



Planning & Zoning Commission Meeting
Tuesday, October 27, 2020 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment
5. Approval of Minutes
 - a. September 22, 2020
 - b. October 15, 2020
6. Zoning Ordinance Update
 - a. Zoning Code Draft - Part One Review
7. Accessory Dwelling Units
 - a. Accessory Dwelling Zoning document
8. Zoning Inspector
 - a. September 2020 Zoning Inspector Report
9. Other Business
10. Adjourn



Planning & Zoning Commission
Tuesday, September 22, 2020 - 6:30 PM
MINUTES

1. Call to Order

Committee Chair Ryan Green called to order the Planning and Zoning Commission meeting for September 22, 2020 at 6:30 p.m.

2. Roll Call

Present - Chairman Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman

Absent - None

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

Public present - None

3. Pledge of Allegiance

4. Action on Minutes

a. September 8, 2020

ACTION: Ryan Green moved to Approve; Jon Merriman seconded and the vote was as follows:

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

NOES: None

ABSTAIN: Ron Danne due to absence

Passed 4 - 0 with one abstention

5. Public Comment

No comments

6. Commercial Truck Parking - Draft Ordinance

Topic continued from previous meeting. Zoning Inspector Jim Blair provided a staff report and reviewed the need for this legislation, also provided photo examples of large commercial vehicles parked on private property and at residences in Johnstown.

Continued discussion by the Board; Mr. Lee said he does not understand the justification in creating new legislation to prohibit when there are similar restrictions in place such as the noise ordinance or property maintenance. Chairman Green said he thinks the village is able to treat the symptoms of the complaints with other parts of village ordinances. Mr. Danne said that Columbus, Pataskala and Mt. Vernon have very similar ordinances and he agrees with Mr. Blair that large commercial vehicles are inappropriate for residential neighborhoods; Mr. Green said there are some properties where it could be appropriate and he could be in favor of some type of conditional use or permit. Bailey Klimchak noted Worthington and Grove City's ordinances on parking for commercial vehicles.

Marvin Block said this is becoming more of a problem in Johnstown as people find out there is no enforcement; it is not fair to other residents to have the noise or the unsightly appearance of having an eighteen wheeler parked beside their house.

Mr. Green said he thinks everyone agrees that these vehicles do not belong on residential streets but are having a tough time thinking of the small business owner. Mr. Green said this should come back rewritten and should at least have some type of set back, screening or structure to obscure view. John Merriman said village residential roads are not designed for the large commercial trucks, also agrees they are unsightly in a residential area and commercial vehicle owners should secure an appropriate place to park their vehicle. Jesse Coppel said he could get on board allowing them in certain zoning districts or bigger parcels; Mr. Lee said he still does not support an all out ban, thinks there could be an appropriate area to allow on private property similar to the way recreational vehicles are enforced. Discussion on giving a variance if requested when owner has an appropriate place for the vehicle. Board looked at the current recreational vehicle ordinance 1175.11 also reviewed the disabled vehicle ordinance 1175.07 to see if wording could be integrated.

- a. Ord X-2020
Ordinance draft was amended as follows:

The parking of a commercial vehicle with a gross weight greater than four tons within a residential district shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building; except those commercial vehicles conveying the necessary tools and materials to premises where labor using the tools and materials is to be performed during the actual time of parking.

Chairman Green opened the floor to public comments; there were none.

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

Passed 5 - 0; Ordinance draft will be forwarded to Council

7. Zoning Ordinance Update

Village Planner Bailey Klimchak said this zoning code has been a work in progress since 2016 and the draft is now ready for commissioner review. Ms. Klimchak said this document will take the place of the current code; her idea is to split into five discussions; the document is long and each part will be reviewed until board is comfortable then move to the next part.

a. Part One - Review

<https://www.dropbox.com/s/205x64fuuw27xsn/Combined%20Draft%20SEPTEMBER%202020.pdf?dl=0>

Discussion tonight on draft of Part One of the Zoning Ordinance Update; focus was on definitions. Specific discussions on definitions for Adult Day Care, Group Residential Facilities, Alley, Drive Through, Easement, Shared Use Trail; as it is being discussed currently and whether or not allowed, Accessory Dwelling Unit will be defined. Document edited as discussed.

