, the applicant shall propose for review and approval elevations of all buildings and their facades and roofs, and may also provide three dimensional depictions and/or renderings of buildings, all as they are proposed to be constructed. Details as to sizes, heights, dimensions, exterior materials, and overall designs of buildings shall be provided on these drawings or in text form and shall be adequate to constitute commitments to construct the buildings as they are proposed while allowing for refinement of details during the building permit review process.

(B) **Design Principles.** To advance the purposes of facilitating the types of mixed use development that are permitted in this PD district, the following principles will serve as a guiding framework to be used in the review of Final Development Plans under the Mixed Use (MU) use category. Certain of these principles may not apply in all circumstances, but should be

used where appropriate or deemed to be applicable. Development should strive to meet the following principles:

(i) MUNCs. In MUNCs:

(a) Architecture and design for each building or structure in the same general vicinity shall be cohesive or complimentary in their aesthetics and forms, while understanding that buildings containing different uses intrinsically may differ in their forms and appearances.

(b) Brick, brick veneer, stone, stone veneer cementitious/composite siding or equivalent, and vinyl shall be permitted as primary and secondary exterior façade materials as well as for trim and accent elements, provided that when vinyl is used a primary material, it shall be of a design and quality that meets or exceeds that of cementitious/composite siding, as confirmed by the relevant reviewing body at the time of review of a CODA application or Final Development Plan application.. Metal panels, EIFS, wood, and aluminum also shall be permitted for trim and accent elements. Exterior wall finish materials must be used to complete massing elements. Exposed foundation walls shall be prohibited.

(c) Buildings will have entrances and features that bring them to a pedestrian scale. Front facades of buildings shall be oriented toward the primary existing and proposed streets, unless a so-called open stair walk-up design for a multi-family use is being provided, in which case a building may have a side façade facing a street.

(d) Variations in building heights, exterior façade materials, and/or façade colors among different buildings shall be encouraged to create visual variety and interest.

(e) Placement and location of some buildings near to or along natural features, pocket parks, larger parkland areas or open spaces, pedestrian plazas, and similar features shall be encouraged to create elements around which development may be organized.

(f) In order to promote walkability and the framing of streets where pedestrian activity is important and streets are designed to carry traffic at low speeds, buildings and structures shall not be set back at excessive distances from street rights-of-way.

(g) Four-sided architecture shall be provided, except that in an urban environment a façade that is oriented toward and located in such close proximity

to an adjacent building or structure that the facade will be minimally visible or not visible at all from off-site, this requirement may be waived.

(h) Buildings with ground-floor commercial uses shall be located near or adjacent to sidewalks and shall incorporate features to enhance the pedestrian experience such as (but not limited to) large storefront windows, open air dining spaces, and easily identifiable pedestrian entrances.

(i) Parking for buildings generally should be located to the rears or sides, provided, however, that two rows of parking and an associated drive aisle shall be permitted between front building façades and a public street. When parking is located to the side of a building it shall include decorative fencing, landscaping, masonry walls, or other features in order to segregate parking from the street.

(ii) MUCCs. In MUCCs:

(a) Architecture and design for each building or structure in the same general vicinity shall be cohesive or complimentary in their aesthetics and forms, while understanding that buildings containing different uses intrinsically may differ in their forms and appearances;

(b) Brick, brick veneer, stone, stone veneer, cementitious/composite siding or equivalent, and vinyl shall be permitted as primary and secondary exterior façade materials as well as for trim and accent elements, provided that when vinyl is used a primary material, it shall be of a design and quality that meets or exceeds that of cementitious/composite siding, as confirmed by the relevant reviewing body at the time of review of a CODA application or Final Development Plan application. When used as a primary exterior façade material, vinyl shall not be utilized on more than 30% of any single façade. Metal panels, EIFS, wood, and aluminum also shall be permitted for trim and accent elements. Exterior wall finish materials must be used to complete massing elements. Exposed foundation walls shall be prohibited.

(c) Buildings containing only those uses which are permitted or conditional in the NC use category shall be subject to the architectural requirements for MUNCs (as provided in Section 8.8(B)(i));

(d) For buildings containing one or more uses which are permitted or conditional under the Community Commercial (CC) use category (other than uses permitted in the NC use category):

(i) Front facades of buildings shall be oriented toward existing or proposed streets.

(ii) Long blank walls shall be prohibited on front building facades and on all other building facades which are visible from a public street right-of-way. Visual interest to break up otherwise uninterrupted long walls shall be achieved by including variations in building height, changes in exterior façade materials and/or façade colors, mixing of textures, or by other means to create visual variety and interest.

(e) Four-sided architecture shall be provided, except that if a façade that is oriented toward and located in such close proximity to an adjacent building or structure that the facade will be minimally visible or not visible at all from off-site, this requirement may be waived. The requirement for four-sided architecture shall not be strictly applied to facades with loading docks, overhead doors, or other loading areas, but an applicant shall make reasonable efforts to meet the spirit and intent of the four-sided architecture requirement on these facades. Loading docks, overhead doors, and loading areas shall be located on the rears of buildings.

(f) Planters, landscaping, trees, and/or other features shall be used to provide visual breaks along long building facades; and

(g) Parking may be located to fronts, rears, and/or sides of buildings. Shared parking between uses and buildings shall be encouraged.

Section 8.7 Setbacks and Lot Requirements.

(A) Lot Width Requirements. There shall be a minimum lot width of 75 feet for development occurring under the Community Commercial (CC) use category, as measured at the minimum required building setback line.

(B) Setbacks. The following minimum setbacks shall apply for development under the MU use category:

<u>Measured From</u>	<u>Pavement</u>	<u>Buildings</u>
Green Chapel Road Right-of-Way	25 feet	50 feet
Mink Street Right-of-Way	25 feet	50 feet
Other Public Street Rights-of-Way	5 feet	5 feet
Northern Perimeter Boundary of Subarea 4*	10 feet	20 feet
Western Perimeter Boundary of Subarea 4	25 feet	50 feet

* There shall be a zero pavement and building setback required if development occurring under the MU use category as part of a single project is located in both Subarea 3 and Subarea 4.

(C) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located outside of this subarea or PD district (i) come under common ownership or control, (ii) are zoned to allow compatible MU category uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in Section 8.8(B) as they apply to common property lines shall no longer apply with respect to these parcels.

(D) Internal Parcel Lines. There shall be a zero minimum pavement and building setback requirement from internal parcel lines within a development occurring under the MU use category. Where a parcel line runs through a building, a shared common wall agreement or similar written instrument shall be required to be recorded in the Office of the Licking County Recorder which sets forth the rights and responsibilities of the owners on each side of a common wall for maintenance, insurance, and repairs or replacements to improvements resulting from casualty events.

Section 8.8 Access, Site Circulation, and Traffic Commitments.

(A) Vehicular Access. Vehicular access shall be provided to and from Subarea 4:

(B) Mink Street. Along Mink Street, using a single full turn movement shared access point that shall be used by development and uses within both Subarea 3 and Subarea 4. Additional vehicular access points with less than full turn movements shall be permitted along Mink Street if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 8.8(I).

(C) Green Chapel Road. Along Green Chapel Road, using a maximum of three full turn movement access points, provided that these access points are located at least 500 feet from one another as measured between the centers of the intersections of each access point with Green Chapel Road. Additional vehicular access points with less than full turn movements shall be permitted along Clover Valley Road if they are located a safe distance from other access points on the same street, as determined in an approved Traffic Access Analysis as contemplated in Section 8.8(I).

(D) Green Chapel Road Streetscape Design. Green Chapel Road may have portions of its right-of-way located in the City of Johnstown and other portions located in the City of New Albany along the frontage on this street for Subarea 4. The City of New Albany is constructing, or soon will construct, significant improvements to Green Chapel Road beginning at Mink Street and extending westward to the western edge of this PD district. The streetscape within the public street right-of-way and adjacent utilities easements along the entirety of the north side of Green Chapel Road between its intersection with Mink Street on the east to the western edge of this PD district on the west will be as installed by the City of New Albany as part of its improvements to that street.

(E) Connection to Subarea 3. At least one new public street connection shall be constructed within Subarea 4 and either shall be stubbed to the shared boundary line of Subarea 3 and Subarea 4 or connected to one or more other public streets within Subarea 4 that stub into the shared boundary to provide a means of vehicular access between Duncan Plains Road and Subarea 3.

(F) Additional Access Points. Should additional acreage adjacent to Subarea 4 and outside the boundaries of the PD district develop in the future, public street connections between such properties and Subarea 4 shall be permitted per an approved or amended Final Development Plan.

(G) Street Designs and Rights-of-Way. The designs and specifications for new public streets constructed internally within Subarea 4 shall be reviewed and approved as part of the Final Development Plan review and preliminary/final plat review processes. The developer(s) shall dedicate property from Subarea 4 to the City as rights-of-way as determined during these review processes.

(H) Private Roads and Drives. Each development under the MU use category shall have access to at least one public street and may provide internal vehicular circulation routes through a series of private roads and drive aisles. Private roads and drive aisles shall be maintained by the owner of the property on which they are located at that owner's sole cost and expense. Alternatively, a forced and funded property owners' association may be created in order to maintain and share the costs of maintaining private drives and private roads.

(I) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. The Licking County Transportation Improvement District (the "TID") is planning to construct significant improvements to Mink Street. Except as otherwise provided in this Section 8.8(I), design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense, and design and construction of improvements to Mink Street shall be the responsibility of the TID at its sole cost and expense, or by another relevant government entity. To clarify, nothing in this Section 8.8(I) shall require an owner or developer of real property within this PD district to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

When a proposed development includes the construction of a new public street within this subarea that will intersect with Green Chapel Road or Mink Street, or includes the construction of another private vehicular access point along one of those streets, then in conjunction with the filing of a Final Development Plan application the applicant shall file a traffic analysis which examines the need for traffic signals, roundabouts, and/or additional turn lanes (if any) on these streets as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for

the application. Where a traffic signal, rundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for design and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

(J) When internal private roads or drives are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association.

Section 8.9 Buffering, Landscaping, Pedestrian Circulation, and Environmental Standards. The following buffering, landscaping, screening, and open space requirements shall apply to Subarea 4:

(A) Tree Preservation. During all periods of construction, standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line. Tree Preservation Zones shall be established within treed or forested areas that will be preserved pursuant to applicable federal and state permits and determinations or related conservation easements or environmental covenants (collectively "Environmental Permits"), once they are approved and issued by the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers. These Tree Preservation Zones shall be maintained, protected, and preserved in accordance with such permits. If allowed under applicable permits, trees within Tree Preservation Zones may be removed if they dead, diseased, present a potential danger to persons or property or are of a noxious or invasive species. Trees Preservation Zones shall not include those areas where trees and/or wetland areas are allowed to be removed or filled by relevant permits. Tree Preservation Zones shall be identified in a CODA application or Final Development Plan application, as applicable, but the final boundaries of Tree Preservation Zones shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. A property owner shall provide the City with legal descriptions of such boundaries from time-to-time as the City may request for its records.

(B) Stormwater Management. Shared stormwater management basins are encouraged when practical from a civil engineering and cost standpoint. When utilized, the applicant shall be required to record, with the Recorder, one or easements, plats, and/or other instruments which detail the properties which are benefitted and burdened by the relevant basin and the methods for maintaining and sharing the costs of maintaining the same, if the basin is not maintained by the City. Nothing herein shall be read to prohibit the installation of stormwater management basins on a single parcel to serve improvements thereon. Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner. **Wet stormwater**

basins shall be encouraged. The perimeters of these basins shall be grassed and/or landscaped.

(C) A “Stream Corridor Protection Zone” shall be required to cover streams with a drainage area greater than 50 acres. Such a zone shall cover a corridor width that is a minimum of 100 feet in width, with a minimum of 25 feet of this width being located to each side of the centerline of the stream. Within a Stream Corridor Protection Zone no buildings, structures, or other manmade objects shall be installed or erected, with the exception of paved or mulched leisure paths and/or pedestrian or vehicular crossings as permitted under applicable federal and state permits.

(D) Parking Areas. Within Subarea 4, there shall be no less than 1 tree planted for every 10 parking spaces located therein. At least 5.0% of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles, provided that such trees shall be located or of a size and species that do not materially obstruct the views of drivers.

(E) Pedestrian Circulation. An 8-foot-wide asphalt leisure trail is required to be installed along the west side of Mink Street and along one side of the public street connection from Green Chapel Road to Subarea 3, and from any public street extending westward from Mink Street into Subarea 3 and/or 4A 5-foot wide concrete sidewalk shall be required to be installed on the other side of these streets (except for Mink Street), provided that a leisure path may be provided in lieu of a sidewalk on one side of the street in appropriate locations to provide for pedestrian connectivity to the leisure trails that are required to be constructed in accordance with the immediately preceding sentence. Should it be determined at the time of review of a CODA application or Final Development Plan application that anticipated future improvements to these streets will require the removal of or could damage leisure trails, the requirement to install them may be waived by the applicable reviewing body.

(F) Minimum On-Site Tree Sizes; Species: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

(G) Parking Lot Perimeter Landscaping. Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3.5)-foot minimum height evergreen hedge, masonry wall, other landscaping feature, building facades, or some combination thereof in order to block headlights.

(H) Trash Receptacles. Dumpsters or similar garbage collection devices shall be enclosed by walls and/or fences to completely screen them from off-site view except when a gate is open to provide for garbage removal. Each of these types of collection devices shall be placed upon a concrete pad that extends for a reasonable distance from the device in order to accommodate trucks which serve to empty the same in order to minimize depressions in pavement that may otherwise result from using asphalt.

Section 8.10 Parking.

(A) Parking shall be provided in this subarea in accordance with Article IX below. Shared parking between uses and buildings shall be encouraged and may be used to meet minimum parking requirements. With each Final Development Plan application for development under the Mixed Use (MU) category, a parking study shall be provided to analyze the amount of parking needed to serve the development that is contemplated in the application and to identify opportunities for shared parking internally within the proposed development and, where applicable, other adjacent or nearby development. Parking shall be provided as approved as part of the Final Development Plan application.

(B) Parking spaces may be within garages or paved parking areas. In addition to other permitted parking options, dwelling units may be (i) served by and located above a so-called “podium” parking area within a building (which generally can be described as parking areas which are contained one or more floors of a building and/or which may be partially below adjacent grade), or (ii) may be served by interior parking areas with dwelling units wrapped around them. Such parking shall not be considered to be a parking structure and shall be permitted uses.

Section 8.11 Lighting.

(A) Fixture Types. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of a site. All exterior light fixtures on a parcel and/or on a building shall be the same or substantially similar in style and color.

(B) Light Poles. All parking lot light poles shall be of a dark color and constructed of metal. Light poles shall not exceed 18 feet in height.

(C) Details and Specifications. Lighting details shall be included in a Final Development Plan application for review and approval. These shall include proposed light fixture and pole locations, fixture types, pole and wall-mounting heights, and a photometric study to confirm that there will be no light trespass off-site.

(D) Colored Lights. No permanent colored lights shall be used on the exterior of any building. Colored lights such as holiday lights may be permitted on a building on a temporary basis not to exceed 30 consecutive days or 45 total days in one year. Neon and flashing lights shall be prohibited.

(E) Ground mounted lighting shall be shielded and landscaped.

Section 8.12 Parkland and Open Spaces. Residential development under the Mixed Use (MU) use category shall be subject to the parkland dedication requirements of Codified Ordinances Chapter 1164.09. Each Final Development Plan application filed for development under this use category shall provide detailed information as to the manner in which the proposed development which is the subject of the application will meet the requirements of that

chapter. In addition, the requirements in Section 7.10(A) through (D) of this text shall apply to Subarea 4.

Section 8.13 Utilities. Except for electric transmission lines of 62.5kV or larger, all new utility lines in Subarea 4 shall be installed underground. Water and sanitary sewer services in this subarea shall be provided exclusively by the City of Johnstown.

Section 8.14 Signage. Each development under the Mixed Use (MU) district shall provide a master signage plan for review and approval as part of a Final Development Plan application for that development. Such a plan shall identify the types of signs, number of signs, maximum heights, maximum sign areas, and general designs of proposed signs (not including content that falls under state or federal constitutional protections). The master sign plan, once approved, shall provide approved rights, obligations, and standards for signage within the development that is the subject of the application. To the extent that a master signage plan conflicts with any standard in Chapter 1177 of Codified Ordinances, the standards in the master signage plan shall apply, and to the extent that the master signage plan is silent on a particular standard, the relevant standard in the Codified Ordinances shall apply. The standards and requirements of Chapter 1177 of the Codified Ordinances for signage shall be the baseline for permitted signage in this subarea, but it is anticipated that, given the nature of mixed use development, a master signage plan will deviate therefrom in some or many respects in order to create facilitate creative designs, promote vehicular and pedestrian and wayfinding, and better identify uses and users in a development environment that will contain multiple uses.

ARTICLE IX: SUBAREA 5 – DEVELOPMENT STANDARDS AND REQUIREMENTS.

Section 9.1 Applicability. Subarea 5 consists of 25.7+/- acres located to the north of and adjacent to Green Chapel Road, generally to the east of its intersection with Clover Valley Road and to the south of and adjacent to Subarea 1. The provisions of this Article IX are intended to provide standards and requirements for development which apply specifically to Subarea 5.

Section 9.2 Uses. Use rights for this subarea are detailed in Article II above, but are subject to the limitations and restrictions of this Section 9.2. Subarea 5 is located within an area of the PD district that may be attractive for a variety of different use types. More specifically, it could develop as an extension of the uses and development which are permitted or conditional in Subarea 1, or it could develop with uses that are permitted and/or condition under the NC and CC use categories. However, the intent is not to allow for a mixture of use types.

Therefore, along with the first CODA application or Final Development Plan application that is filed for real property located within Subarea 5, the applicant shall provide a written statement of its election to have the entirety of the subarea develop in accordance with the uses and development requirements that apply to either Subarea 1 or to Subarea 4, with the exception being that no multi-family residential uses are permitted in Subarea 5. Once construction of a development project commences pursuant to an application that has been approved, then the entirety of Subarea 5 may be used and developed in accordance with the use and development

requirements of Subarea 1 or Subarea 4, as identified by the applicant in the application, and the use of any portion of Subarea 5 in accordance with the use rights of the other subarea shall be prohibited. For purposes of this Section 9.2, a development project shall be deemed to have “commenced” when installation of a building foundation or slab has commenced.

Section 9.3. Development Requirements. In addition to the specific requirements contained in this Article IX, when an election has been made for Subarea 5 to be developed in accordance with the use rights in Subarea 1, development shall occur in accordance with the standards and requirements in Article V. Also, in addition to the specific requirements contained in this Article IX, when an election has been made for Subarea 5 to be developed in accordance with the use rights in Subarea 4, development shall occur in accordance with the standards and requirements in Article VII, except that no multi-family residential uses or development are permitted in Subarea 5. With respect to the application of Section 8.6(A) to Subarea 5, the phrase “the Mixed Use (MU) use category” shall be replaced with the phrase “the Neighborhood Commercial (NC) and/or Community Commercial (CC) use categories”. To the extent that a requirement or standard contained in this Article IX conflicts with an applicable standard from Article V or Article VII, the requirement or standard in this Article IX shall govern.

Section 9.4 Setbacks.

(A) Green Chapel Road. If development in Subarea 5 occurs with the use rights which apply to Subarea 1, there shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the right-of-way of Green Chapel Road after any required dedication of right-of-way is completed in accordance with this text. Security fencing may encroach into the minimum building setback but in no event shall be located less than 50 feet from the Green Chapel Road right-of-way. If development in Subarea 5 occurs with the use rights which apply to Subarea 4, there shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the right-of-way of Green Chapel Road after any required dedication of right-of-way is completed in accordance with this text.

(B) Perimeter Boundaries. The following setback requirements shall apply to perimeter boundaries of Subarea 5 that are not adjacent to a public right-of-way:

(i) Northern Boundary. There shall be a minimum pavement and building setback of 25 feet from the northern boundary line of Subarea 5 that is shared with the southern boundary of Subarea 1 if Subarea 5 is developed with uses which are permitted in Subarea 1, provided that if property within Subarea 5 which is adjacent to the shared boundary line is under common ownership with property within Subarea 1 which is adjacent to the shared boundary line, there shall be a zero pavement and building setback requirement. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the northern boundary line of Subarea 5 if it is developed with uses which are permitted in Subarea 4 (excluding multi-family residential uses, which are prohibited in Subarea 5).

(ii) Western Boundary. From the western boundary line of Subarea 5 and from

the northern boundary of the portion of Subarea 5 that is located in the southwestern portion of Subarea 5, the minimum setbacks shall be equal to the greater of (a) the width of an existing AEP electric easement (150 feet for pavement and buildings, except that pavement may be located within the easement area if permitted by the grantee under that easement), as may be modified, or (b) 50 feet for pavement and 100 feet for buildings.

(iii) Eastern Boundary. From the eastern boundary line of Subarea 5, the minimum setbacks shall be 50 feet for pavement and 100 feet for buildings.

(C) Internal Parcel Lines. There shall be a minimum pavement and building setback of at least 25 feet from internal parcel lines within this subarea, except that these minimum setbacks shall be zero when the parcel on each side of a shared parcel line is under common ownership.

(D) Elimination of Setbacks. In the event that a parcel located within this subarea and an adjacent parcel located within or outside of this PD district (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum pavement and building setbacks set forth in this **Section 9.4** as they apply to common property lines shall no longer apply with respect to these parcels.

Section 9.5. Access, Site Circulation, and Traffic Commitments.

(A) Subarea Perimeter Vehicular Access. Vehicular access shall be provided to and from Subarea 5:

(i) Green Chapel Road. Along Green Chapel Road, using a single full turn movement access point and a maximum of one right-in, right-out access point;

(ii) Additional Access Points. Should additional acreage with frontage on Green Chapel Road be added to this PD district at a later date in accordance with the procedures set forth in Codified Ordinances Chapter 1164, additional full or restricted turn movement access points may be permitted on those streets as detailed in an approved amendment or addendum to this zoning text.

(B) Traffic Analyses. The City of New Albany is constructing significant improvements to Green Chapel Road between its intersections with Clover Valley Road and Mink Street, and beyond. Except as otherwise provided in this **Section 9.5(B)**, design and construction of improvements to Green Chapel Road shall be undertaken by the City of New Albany at its sole cost and expense. To clarify, nothing in this **Section 9.5(B)** shall require an owner or developer of real property within this PD district to design or construct improvements to, or to pay the costs of, any improvements to or modifications of the aforementioned streets except as provided in the next paragraph.

When a proposed development includes the construction of a new public street within this subarea that will intersect with Green Chapel Road, or includes the construction of another private vehicular access point along this street, then in conjunction with the filing of a CODA

application or a Final Development Plan application (as applicable), the applicant shall file a traffic analysis which examines the need for a traffic signal, roundabout, and/or additional turn lanes (if any) on this street as a result of the proposed development. Said analysis shall be reviewed by the City Engineer and shall be considered for approval by the reviewing body for the application. Where a traffic signal, roundabout, or additional turn lanes are warranted, the applicant or developer shall be responsible for designing and constructing such improvements and for paying the costs thereof, unless otherwise agreed in a written contract between it and the City.