8. Other Business

1. Mr. Block asked about the temporary allowance for gravel lots, should be a mechanism that is in writing. -add back to zoning update discussion
1. Mr. Block asked about a place for a food truck at the trail head; will come in and talk to zoning.
2. Chairman Green asked about the Zoning Review Board; no update on formation at this time
3. Reminder that next PZ meeting is in three weeks not two.
4. Next meeting Zoning Ordinance review updates made on Section one.
5. Jesse Coppel asked about temporary garages and drafting legislation, Mr. Blair said he did not feel it was a real priority right now.
6. Mr. Green; take another look at ordinances for RV's and trailers.
7. Mr. Block; should go look at nice new homes being built in Concord East

9. Adjourn

ACTION: Ryan Green moved to Adjourn; Jon Merriman seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 5 - 0

Meeting adjourned at 8:37 pm



Planning & Zoning Commission
Thursday, October 15, 2020 - 5:15 PM
MINUTES

1. Call to Order

Committee Chair Ryan Green called to order the Planning and Zoning Commission meeting for October 15, 2020 at 5:17 pm.

2. Roll Call

Present - Chairman Ryan Green, Vice-Chair Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman

Absent - None

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

Public present - Dave Douglas, Don Barnard, Tony Borghese, Linda Borghese, Sue Barb, Joseph Lamparyk, Liz Fravel, Jessica McClory

3. Pledge of Allegiance

4. Creekside Preserve - Pulte Homes Re-Plat

a. Application 2020-321-Z

Pulte Homes requests approval for re-plat and easement changes to twenty four lots in their Creekside Preserve development; Village recommends approval. Joseph Lamparyk with Pulte Homes and Jessica McClory with Stantec (engineer for Pulte) were present for the application. Bulk of discussion surrounded the requirement for Pulte installation of a traffic light at Bigelow and US62, discussion on the roadway through the shopping center being dedicated as a public village road and continuing to use the existing traffic light instead of adding another one. Mr. Lamparyk said Pulte is aware they are obligated to install a light but is open to alternatives; Commissioners asked Pulte to contact Altera and discuss.

Public Hearing

1. Tony Borghese - 319 Fondriest Road

- Agreed with the alternative proposed on the light saying US62 does not need more traffic lights, it is already too congested.

There were no further comments.

ACTION: Ryan Green moved to Approve application as written; Benjamin Lee seconded and the vote was as follows:
AYES: Jesse Coppel, Ron Danne, Ryan Green, Jon Merriman, Benjamin Lee
NOES: None
ABSTAIN: None

Passed 5 - 0

5. Concord Crossing East - Schlabach Builders Re-Plat

a. Application 2020-292-Z

Four parcels on Fondriest Road will be re-plated adding adjacent corners to neighboring properties making one corner lot parcel; the property would belong to the resident who would maintain it; Village recommends approval. Staff said that sidewalk will be installed and trees will be planted by Schlabach.

Public Hearing

1. Dave Douglas - 321 Fondriest

- Said when he built his house the site map showed those corner parcels as green space.
- Asked why re-plat when some parcels have already been transferred to the property owner.
- Concerned about setback and what could be allowed to go there.
- The village could require them to stay open space.
- Opposed to the re-plat and combining the parcels into one.

2. Tony Borghese - 319 Fondriest Road

- Said the road signs are incorrect on Fondriest; should be changed to read "Road" not "Street". Staff said that the builder is responsible for the signs.

3. Linda Borghese - 319 Fondriest

- Asked why the parcels need to be re-plated if homeowner owns the property. Staff

answered that the benefit of combining is the lots would sell as one.

4. Don Barnard - 313 Fondriest. HOA President

- Asked if properties could be marked where things could be built.

5. Elizabeth Fravel - 323 Fondriest

- Concern for larger size lot if combined and what could be built.
- Inquired on trees and sidewalks.

Discussion on reasoning for village recommendation to combine lots into one parcel; if lots were left separate maintenance would become a problem, also if the homeowner would sell and they buyer did not want to buy both lots that would be a problem. Discussion on what would be allowed by either village or HOA on the parcels if combined; staff noted that the property owner would still need to conform to village code.

Commissioners listed conditions to be placed on the re-plat approval:

1. Replace incorrect street signs on Fondriest changing them from Street to Road
2. Stake all four lots for visual demonstration of setback
3. Trees to be planted by the builder on the corner lots, in compliance with Village Ordinance 1183.04. Looking at plat of Fondriest Road, Commissioners stated location as follows: Res H - 3 trees; Res J - 2 trees; Res G - 1 tree; Res F - 1 tree.

ACTION: Jesse Coppel moved to approve with conditions listed; Ron Danne seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 5 - 0

6. Other Business

There was no further business discussed.

7. Adjourn

ACTION: Benjamin Lee moved to Adjourn; Jesse Coppel seconded and all were in favor.