When internal private roads or drives which serve multiple parcels not under common ownership are proposed or utilized within this subarea, a declaration of reciprocal easements or a reciprocal easement agreement shall be recorded against the real property which is benefitted and/or burdened by the private roads or drives prior to the issuance of the first building permit for development that is served thereby, in order to provide for perpetual vehicular and pedestrian cross access easements, cross utility easements, and other easements which are necessary or desirable for efficient development. Maintenance of private roads, private drives, and private sidewalks internal to this subarea shall be the responsibility of property owners or the responsibility of a forced and funded property owners' association. Such easements and maintenance obligations may be established as part of a broader Declaration of Covenants, Conditions and Restrictions ("CCRs") applicable to the subarea or a similar document which governs the forced and funded property owners' association, which shall be recorded with the Licking County Recorder.

(C) Rights-of-Way. The developer shall dedicate property from Subarea 1 to the City as rights-of-way as follows, with such dedications being required for a particular parcel after such time as a CODA application or Final Development Plan application is approved for that parcel and as a condition of receiving a building permit for construction on that parcel:

(i) For a distance of 30 feet as measured from the centerline of Green Chapel Road.

(ii) At a minimum width of at least 60 feet for new public streets which are internal to this subarea if Subarea 5 develops with uses permitted in Subarea 1, or at a minimum width of 50 feet for new public streets which are internal to Subarea 5 if it develops with uses permitted in Subarea 4.

(iii) Easements. Should additional space be necessary to accommodate streetscape improvements and/or underground utilities adjacent to public street rights-of-way, the relevant property owner shall dedicate easements to the City for these purposes which shall not extend more than 25 feet from the edge of right-of-way on either side. Such easements shall be established by separate recorded instruments and shall not be required to be included in any plat for a public street.

(D) Private Roads. Paved private roads shall be permitted to be constructed in order to serve individual sites or a cluster of individual sites on routes which are intended to bring employees, delivery vehicles, and visitors to and from these sites and are not intended to serve large volumes of traffic from the general public. Private roads are intended to serve the same general purposes as private driveways but at a larger size to provide efficient routes of vehicular access for business purposes with minimal interference from public traffic. Pavement widths and road designs shall be reviewed and approved as part of a CODA application or Final Development Plan application (as applicable) and shall be evaluated based on the type and volume of traffic that is expected to be served by the improvement. Private roads shall be maintained by the owner(s) of the properties on which they are located or by a forced and funded property owners' association.

(E) Green Chapel Road Streetscape Design. Green Chapel Road may have portions of its right-of-way located in the City of Johnstown and other portions located in the City of New Albany along the frontage on this street for Subarea 4. The City of New Albany is constructing, or soon will construct, significant improvements to Green Chapel Road beginning at Mink Street and extending westward to the western edge of this PD district. The streetscape within the public street right-of-way and adjacent utilities easements along the entirety of the north side of Green Chapel Road between its intersection with Mink Street on the east to the western edge of this PD district on the west will be as installed by the City of New Albany as part of its improvements to that street.

Section 9.6 Screening/Buffering; Landscaping. For those perimeter boundaries which abut real property that meets the definition of a Residential Property (as such term is defined in **Section 5.6(B)**) at the time that an application is filed for a Building Permit (as such term is defined in **Section 5.6(B)**) on real property located within this subarea, has a zoning classification which permits the development and operation of residential uses thereon, and (ii) that is not owned by the applicant for rezoning/Preliminary Development Plan approval, its affiliates, or by the applicant for the Building Permit, screening and buffering shall be provided on the property to which the Building Permit applies within the required minimum pavement setback along the shared property line with the abutting property. Such screening and buffering may include a fence, landscaping, mounding, or some combination thereof. Screening for uses and development within Subarea 5 which would be permitted in Subarea 4 shall achieve an opacity of 75% upon installation of a fence or, if mounding and/or landscaping is utilized, on the date that is 5 years after planting to a minimum height of 8 feet above ground level, as viewed from the abutting property outside of Subarea 5, and with mounding to be a minimum of 4 feet in height. Screening for uses and development within Subarea 5 which would be permitted in Subarea 1, a minimum 6-foot high mound shall be installed on the property to which the Building Permit applies along the shared property line with the abutting property. The mound shall include a landscape buffer which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a minimum height of 10 feet above ground level.

If existing trees are found within the required minimum pavement setback from a boundary of Subarea 5 where the screening requirement contemplated in the immediately preceding paragraph applies, the existing trees may be utilized for the required screening. The opacity and timing requirements are still applicable with this alternative and, therefore, if necessary, additional

landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved as part of a CODA application or Final Development Plan application (as applicable). The required screening and buffering as detailed in this **Section 9.6** shall be installed along the entirety of the perimeter boundary lines to which they apply with the first development that occurs in Subarea 5, unless a waiver of this timing requirement is approved as part of a CODA application or Final Development Plan application. The provisions of this Section 9.6 shall apply to the exclusion of **Section 5.6(B) and (C)**, when otherwise applicable.

ARTICLE X: PARKING AND LOADING. Parking and loading shall be provided within this PD district in accordance with the provisions of this Article IX, except as otherwise provided in the standards and requirements that are particular to a subarea as set forth in another Article of this text that applies to the subarea.

Section 10.1 Minimum Number of Parking Spaces. Parking spaces shall be provided according to the following table. If a use consists of more than one component use (for example, a religious use with a school), the required minimum number of parking spaces shall be the sum of the required spaces for those component uses.

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Multi-family	One space per bedroom, except that three-bedroom units shall not be required to exceed two and one-half spaces per unit.
Retail shopping centers (meaning one or more buildings initially constructed as a single development project and which contain three or more different occupants, tenants, or users)	One space for each 200 square feet of gross floor area, plus one for each three persons allowed under maximum occupancy in any theater or place of assembly
Home furnishings, appliances, apparel, and similar retail sales	One for each 250 square feet of gross floor area.
Restaurants, coffee shops, and similar uses without drive-thrus	One for each 75 square feet of gross floor area.
Restaurants, coffee shops, and similar uses with drive-thrus	One for each 75 square feet of gross floor area, plus a number of stacking spaces serving the drive-thru lane which is equal to a minimum of 20% of the total parking spaces required
Preschools and child day care	One for each 15 students of proposed capacity

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Libraries, museums, community centers.	One for each 400 square feet of gross floor area
Public or private schools, Kindergarten through 12 th grade	Three for each classroom or one for each five seats in the main auditorium, whichever is greater.
Colleges, universities, trade schools, or other post-secondary educational	In accordance with a parking plan approved as part of a Final Development Plan application
Churches and other places of public worship	One for each four seats in main auditorium.
Retail stores selling food, department or general merchandise, pharmacies, and/or similar items	One for each 200 square feet of gross floor area; if a drive-thru lane is present (e.g., to serve a pharmacy use), a number of stacking spaces serving the drive-thru lane which is equal to a minimum of 20% of the total parking spaces required shall be provided, but in no event shall more than 7 stacking spaces be required
Personal services, including banks, savings and loans, repair services without drive-through facilities.	One for each 200 square feet of gross floor area
Banks, savings and loans and similar uses with drive-through facilities.	One for each 200 square feet of gross floor area, plus a number of stacking spaces serving the drive-thru lane which is equal to a minimum of 60% of the total parking spaces required
Barber and beauty shop; salons	Two for each work station and for each room providing a direct service to customers
Gasoline service stations	One for each two gasoline dispensing units, plus one for each employee during the main shift, plus two for each service bay. If a convenience store (exclusive of a retail kiosk) is present, then an additional one space per 200 square feet of the building shall be provided.
Auto repair	One space per service bay plus three spaces per 1,000 square feet for retail and office components
Car or truck wash	Three stacking spaces for each bay or stall for a non-automated facility, and six stacking spaces for an automated facility, plus one space per employee on the main shift

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Automobile sales and services	One for each 400 square feet of gross floor space
Hotels and bed and breakfast inns	One for each sleeping room or suite, plus one for each employee during main shift
Funeral homes	One for each 50 square feet of gross floor area
Professional, business, and administrative offices	One for each 250 square feet of gross floor area
Medical or dental offices	Five for each examination room and laboratory space, plus one for each employee during main work shift
Outpatient surgery centers, ambulatory care facilities, and similar facilities	In accordance with a parking plan approved as part of a Final Development Plan application
Medical urgent care	Three for each examination room, plus one for each other employee during main work shift
Hospitals	In accordance with a parking plan approved as part of a Final Development Plan application
Stand-alone emergency rooms	Three for each examination room, plus one for each other employee during main work shift
Manufacturing, compounding, processing, assembling, packaging or treating of goods	Two for each three employees during work shift having greatest number of employees, plus one for each vehicle maintained on the premises
Warehouse	Fifteen spaces for buildings up to 10,000 square feet in gross floor area, plus one space for every 3,000 square feet of gross floor area above 10,000 gross square feet
Wholesale distribution center	Twenty spaces for buildings up to 10,000 square feet in gross floor area, plus one space for every 2,500 square feet of gross floor area above 10,000 gross square feet
Data centers	One for each employee on the main shift
Outdoor sports fields and tennis, pickleball, or other courts	Twenty for each playfield, plus one for each six seats in stands. Three for every playing court.
Libraries, museums, community centers.	One for each 400 square feet of gross floor area.

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
Civic, social, fraternal organizations	One for each three persons allowed under occupancy of maximum main meeting room.
Nursing homes	One for every four beds, plus one per employee on the main shift
Assisted living facilities and rehabilitation centers	One space for every three residential units, plus one per employee on the main shift
Independent living facilities	One per residential unit, plus one for each employee on the main shift
Animal hospitals/clinics, veterinarian office	Four for each examination room, surgery room, and laboratory space
Fitness centers and health clubs	One space per 300 square feet of gross floor area
Gymnasiums, fieldhouses, and similar facilities	One space per 250 square feet of gross floor area
Theaters (for live performances or films), stadium or sports arenas, auditorium or other assembly halls other than schools.	One for each three seats
All other uses	In accordance with a parking plan approved as part of a CODA application or Final Development Plan application (as applicable)

Section 10.2 Provision of Parking for the Disabled. Parking spaces shall be designated for the physically handicapped and may be used to compute the total number of spaces required. The number and location of the designated spaces shall be in compliance with the requirements of the Ohio Building Code and the federal Americans With Disabilities Act.. All such parking spaces shall be designated by free-standing signs as provided in the Ohio Manual of Uniform Traffic Control Devices.

Section 10.3 Minimum Number of Off-Street Loading Spaces.

Loading spaces shall be provided for the loading and unloading of merchandise and goods, and may be located within a building, along a drive aisle adjacent to a building where a connected sidewalk is present, or within a service area or near a loading dock and shall be located so as not to impede normal vehicular parking according to the following schedule of uses. A building may share loading spaces when it contains multiple uses.

<u>Use Category</u>	<u>Building Gross Square Footage</u>	<u>Minimum Number of Spaces</u>
MI, CI, MPI, WD, NC, AR, CC, MU	0 – 2,500	Zero
	2,500-10,000	One
	10,001-100,000	Two
	100,001-200,000	Three
	Each additional 100,000 or portion thereof	One additional
O	0 – 50,000	Zero
	50,001-100,000	One
O (cont.)	100,001-200,000	Two
	Each additional 100,000	One additional
DC	Per building	One
All other use categories		In accordance with a loading space plan approved as part of a CODA application or Final Development Plan application (as applicable)

Section 10.4 Specifications and Requirements. Parking spaces and loading spaces shall meet the following requirements:

- (A) Area and Dimensions - Parking Spaces.

	<u>Minimum Width (measured in feet parallel to aisle)</u>	<u>Minimum Length (feet)</u>	<u>Maneuvering Lane Width (feet)</u>
Parallel Parking	9	23	12
30°-53° Angle Parking	13	20	15
54°-74° Angle Parking	9	19	22
75°-90° Angle Parking	9	19	22

(B) Area and Dimensions - Loading Spaces. Loading spaces shall conform to the following minimum requirements:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
30 feet	12 feet	15 feet

(C) Access. All off-street parking and loading areas provided in accordance with this Article shall have direct or indirect access to a publicly dedicated and improved street or alley.

(D) Surfacing. All off-street parking and loading areas, except for parking areas serving single-family residential uses, shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

(E) Proximity to use.

(i) On property from which uses that are permitted or conditional in the O, MI, CI, MPI, DC, WD, NC, AR, or CC use categories are developed and operated, required parking and loading spaces shall be provided on the same parcel as the principal use which they serve, or on an adjacent parcel that is under common ownership with the parcel containing the principal use.

(ii) On property from which uses that are permitted or conditional in the MFR, MU, and/or POS use categories are developed and operated districts, required parking and loading spaces shall be provided either on the same parcel as the principal use which they serve, on an adjacent parcel that is under common ownership with the parcel containing the principal use, or on a parcel that is not under common ownership with the parcel containing the principal use that is within 1,000 feet of the principal use which they serve.

(iii) Two (2) or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided those facilities are located so as to meet the requirements of this Article X, and the number of spaces so provided shall not be less than the sum of required spaces. A written agreement between relevant parties, stating the terms under which the proposed parking shall be developed, used, and maintained, shall be filed with a CODA application or Final Development Plan application, as applicable. Such agreement shall be approved

by the City Attorney or his or her designee prior to the approval of the relevant application.

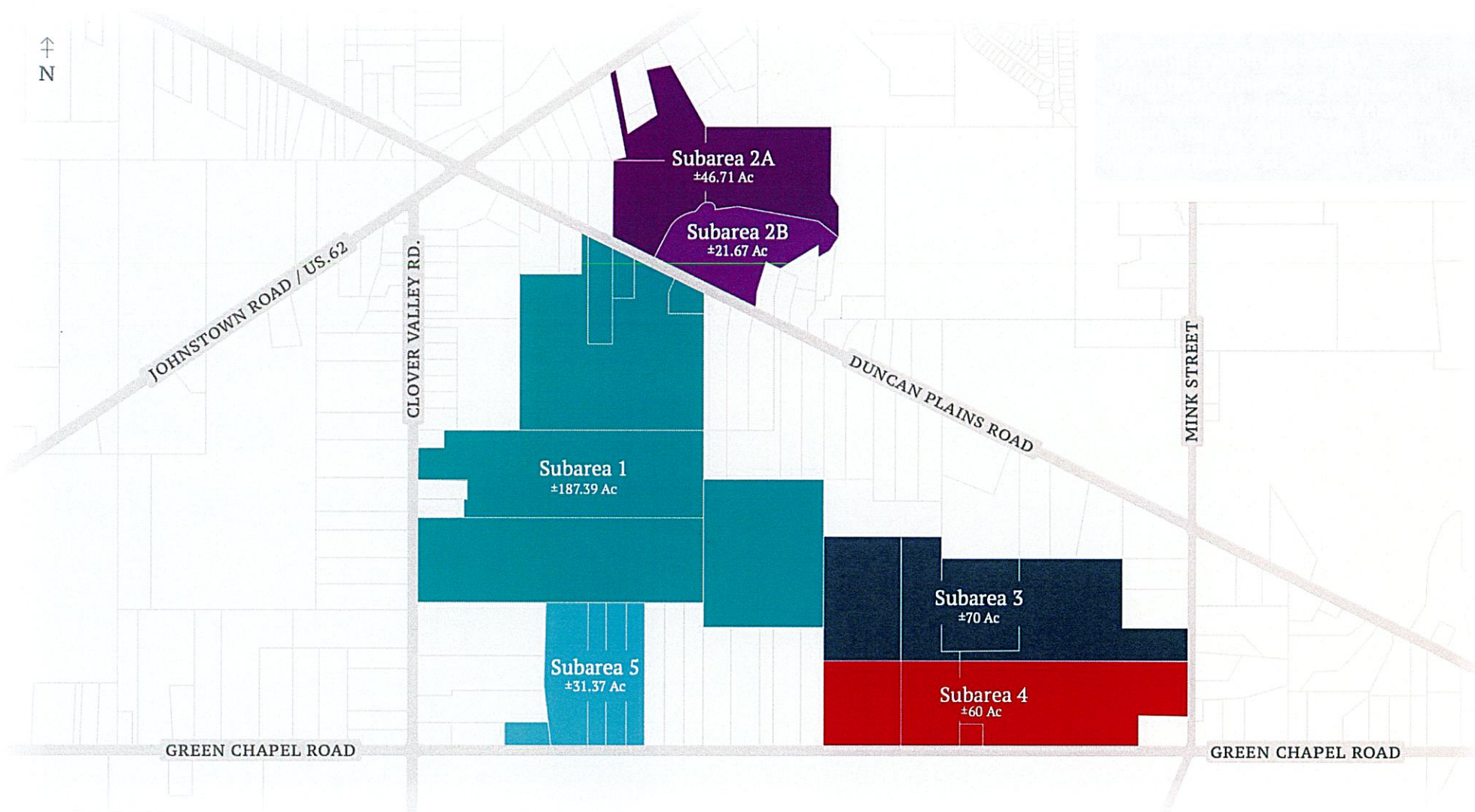
ARTICLE XI: MISCELLANEOUS.

Section 11.1 Parkland Credits. Dedications of land to the City as public parkland are required by Codified Ordinances Chapter 1164. In the event that any property owner or developer within this PD district dedicates parkland to the City in excess of the minimum required parkland dedication requirement, a credit shall be provided which may be applied to future parkland dedication requirements. The application of any such credits to a development proposal shall be made by and through a written request made as part of a Final Development Plan application, which shall be accompanied by a written and signed letter from the applicant or property owner that made the excess land dedication to provide its consent for the use of the credits. Once credits are allocated to a portion of the PD district, they shall remain attributable to that portion of the district unless a Final Development Plan application is approved to move them to another location, subject to the same procedures and requirements that applied to the original allocation of the credits.

Section 11.2 Bicycle Parking. Bicycle parking shall be provided at the rate of 5.0% of the total number of required vehicular parking spaces for a development, provided that in no event shall less than 5 nor more than 30 bicycle parking spaces be required (but shall be permitted) to serve any single building or use. Bicycle parking in excess of the maximum required is permitted. Where existing bicycle parking has been provided that is in excess of the minimum which is required to serve an existing building or use, such excess amounts may be counted and applied toward meeting the bicycle parking space requirement of another building or use with a pedestrian entrance that is located within 1,000 feet of said bicycle parking spaces. The requirement for bicycle parking may be waived when the nature of a use or development is such that either (1) the type or volume of traffic is likely to create safety issues due to conflicts between bicycle and vehicular traffic (for example, a distribution center), or (2) bicycle traffic will cause security concerns (for example, data centers).

Section 11.3 Pedestrian Connectivity. Various specific commitments to the provision of public sidewalks (all of which shall be ADA compliant) and public paved leisure trails have been made throughout this text along with commitments to construct these improvements to the boundary lines of the PD district in order to promote their extensions in the future to connect with other properties within and areas of the City. As individual development proposals are brought forth for review as part of a CODA application or Final Development Plan application, each applicant shall identify and provide for additional pedestrian routes within the development that will, where practical, also promote the goal of improving the connectivity of the site to areas outside of its boundaries. The applicant for this zoning/Preliminary Development Plan application commits to actively participate in a broader planning effort to be undertaken by the

City to identify and pursue opportunities to enhance pedestrian connectivity throughout the municipality.





**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COMPENSATION AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND THE
JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT**

WHEREAS, the City of Johnstown and the Johnstown Monroe Local School District have decided that it is in their respective best interests to designate certain areas common to both their jurisdictional areas for business and commercial development; and

WHEREAS, to this end, City and School District are parties, along with a private third party known as The Johnstown Company LLC, to a separate Economic Development Incentives Agreement, dated on or near the Effective Date (the “Economic Development Incentives Agreement”), pursuant to which City and School District have made certain commitments relating to the circumstances under which real property tax abatements, tax exemptions, and other similar incentives may be granted or provided by City to private property owners and developers in order to facilitate and encourage business and commercial development; and

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

Section 1. That the City Manager is authorized to enter into the Compensation Agreement attached.

Section 2. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City 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 City OF JOHNSTOWN.

Date of Introduction: October 17, 2023

Public Hearing/Vote:

Effective:

By: _____

Donald Barnard, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

COMPENSATION AGREEMENT

This COMPENSATION AGREEMENT (this “Agreement”) is made and entered into so as to be effective on the last date of signature by a party hereto (the “Effective Date”), by and between the **CITY OF JOHNSTOWN, OHIO**, a municipal corporation organized and existing under the constitution and the laws of the State of Ohio and its Charter with its principal office at 599 S. Main Street, Johnstown, Ohio 43031 (the “City”), and the **JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT**, a public school district with its principal office located at 85 W. Douglas Street, Johnstown, Ohio 43031 (the “School District”).

RECITALS:

WHEREAS, City and School District have decided that it is in their respective best interests to designate certain areas common to both their jurisdictional areas for business and commercial development; and

WHEREAS, to this end, City and School District are parties, along with a private third party known as The Johnstown Company LLC, to a separate Economic Development Incentives Agreement, dated on or near the Effective Date (the “Economic Development Incentives Agreement”), pursuant to which City and School District have made certain commitments relating to the circumstances under which real property tax abatements, tax exemptions, and other similar incentives may be granted or provided by City to private property owners and developers in order to facilitate and encourage business and commercial development; and

WHEREAS, City and School District have identified the “JCO Properties” and the “Additional Properties”, as such terms each are defined in the Economic Development Incentives Agreement (together, the JCO Properties, the Additional Properties, and any other real property that becomes subject to the Economic Development Incentives Agreement as allowed pursuant to its terms to be referred to herein as the “Economic Development Focus Area”), as areas of common interest in which they desire to (i) encourage the development of structures and buildings from which business and commercial uses can be operated (each a “Project” and collectively the “Projects”), and (ii) support the funding and financing for construction of public infrastructure improvements, including, but not limited to, public roadways, public utilities and other public improvements, all of which are intended to complement and serve the Economic Development Focus Area in a safe and efficient manner; and

WHEREAS, the City desires, on an ongoing basis and in connection with this Agreement, to offer tax incentives to businesses locating in the Economic Development Focus Area pursuant to Ohio Revised Code Sections 3735.65, *et seq.* (“Community Reinvestment Areas” or “CRAs”), and to support the development of public infrastructure improvements in the Economic Development Focus Area through the application of tax increment financing programs as permitted under relevant provisions of Ohio Revised Code Chapter 5709

(“Tax Increment Financing” or “TIF”); and

WHEREAS, the Johnstown City Council, by Ordinance No. _____, approved on _____, 2023, authorized its Acting City Manager to execute this Agreement; and

WHEREAS, the Board of Education of the Johnstown Monroe Local School District, by Resolution No. _____, approved on _____, 2023 (the “School District Resolution”), authorized its Superintendent to execute this Agreement.