AYES: Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman
NOES: None
ABSTAIN: None

Passed 5 - 0

Meeting adjourned at 6:55 pm

VILLAGE OF JOHNSTOWN PLANNING AND ZONING CODE

SEPTEMBER 2020

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PART I - GENERAL PROVISIONS

ARTICLE I – PURPOSE AND ORGANIZATION

Section 1.01 – Title

This Ordinance shall be known and may be cited as:

PLANNING AND ZONING CODE OF THE VILLAGE OF JOHNSTOWN, OHIO.

This Ordinance is enacted under the authority of the Constitution of the State of Ohio and the Johnstown Village Charter. Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Village Charter and the Ohio Revised Code.

Section 1.02 - Purpose

This Ordinance is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity and general welfare of the residents of Johnstown by regulating and limiting the subdivision and use of land areas, and the erection and/or alteration of buildings. In addition, it is the intent of these regulations to:

- A. Protect the property rights of all individuals by assuring the compatibility of uses and practices within districts,
- B. Facilitate the adequate, economic, and efficient provision of public utilities and public services,
- C. Provide for safe and convenient traffic circulation, and lessen congestion on public streets, roads, and highways;
- D. Protect the character of existing areas and provide for the orderly development of lands hereafter within the Village;
- E. Provide for sufficient land for future provision of open spaces for schools, recreation, and other public purposes,
- F. Obtain accurate surveying of land,
- G. Provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation and any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

Section 1.03 - Interpretation

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall abrogate, annul or interfere with any easements, covenants, or other agreements between parties, unless they violate this Ordinance. When the provisions of this Ordinance conflict with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

Section 1.04 - Applicability

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses, and lands owned or controlled by any individual, entity, organization, political subdivision, district, taxing unit, or bond-issuing authority located within the corporate limits of the Village of Johnstown, and any additional lands over which the Village may have future zoning or subdivision jurisdiction.

Section 1.05 - Relationship to Private Covenants and/or Restrictions

The standards and requirements of this Ordinance are separate and independent from any private covenants, deed restrictions, or other private contractual arrangements relating to the development of land within the Village of Johnstown. The Village is in no way responsible for the enforcement of such private covenants, Homeowners Association regulations, or restrictions; and nothing in this Ordinance shall be interpreted to imply any such responsibility.

Section 1.06 - Separability

The invalidation of any clause, sentence, paragraph, or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

ARTICLE II - DEFINITIONS

Section 2.01 - Interpretation

For the purpose of this Code, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. The word “shall” is mandatory; the word “may” is permissive. Terms such as “he”, “she”, “him” and “her” shall be interpreted as “he/she” and “him/her” and otherwise considered gender neutral.

Section 2.02 - Definitions

“Accessory building” or “accessory structure” means a building or structure occupied by an accessory use.

“Accessory use” means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

“Administrative and business offices” mean offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

“Adult ~~Day care center~~Service (ADS)” means a regularly-scheduled service delivered at an ADS center, which is a non-institutional, community-based setting. ADS includes recreational and educational programming to support an individual's health and independence goals; at least one meal, but no more than two meals per day; and, sometimes, health status monitoring, skilled therapy services, and transportation to and from the ADS center. ~~means a non-residential facility that supports the health, nutritional and daily living needs of adults in a professionally staffed group setting. Such responsibility shall consist of administering to the needs of those persons during any part of a twenty-four hour day~~

“Agriculture” means the same as stated in the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

“Alley” means a public right-of-way ten (10) to twenty (20) feet wide, which provides only secondary means of access to abutting property and not intended for the purpose of through vehicular traffic; includes any street or highway that has been declared an "alley" by Council.

“Assisted living facility” means a state licensed facility providing comprehensive housing and limited care for senior citizens who need or desire some assistance with daily activities but do not require care in a nursing home. Assisted living facilities typically provide some combination of private residential quarters, meals, personal assistance, housekeeping, and monitoring of medications and nurse visitation.

“Average Daily Traffic” or “ADT” means the average number of motor vehicles per day that pass over a given point in a street or thoroughfare during a particular twenty-four (24) hour period.

“Basement” means a story whose floor level is ~~two (2)~~four (4) feet or more below grade level, but having less than half its clear height above grade level.

“Bike lane” means a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or other barriers.

"Block" means the properties abutting one side of a street, and lying between two (2) consecutive intersecting streets.

"Bond" means cash deposit, surety bond, collateral, or other instrument of credit satisfactory to the Village of Johnstown for performance of the obligations of this Ordinance.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

A. "Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

B. "Building line" or "building setback" means the yard setback line established by this Ordinance, generally parallel with and measured perpendicularly from the property line, defining the limits of a yard in which no building or structure may be located, except as otherwise allowed by this Ordinance.