NOW, THEREFORE, in consideration of the promises and covenants contained herein, the parties hereto agree to the foregoing and as follows:

Section 1. School District Approval of CRAs and TIFs in Economic Development Focus Area. In consideration of City’s agreement to make the payments provided for in Section 2 of this Agreement, School District approves and consents to, and agrees that it will not challenge: (a) the creation by City of any CRA or CRA real property tax exemption or (b) the creation of any TIF or any related TIF real property tax exemption as, when, and to the extent authorized and implemented by the City in the Economic Development Focus Area, provided that (a) any such CRA does not apply to Residential Development or to Mixed Use Development (as both terms are defined In the EDIA), except as otherwise expressly permitted in the EDIA, and (b) the City specifies in its legislation authorizing any TIF real property tax exemption that applies to Residential Development or Mixed Use Development that, pursuant to Ohio Revised Code Section 5709.40(D)(l), payments in lieu of taxes provided for in Ohio Revised Code Section 5709.42 with respect to that TIF or any related TIF real property tax exemption shall be paid to the School District in the amount of taxes that would have been payable to the School District absent that TIF or any related TIF real property tax exemption.

Section 2. Payments to School District. City shall pay to the School District annually, during each year when a real property tax exemption or abatement applies to a particular parcel of real property that includes an abatement or exemption of real estate taxes which are otherwise payable to the School District without any other reimbursement therefor, an amount equal to the product of (a) the amount of income taxes collected from the parcel of real property to which the tax exemption or abatement applies, which shall be deposited into an account to be created and maintained by the City (the “Economic Development Focus Area Account”) for the purpose of receiving income taxes from those portions of the Economic Development Focus Area pertaining to time periods during which a CRA (or a permitted TIF district that redirects school real property taxes without other means for reimbursing the School District therefor) applies thereto, and (b) 27.5%; provided, however, that the aggregate amount of payments to the School District for each parcel under this Section 2 for a given year shall not exceed the aggregate amount of real property tax payments that would have been payable to the School District from that parcel absent the real property tax abatement or exemption having been granted for a Project located on that parcel. City shall make payments to the School District quarterly on or before the 45th day following the end of each calendar quarter, except that the final payment for each year shall be made no later than May 31st following the end of that year.

Each quarterly payment shall be accompanied by a written report as to how the amount of the payment was calculated. City may adjust subsequent payments to the School District to correct previous overpayments or underpayments.

City and School District agree that any income taxes that are due and owing to the School District from occupants of dwelling units within all Residential Developments shall continue to be collected by and shall remain the sole property of the School District. The required payments from City to School District for a particular parcel as contemplated in this Section 2 shall no longer be required once a tax abatement or other tax exemption terminates or expires with respect to that parcel.

Section 3. No Other Application of Ohio Revised Code Section 5709.82. School District acknowledges and agrees that this Agreement provides for the only compensation to be received by School District from City in connection with real property tax exemptions, exemptions, and other incentives granted for Projects pursuant to CRAs or TIFs authorized or implemented by the City in the Economic Development Focus Area, and the compensation provided for herein is in lieu of any other compensation that may be provided for in Ohio Revised Code Section 5709.82 as presently or hereafter enacted or any other law hereafter enacted that would otherwise require compensation payments to the School District.

Section 4. Amendment. This Agreement may be amended or modified by the parties only in a writing signed by both parties hereto.

Section 5. Entire Agreement; Waiver of Notice. This Agreement is executed pursuant to Ohio Revised Code Section 5709.82 and, along with the Economic Development Incentives Agreement, sets forth the entire agreement and understandings between the parties as to the subject matter hereof, including without limitation all forms of compensation to be paid by City to School District pursuant to those sections, and merges and supersedes all prior discussions, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this Agreement. The School District, by adoption of its School District Resolution, hereby waives any notice requirements in connection with CRAs and permitted TIFs, including, but not limited to, those set forth in Ohio Revised Code Sections 3735.67, 3735.671, 5709.40, 5709.41, 5709.83 and 5715.27 and waives any defects or irregularities relating to the period for which the exemptions or abatements granted by the TIFs and/or CRAs will apply.

Section 6. City Commitment for Granting CRA Incentives. City agrees not to enter into an agreement under Section 3735.671 of the Revised Code granting a CRA real property tax exemption unless the owners of the real property to which that exemption will apply have committed in writing, through the execution of the Economic Development Incentives Agreement or an addendum or amendment thereto, or through the execution and recording of deed restrictions or covenants, to retain that real property within the School District's boundaries. Those restrictions or covenants shall prohibit any owner of the real property to which a CRA real property tax exemption apply (the "CRA Exempted Property")

from consenting to, proposing, or petitioning for the transfer of any of that CRA Exempted Property from the jurisdiction of the School District to the jurisdiction of any other school district without the prior written consent of the School District. Those restrictions or covenants shall provide that they are binding on the owner and any subsequent owners of the CRA Exempted Property, and shall further provide that they are enforceable by the School District as a third party beneficiary against the owner and any subsequent owner.

Section 7. Notices. All payments, certificates and notices which are required to or may be given pursuant to the provisions of this Agreement shall be sent by the United States ordinary mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

To City:

City of Johnstown
c/o City Manager
599 W. Main Street
Johnstown, Ohio 43031

To School District:

Johnstown Monroe Local School District
c/o Superintendent
85 . Douglas Street
Johnstown, Ohio 43031

Either party may change its address for receiving notices and reports by giving written notice of such change to the other party.

Section 8. Counterparts. This Agreement may be executed in counterparts, each of which when taken together shall constitute one and the same instrument. Signatures or facsimiles of signatures exchanged in .pdf or other electronic forms shall be deemed to be originals for all purposes hereunder.

[Signature page follows]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the date first written above.

CITY OF JOHNSTOWN, OHIO

By: _____
Sean Stanearth, Acting City Manager

Date: _____

APPROVED AS TO FORM:

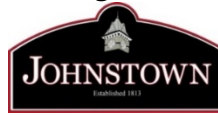
By: _____
Yazan Ashrawi, City Attorney

**JOHNSTOWN MONROE LOCAL
SCHOOL DISTRICT BOARD OF
EDUCATION**

By: _____
Phillip Wagner, Superintendent

APPROVED AS TO FORM:

By: _____
Derek Haggerty, Attorney for
Johnstown Monroe Local School District Board of
Education



ORDINANCE 21-2023

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A
DEVELOPMENT INCENTIVES AGREEMENT BETWEEN THE CITY OF
JOHNSTOWN AND THE JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT**

WHEREAS, the City of Johnstown and the Johnstown Monroe School District have deemed it to be in their respective best interests to designate certain areas for business, commercial, and limited residential development which are either now, or in the future may be, located within the City's boundaries and to provide economic incentives and the means to fund public infrastructure improvements to encourage business development within said areas; and

WHEREAS, the Johnstown Company LLC (JCO) owns or is in contract to purchase 385.5+/- acres of real property within the boundaries of the School District; and

WHEREAS, portions of the JCO Properties are already located within the City while other portions (the "Annexation Parcels") are in the process of being annexed to the City, which has expressed an interest in accepting them into its corporate limits, subject to taking all legally required actions that are a prerequisite to such acceptance; and

WHEREAS, City and School District desire that City will take legislative and other required actions to facilitate the provisions of economic incentives and public infrastructure funding support to encourage the development and operation of business and commercial uses within the JCO Property and beyond; and

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

Section 1. That the City Manager is authorized to enter into the Development Incentives Agreement attached.

Section 2. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City 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 City OF JOHNSTOWN.

Date of Introduction: October 17, 2023

Public Hearing/Vote:

Effective:

By: _____

Donald Barnard, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

DRAFT

DEVELOPMENT INCENTIVES AGREEMENT

This DEVELOPMENT INCENTIVES AGREEMENT (this “Agreement”) is made and entered into so as to be effective on the last date of signature by a party hereto (the “Effective Date”), by and among the **CITY OF JOHNSTOWN, OHIO** (the “City”), a municipal corporation organized and existing under the constitution and the laws of the State of Ohio and its Charter with its principal office at 599 S. Main Street, Johnstown, Ohio 43031, the **JOHNSTOWN MONROE LOCAL SCHOOL DISTRICT** (the “School District”), a public school district with its principal office located at 85 W. Douglas Street, Johnstown, Ohio 43031, **THE JOHNSTOWN COMPANY LLC** (“JCO”), a Delaware limited liability company with its principal office located at 8000 Walton Parkway, Suite 120, New Albany, Ohio 43054.

R E C I T A L S :

WHEREAS, City and School District have deemed it to be in their respective best interests to designate certain areas for business, commercial, and limited residential development which are either now, or in the future may be, located within the City’s boundaries and to provide economic incentives and the means to fund public infrastructure improvements to encourage business development within said areas; and

WHEREAS, JCO owns or is in contract to purchase 385.5+/- acres of real property within the boundaries of the School District which are mostly contained within an area bounded by Clover Valley Road on the west, Duncan Plains Road on the north, Green Chapel Road on the south, and Mink Street on the east, with a limited portion of this real property being located to the north of and adjacent to Duncan Plains Road and to the south of U.S. Route 62, all as generally depicted in **Exhibit A** (attached hereto and incorporated by reference) and including the parcels which are listed in **Exhibit B** (also attached hereto and incorporated herein by reference) (collectively, the “JCO Properties”); and

WHEREAS, portions of the JCO Properties are already located within the City while other portions (the “Annexation Parcels”) are in the process of being annexed to the City, which has expressed an interest in accepting them into its corporate limits, subject to taking all legally required actions that are a prerequisite to such acceptance; and

WHEREAS, City and School District desire that City will take legislative and other required actions to facilitate the provisions of economic incentives and public infrastructure funding support to encourage the development and operation of business and commercial uses within the JCO Property and beyond; and

WHEREAS, JCO is amenable to cooperating with City and School District to encourage business and commercial development within the JCO Properties and provide its consent to real property under its ownership or control being included within any Community Reinvestment Areas, Enterprise Zones, Tax Increment Financing Districts, and other similar legally permissible programs under Ohio law which provide for real property tax exemptions, abatements, redirections, or redistributions of real property taxes that facilitate such development, in accordance with the terms

of this Agreement; and

WHEREAS, the ability of City to maximize the amount of real property tax incentives that are available on a particular property is dependent upon the consent of the School District to the exemption, abatement, redirections, or redistribution of such taxes that would otherwise flow to the School District; and

WHEREAS, School District desires to provide its consent to allow JCO (and its successors and assigns with regard to ownership of all or any portion of the JCO Properties, once purchased by JCO) to pursue, and City to provide, real property tax incentives on the JCO Properties in order to increase the development potential thereof, subject to and conditional upon the execution of a separate compensation agreement between City and School District that requires City to share with the School District a portion of City income tax revenues from new development on the JCO Properties; and

WHEREAS, in exchange for the consent of School District in this regard, JCO agrees that it shall not provide its consent to any transfer of all or any portion of the JCO Properties into a school district outside of the Johnstown Monroe Local School District; and

WHEREAS, the Johnstown City Council, by Resolution No. _____, adopted on _____, 2023, authorized and directed its Acting City Manager to execute this Agreement; and

WHEREAS, the Board of Education of the School District, by Resolution No. _____, adopted _____, 2023, authorized and directed its Superintendent to execute this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City, School District, and JCO, agree as follows:

AGREEMENT:

1. Consent to Tax Exemptions and Abatements: School District has executed, or through its execution of this Agreement covenants to execute, a separate written agreement with the City (the “Compensation Agreement”) under which School District provides its consent to allow, under certain circumstances, the City to grant and/or approve real property tax incentives that may exempt, abate, redirect, or otherwise redistribute the School District’s portion of real property tax revenues that will be derived from future improvements to all or any portion of the JCO Properties or of the Additional Properties. In consideration for this consent, School District has obtained a commitment from City in the Compensation Agreement to share with the School District, from parcels for which a real property tax exemption or abatement is granted or approved which has the effect of exempting or abating real property taxes that would otherwise be paid to the School District without other compensation being provided to the School District, an agreed-upon portion of City income tax revenues that are generated by and collected from future development on the JCO Properties and the Additional Properties. For purposes of this Agreement, the term “Additional Properties” shall mean “collectively, all parcels of real property that are (a) located within the area

bounded on the north/northeast by Duncan Plains Road, on the west/northwest by U.S. Route 62, on the south by Green Chapel Road, and on the east by Mink Street, but outside of the boundaries of the JCO Properties as of the Effective Date, and (b) annexed to City.”

2. Limitations on Tax Exemptions and Abatements: City agrees that it shall not grant or approve any exemptions to or abatements of real property taxes that are collected from Residential Development (such term being defined in the following paragraph) or Mixed Use Development (such term also being defined in the following paragraph) on the JCO Properties or the Additional Properties, except that exemptions to (but not abatements of) real property taxes collected from such Residential Development or Mixed Use Development shall be permitted if, in the legislative or other action which City takes when granting or approving them, City provides that the School District shall be paid the same amount in a particular tax year as it would have received had the exemption or abatement not been approved, and on or before the same dates as it would have normally received payment for such taxes. By way of example only, the application of a so-called “non-school” tax increment financing district (“TIF District”) to a Residential Development or to a Mixed Use Development would be permitted since it would require the School District’s portion of payments in lieu of taxes which are deposited into a TIF District fund to be distributed to the School District.

For purposes of this Agreement, the term “Residential Development” shall be defined to mean “any real property and improvements to which residential real property tax rates apply or any real property and improvements which are taxed at commercial real property tax rates but are comprised of dwelling units for lease for occupancy by residents for an initial period of more than 30 days.” The term “Residential Development” shall not include hotels. City and School District agree that any income taxes that are due and owing to the School District from occupants of Residential Development shall remain the sole property of the School District. Residential Development occurring on the JCO Properties and the Additional Properties shall be subject to all applicable zoning requirements for those properties. Also for purposes of this Agreement, the term “Mixed Use Development” shall be defined to mean “any real property and improvements included in a development that is constructed in a manner that accommodates Residential Development in combination with one or more uses which do not meet the definition of a Residential Development.” Notwithstanding the foregoing, nothing herein shall be read to prohibit a real estate tax exemption or abatement to be granted or approved for a stand-alone building containing only office space as the primary use which exempts or abates School District real property taxes, provided that the School District is compensated for such abated or exempted properties in accordance with the Compensation Agreement.

3. No Consents to Transfers:

A. Statement of Applicable Law: Ohio Revised Code Section 3311.24, as it exists on the Effective Date, provides for the permitted legal processes for transferring real property from the boundaries of one school district into the boundaries of an adjoining school district. Ohio Revised Code Section 3311.24(A)(1) requires, in part, that “the board of education of a city, exempted City, or local school district to file with the state board of education a proposal to transfer territory from such district to an adjoining city, exempted City, or local school district in any of the following circumstances:

(a) The district board deems the transfer advisable and, if the portion of the district proposed to be transferred is five acres or more, the board has obtained written consent to the transfer from seventy-five per cent of the owners of parcels of real property on the tax duplicate within that portion of the district; or

(b) A petition, signed by seventy-five per cent of the qualified electors residing within that portion of a city, exempted City, or local school district proposed to be transferred voting at the last general election, requests such a transfer; or

(c) If no qualified electors reside in that portion of the district proposed to be transferred, a petition, signed by seventy-five per cent of the owners of parcels of real property on the tax duplicate within that portion of the district, requests such a transfer.”

B. Obligations Not to Transfer:

(a) JCO: In consideration for School District’s consent to allow the City to grant real property tax exemptions and/or abatements of the School District’s portion of real property tax revenues that are derived from all or any portion of the JCO Properties or from any portion of the Additional Properties that JCO may own in the future, JCO hereby agrees that it shall not, without the prior written approval of the School District (to be provided or withheld in School District’s sole discretion), provide written consent to any board of education of a school district adjoining the School District to transfer all or any portion of the JCO Properties from the School District to an adjoining school district pursuant to Section 3311.24(A)(1)(a) of the Ohio Revised Code. Similarly, without the prior written approval of School District (to be provided or withheld in School District’s sole discretion), JCO shall not sign, file, or otherwise consent to a petition as contemplated by Sections 3311.24(A)(1)(b) and (c) of the Ohio Revised Code to transfer all or any portion of the JCO Properties (or any portion of the Additional Properties that it may own in the future) from the School District to an adjoining school district. The commitments made in this Paragraph 2.B.i shall be legally binding upon the successors and assigns in interest to all or any portions of the JCO Properties (and, if applicable, to any portions of the Additional Properties which JCO may own in the future) and JCO shall take commercially reasonable actions to ensure that these commitments to be legally binding upon its successors and assigns upon the transfer of its ownership interests in all or any portion of the JCO Properties

(b) Other Owners: Prior to granting real property tax exemptions and/or abatements of the School District’s portion of real property tax revenues that are derived from improvements to all or any portion of the Additional Properties which are not owned by JCO, the City shall be required to obtain a written agreement from relevant owners of such real property providing that such property owners shall not, without the prior written approval of School District (to be provided or withheld in School District’s sole discretion), provide written consent to any board of education of a school district adjoining the School District to transfer all or any portion of the Additional Property from the School District to the adjoining school district pursuant to Section 3311.24(A)(1)(a) of the Ohio Revised Code. Similarly, said agreement shall provide that without the prior written approval of

School District (to be provided or withheld in School District's sole discretion) the relevant owners of the Additional Properties shall not sign, file, or otherwise consent to a petition as contemplated by Sections 3311.24(A)(1)(b) and (c) of the Ohio Revised Code to transfer all or any portion of the Property from the School District Local School District to an adjoining school district. Written agreement(s) between the City and the owners of the Additional Properties as contemplated in this Paragraph 2.B.ii shall include language that requires the relevant owner(s) of the Additional Properties to take all necessary actions to ensure that these commitments are legally binding upon their successors and assigns in interest. City shall provide written evidence of such consent to both School District and JCO prior to taking final action to grant exemptions and/or abatements for affected portions of the Additional Properties, and such written evidence shall be attached to this Agreement as an addendum for future reference.

4. Expansion of Agreement Application: City and School District may approve addendums to this Agreement to subject additional real property to the terms and requirements of this Agreement which are located outside of the JCO Properties and/or the Additional Properties. To the extent that additional real property outside of the JCO Properties is to be made subject to this Agreement but is owned or controlled by JCO, then such an addendum shall not be effective until it is reviewed and executed by JCO, with its decision to execute the same to be exercised as determined in its sole discretion. Any addendums to this Agreement shall require approval through appropriate actions by the Johnstown City Council and the Johnstown Monroe Local School District Board of Education, respectively. Once an addendum is approved and legally effective so as to subject real property outside of the boundaries of the JCO Properties and the Additional Properties to the terms of this Agreement, then the real property that is the subject of the addendum shall be deemed to be included within the definition of the term "Additional Properties" under this Agreement.

5. Contingency: The respective obligations of and benefits to JCO, City, and School District under the terms of this Agreement shall not vest until such time as School District and City have executed the Compensation Agreement.

6. Representations and Warranties:

A. By City: City represents and warrants to School District and JCO that (i) it is a duly formed and recognized charter municipality under the laws of the State of Ohio; (ii) it and the individuals executing this document have authority to enter into this Agreement; (iii) the execution of this Agreement will be a valid, binding, and enforceable act of the City; (iv) this Agreement serves a valid public purpose; and (v) all necessary steps and procedures have been observed with respect to the approval of this Agreement.

B. By School District: School District represents and warrants to City and JCO that (i) it is a duly formed school district under the laws of the State of Ohio; (ii) it and the individuals executing this document have authority to enter into this Agreement; (iii) the execution of this Agreement will be a valid, binding, and enforceable act of the board of education; (iv) this Agreement serves a valid public purpose; (v) all necessary

steps and procedures have been observed with respect to the approval of this Agreement; and (vi) the authorizing resolution of the board of education with respect to this Agreement has been or will be entered upon the minutes of the board of education.

C. By JCO: JCO represents and warrants to School District and JCO that (i) it is duly formed under the laws of the State of Delaware and is authorized to do business as a foreign business entity in the State of Ohio, and (b) the person signing on behalf of the company has the authority to enter into this Agreement.

7. Term: This Agreement shall be of an indefinite duration, but shall terminate upon the written consent of all parties hereto. This Agreement may also be terminated by any party hereto by written notice to the other parties of the same in the event that the Compensation Agreement is not executed and effective on or before December 15, 2023. In the event of the termination of this Agreement while a real property tax exemption and/or abatement exists and remains effective, then the terms of this Agreement shall remain effective as to those existing and effective exemptions and/or abatements until such time as the exemptions and/or abatements terminate or expire.

8. Amendment: This Agreement may be amended, modified, or changed only by a written document properly executed by all of the parties hereto.

9. Applicable Law: This Agreement shall be governed by, construed, and interpreted in accordance with the laws of the State of Ohio and the United States.

10. Headings: The headings used in this Agreement and/or any exhibit hereto are for reference and convenience purposes only and shall not in any way limit or affect the meaning or interpretation of any of the terms thereof.

11. No Waiver: No delay or failure on the part of any party hereto in exercising any right, power, or privilege under this Agreement or any other instruments given in connection with or pursuant to this Agreement shall impair any such right, power, or privilege or be construed as a waiver of any default or acquiescence therein. No single or partial exercise of any such right, power, or privilege shall preclude the further exercise of such right, power, or privilege, or the exercise of any other right, power, or privilege.

12. Severability: If any provision or provisions of this Agreement shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby, unless the deletion of such provision or provisions would result in such a material change so as to cause completion of the transactions contemplated herein to be unreasonable.

13. Counterparts: This Agreement may be executed in counterparts, each of which when taken together shall constitute one and the same instrument. Signatures or facsimiles of signatures exchanged in .pdf or other electronic forms shall be deemed to be originals for all

purposes hereunder.

14. Notices: Any notices required or permitted to be sent hereunder shall be served by registered or certified mail, return receipt requested, by personal service to the addresses stated below:

To JCO:

The Johnstown Company LLC
Attn: William G. Ebbing, President
8000 Walton Parkway, Suite 260
New Albany, OH 43054

To City:

City of Johnstown
c/o City Manager
599 W. Main Street
Johnstown, Ohio 43031

To School District:

Johnstown Monroe Local School District
c/o Superintendent
85 . Douglas Street
Johnstown, Ohio 43031

Any party may change its address for receiving notices and reports by giving written notice of such change to the other parties.

15. Entire Agreement: This Agreement and the Compensation Agreement together constitute the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings, and agreements between the parties.

[signature blocks appear on next page]

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed on its behalf by its duly authorized representative as of the dates written below.

CITY OF JOHNSTOWN, OHIO

By: _____
Sean Stanearth, Acting City Manager

Date: _____

APPROVED AS TO FORM:

By: _____
Yazan Ashwari, City Attorney

**JOHNSTOWN MONROE LOCAL SCHOOL
DISTRICT BOARD OF EDUCATION**

By: _____
Phillip Wagner, Superintendent

Date: _____

APPROVED AS TO FORM:

By: _____
Derek Haggerty, Attorney for
Johnstown Monroe Local School District Board of
Education

Date: _____

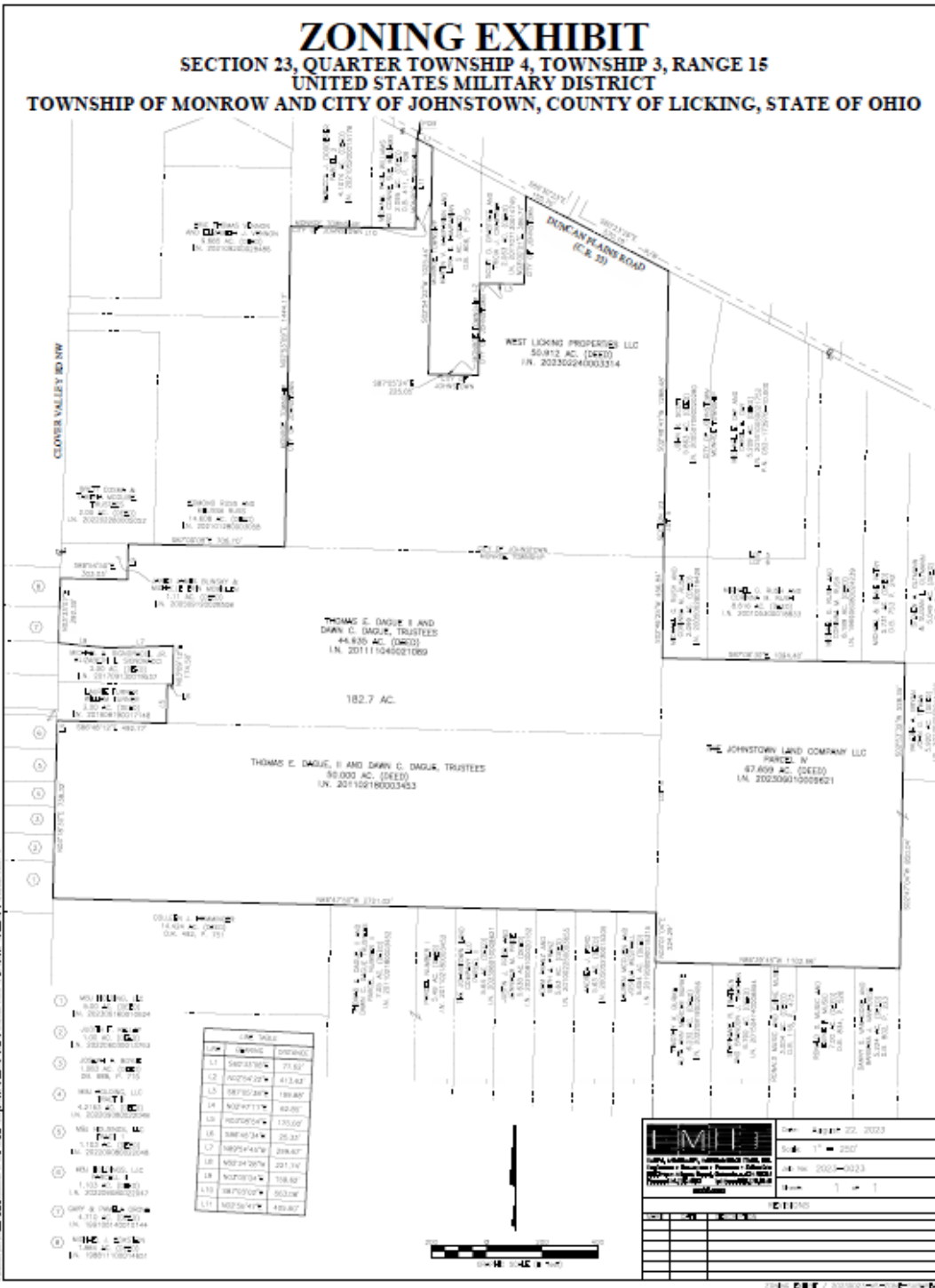
THE JOHNSTOWN COMPANY LLC

By: _____
William G. Ebbing, President

Date: _____

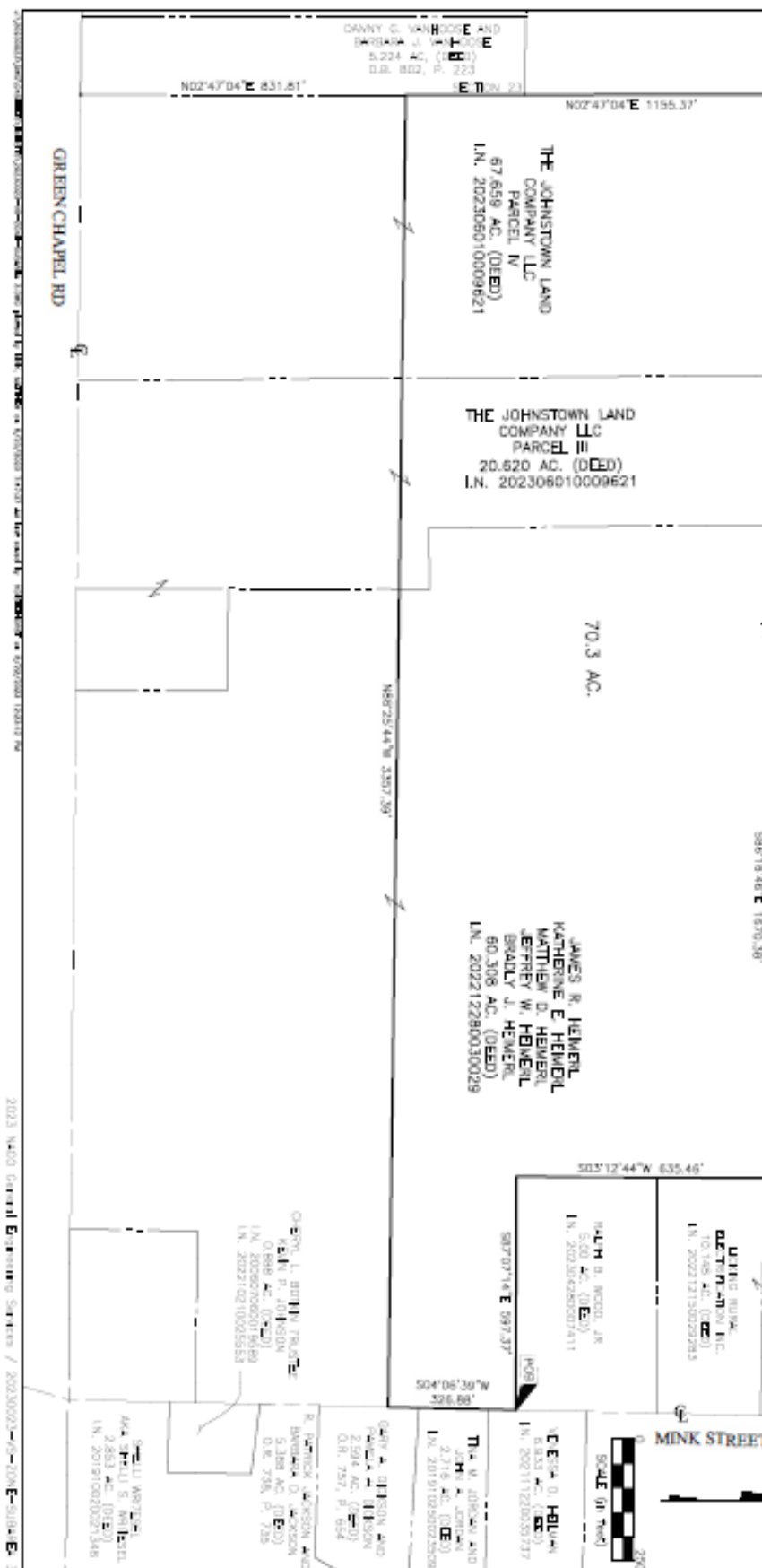
EXHIBIT A

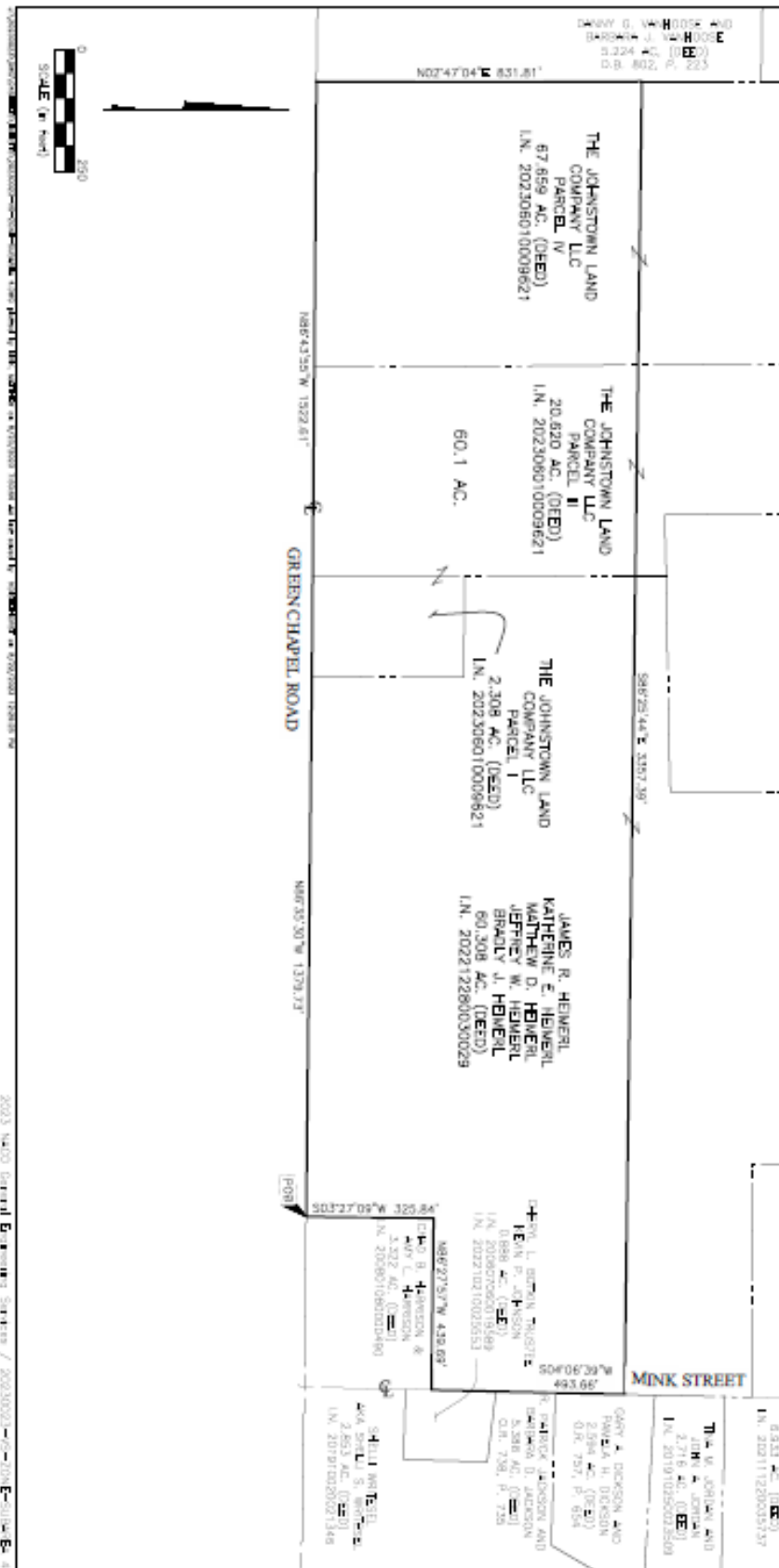
Depiction of JCO Properties



LOT 5, SECTIONS 18 & 23, QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO









ZONING EXHIBIT

SECTION 23, QUARTER TOWNSHIP 4, TOWNSHIP
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, ST.

Date: August 24, 2023 Scale: 1" = 150' Job No: 2023-0023

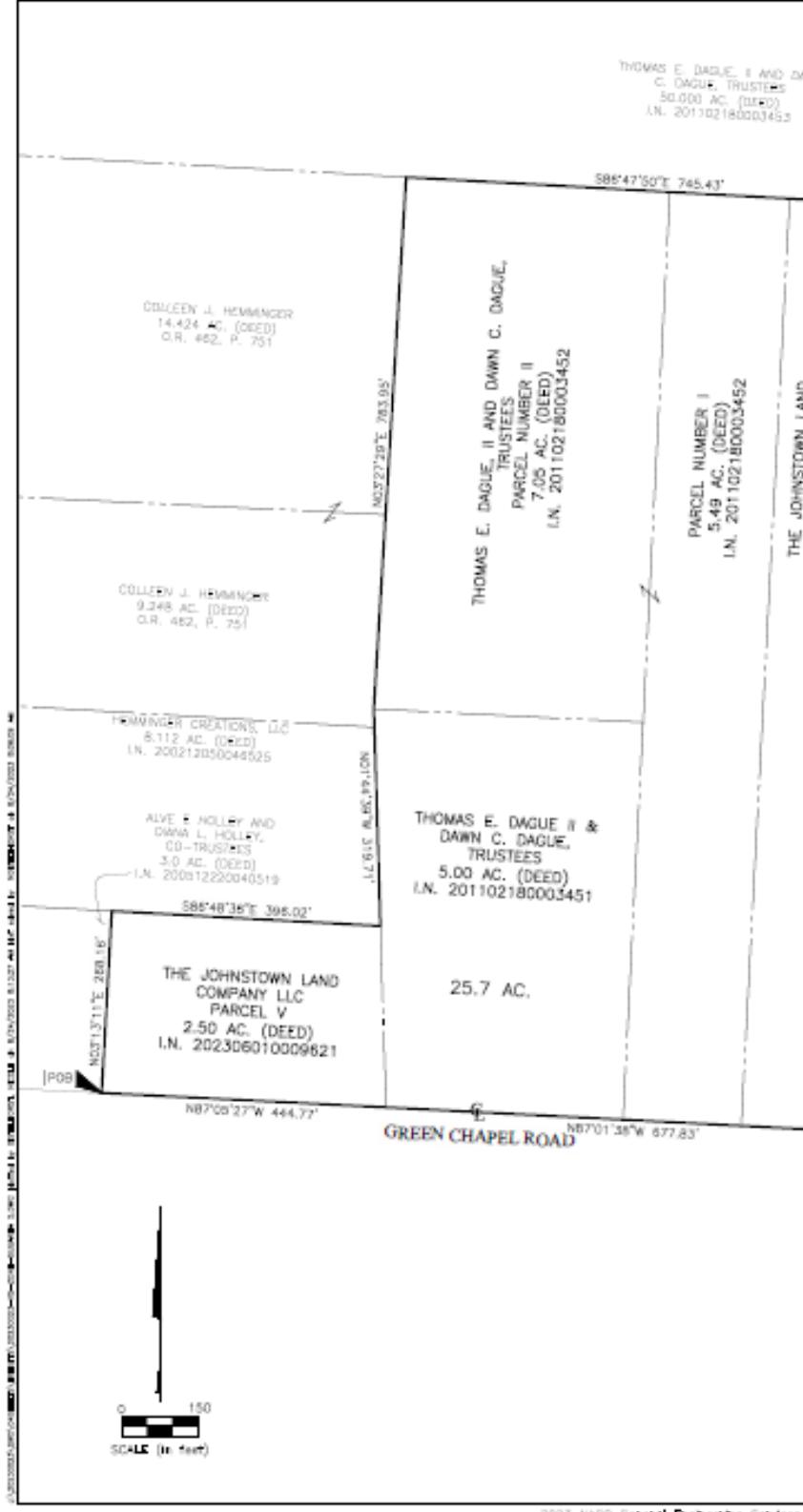


EXHIBIT B

**List of Parcels Contained Within JCO Properties
(as existing on the Effective Date)**

Licking County Auditor Parcel Numbers:

052-176178-00.000	
053-174144-00.000	053-172578-00.007
053-174144-00.002	053-174138-00.000
053-174138-00.002	052-172752-00.000
052-172752-00.001	052-173646-00.000
052-173646-00.001	052-173646-00.002
052-172752-00.003	052-173646-00.003
052-173646-00.004	052-172800-00.000
052-173970-03.000	052-173958-01.000
052-173958-00.000	



ORDINANCE 22-2023

**AN ORDINANCE AMENDING ORDINANCE 22-2022,
THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE
NECESSARY CHANGES OF APPROPRIATIONS AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the City of Johnstown adopted its annual appropriations for 2023 on December 13, 2022; and

WHEREAS, the Council of the City of Johnstown does, hereby, desire to amend its appropriations to adjust revenue estimates and to cover expected expenses in various funds through the end of the year; and

WHEREAS, the net effect on the finances of the City of Johnstown will be an increased appropriation in the amount of \$114,320.00; and

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

Section One. That the revenues certified to the County Auditor for Fiscal Year 2023 be adjusted, and the transfers and appropriations that were set forth in Ordinance 22-2022, adopted by the Council of the City of Johnstown, State of Ohio, on December 13, 2022, be hereby amended as follows:

Revenues:

General Fund (1000) increase in funds of \$205,000.00
Street Maintenance (2011) decrease in funds of \$20,417.00
State Highway (2021) increase in funds of \$3,578.00
Permissive Motor Vehicle (2101) increase in funds of \$52,070.00
ARPA (2152) increase in funds of \$6,800.00
Mayor's Court Computer (2901) decrease in funds of \$5,280.00
Police Grant Fund (2906) increase in funds of \$877.50
Right of Way Fund (2907) increase in funds of \$51,500.00
Mobility Hub Grant Fund (2909) increase in funds of \$27,000.00
Capital Improvements General Fund (4901) increase in funds of \$92,573.15
Capital Improvements Traffic Circle (4903) increase in funds of \$77,244.00
Sewer Operating Fund (5201) decrease in funds of \$162,150.00
Water Improvement (5701) decrease in funds of \$145,000.00
Sewer Improvement (5701) increase in funds of \$161,000.00
Water Debt Service (5721) increase in funds of \$168,250.00
Sewer Debt Service (5722) decrease in funds of \$87,990.00

Total Increase in Revenues: \$425,055.65

Transfers-Out (1000-910-910) from General Fund as approved by Ordinance 22-2022:

State Highway (2021) \$15,000.00
Employee Fund (2908) \$9,500.00
Debt Fund (3901) \$393,576.67
Capital Improvements (4901) \$63,908.25
Capital Improvements (4903) \$63,500.00

Increase Appropriations:

General Fund

Transfers-Out (1000-910-910)	\$9,373.53
Mobility Hub Grant	
Other Contractual Services (2909-490-399)	\$27,000.00
Water Operating Fund	
Accounting and Legal Fees (5101-539-341)	\$10,150.00
Accounting & Legal Fees (5101-539-341-0012)	\$1,430.00
	\$11,580.00
Sewer Operating Fund	
Medical/Hospitalization (5201-549-221)	\$26,000.00
Accounting & Legal Fees (5201-549-341-0012)	\$4,440.00
Auditing Services (5201-549-342)	\$1,300.00
Other Professional & Technical (5201-549-349)	\$5,000.00
Other Contractual Services (5201-549-399)	\$25,000.00
Operating Supplies & Materials (5201-549-420)	\$1,500.00
Repairs/Maintenance Equipment (5201-549-432)	\$12,000.00
	\$75,740.00

Total Increase in Appropriations: \$123,693.53

Section Two. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare; for the reason that there is an immediate need to pay outstanding invoices, therefore, this ordinance shall take effect immediately upon its passage.

Section Three. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that meetings of any of its committees that 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 CITY OF JOHNSTOWN.

Date of Introduction: November 8, 2023

Public Hearing/Vote: November 8, 2023

Effective Date:

BY: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



RESOLUTION 2023-32

A RESOLUTION OF APPROVAL TO AMEND APPROPRIATIONS AND REALIGN THE PERMANENT APPROPRIATION ORDINANCE 22-2022, BY MODIFYING APPROPRIATIONS FROM ONE ACCOUNT TO ANOTHER WITHIN THE FUND

Section 1. The following appropriations from one account to another within the funds are approved as follows:

From: Account Number	Amount	To: Account Number	Amount
Fund: 1000-General Fund			
1000-110-222	\$ 300.00	100-130-311	\$ 300.00
1000-110-223	\$ 1,300.00	100-130-311	\$ 1,300.00
1000-110-225	\$ 700.00	100-130-311	\$ 700.00
1000-110-240	\$ 250.00	100-130-311	\$ 250.00
	\$ 2,550.00		\$ 2,550.00
1000-410-190	\$ 50,000.00	1000-910-910	\$ 50,000.00
1000-710-221	\$ 11,000.00	1000-910-910	\$ 11,000.00
1000-720-225	\$ 100.00	1000-910-910	\$ 100.00
1000-740-344	\$ 1,600.00	1000-910-910	\$ 1,600.00
	\$ 62,700.00		\$ 62,700.00
1000-410-221	\$ 15,000.00	1000-755-341	\$ 15,000.00
1000-410-221	\$ 3,000.00	1000-725-221	\$ 3,000.00
1000-410-213	\$ 206.00	1000-725-221	\$ 206.00
1000-410-325	\$ 340.00	1000-725-221	\$ 340.00
1000-715-348	\$ 500.00	1000-725-221	\$ 500.00
1000-720-225	\$ 400.00	1000-725-221	\$ 400.00
1000-710-225	\$ 400.00	1000-725-221	\$ 400.00
1000-740-345	\$ 500.00	1000-725-221	\$ 500.00
	\$ 20,346.00		\$ 20,346.00

1000-410-211	\$ 3,000.00	1000-720-341	\$ 3,000.00
1000-410-222	\$ 100.00	1000-720-341	\$ 100.00
1000-410-223	\$ 1,400.00	1000-720-341	\$ 1,400.00
1000-410-225	\$ 500.00	1000-720-341	\$ 500.00
1000-410-252	\$ 2,000.00	1000-720-341	\$ 2,000.00
1000-410-349	\$ 1,000.00	1000-720-341	\$ 2,000.00
1000-710-410	\$ 1,000.00	1000-720-341	\$ 1,000.00
1000-710-433	<u>\$ 1,000.00</u>	1000-720-341	<u>\$ 1,000.00</u>
	\$ 10,000.00		\$ 10,000.00
1000-710-222	\$ 100.00	1000-725-121	\$ 100.00
1000-710-223	\$ 1,100.00	1000-725-221	\$ 1,100.00
1000-710-348	\$ 1,000.00	1000-725-221	\$ 1,000.00
1000-710-443	\$ 1,600.00	1000-725-221	\$ 1,600.00
1000-720-149	<u>\$ 2,000.00</u>	1000-725-221	<u>\$ 2,000.00</u>
	\$ 5,800.00		\$ 5,800.00
1000-710-420	\$ 4,476.00	1000-725-341-0012	\$ 4,476.00
1000-410-213	<u>\$ 194.00</u>	1000-725-341-0012	<u>\$ 194.00</u>
	\$ 4,670.00		\$ 4,670.00
2011-620-399-0014	\$ 450.00	2011-620-433	\$ 450.00
2011-670-396	\$ 1,600.00	2011-620-433	\$ 1,600.00
2011-670-396	<u>\$ 3,400.00</u>	2011-650-432	<u>\$ 3,400.00</u>
	\$ 5,450.00		\$ 5,450.00
5101-539-433	\$ 18,650.00	5101-539-221	\$ 18,650.00
5101-539-433	\$ 11,350.00	5101-539-341	\$ 11,350.00
5101-539-410	<u>\$ 2,500.00</u>	5101-539-341	<u>\$ 2,500.00</u>
	\$ 32,500.00		\$

32,500.00

Section 2. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Resolution were approved in an open meeting of this City Council and that meetings of any of its committees that resulted in such formal action were 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 CITY OF JOHNSTOWN

Date of Introduction/Public Hearing/Vote: November 8, 2023

By: _____

Donald Barnard, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director