"Business Day" means a day of the week excluding Saturday, Sunday, or a legal holiday as provided in Section 1.14 of the Ohio Revised Code.

"Business services" means an activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

"Cemetery" means land used or intended to be used for the burial of human dead. A "pet cemetery" means a parcel of land that is principally used for the burial of more than five (5) domesticated animals considered as pets.

"Certificate of Appropriateness" means a certificate authorizing any environmental change within an established Design Review (DR) or Historic Design Review (HDR) District, pursuant to Article XXVIII of this Ordinance.

"Certificate of Zoning Compliance" means a certificate issued by the Zoning Inspector, pursuant to Section 4.08 of this Ordinance, confirming that the zoning requirements of this Ordinance have been met.

"Clinic, Human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Commission" means the Planning and Zoning Commission of the Village of Johnstown, Ohio.

"Group Residential Facility" means a community facility, licensed and/or authorized by the State of Ohio, which provides habilitative or rehabilitative services in a residential setting. A group residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community. Because it is extremely unlikely that a group of more than 12 people can successfully emulate a family and prevent an institutional atmosphere from developing, no more than 12 individuals may live in a group residence. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Inter-relationships between residents are an essential component. There are two (2) classes of group residential facilities:

A. "Class I group residential facility" means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. These living arrangements may be temporary or relatively permanent. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

B. "Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. These living arrangements shall be temporary. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

"Concept plan" or "sketch plan" means a drawing prepared by the Owner/ Developer prior to the preliminary plan, which shows the general outline and layout of the proposed subdivision.

"Conditional use" means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards and/or conditions, and the granting of a conditional use permit as specified in Article VIII of this Ordinance.

"Development Plan" means a site plan for a property and the physical development that is proposed on such site, as specified in Section 12.02.07 of this Ordinance.

"Drive-through facility" means traffic lanes, drive-up windows and/or other physical accrements located on a business site which enable that business to provide goods or services to customers without such customers leaving his/her motor vehicle.

"Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

A. "Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence and containing separate cooking facilities, for three or more families living independently.

B. "Single family dwelling" or "single family residence" means a building designed for, or occupied exclusively by, one family.

C. "Two-family dwelling" or "two-family residence" means a building containing separate ~~cooking facilities~~ utility connections and designed for, or occupied exclusively by, two families living independently.

"Easement" means a right or privilege of use of land, as distinct from fee simple ownership, for purposes including, but not limited to, constructing and maintaining utility services.

"Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

"Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the Village, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of inland or tidal waters and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source

"Flood plain" or "lands subject to flooding" means those lands adjacent to a watercourse subject to flooding as have been identified by the Federal Emergency Management Agency (FEMA) in various Flood Hazard Boundary Maps, as cited in Article XXVII of this Ordinance.

"Floodway" means the portion of land subject to flooding that comprises the channel of a watercourse, and the adjacent lands, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway fringe" means that portion of land subject to flooding that is outside the floodway.

"Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

"Frontage" or "lot frontage" means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the front property line.

"Garage, private" means a building, or portion of a building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

"Home occupation" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use, which meets the standards and requirements specified in Section 32.02 of this Ordinance.

"Hospital" means a building or structure containing beds allowing for overnight or continuous care, diagnosis, and treatment of human ailments.

"Hotel", "Motel" or "Bed and Breakfast" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

"Improvements" mean any addition to the natural state of land which is designed or intended to increase its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

A. "Site improvements" mean the improvements made to the land outside the exterior limits of a structure or structures.

B. "Public improvements" mean all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.

~~"Industrialized unit" means a building unit or assembly of closed construction that is fabricated in an off-site facility that is substantially self-sufficient as a unit or as a part of a greater structure that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined herein.~~

"Institution" means an organization providing social, cultural, educational, or health services to member agencies, organizations, and individuals, or to the general public.

"Loading space" is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of ~~vehicles~~ trucks.

“Lot” means a separate tract of real property described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

- A. “Corner lot” means any lot at the junction of and abutting on two (2) or more intersecting streets.
- B. “Lot coverage” means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- C. “Rear lot line” means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot), the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for purposes of computing the front yard depth.
- D. “Side lot line” means a lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.
- E. “Lot of record” means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Licking County, Ohio, as of the effective date of this Ordinance.
- F. “Minimum lot area” means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.
- G. “Lot width” is the width of a lot at the building setback line measured at right angles to its depth.

“Manufactured home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the *Manufactured Housing Construction and Safety Standards Act of 1974*, and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

“Manufactured home community” or “manufactured home park” means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home.

“Manufacturing” means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

“Mobile home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length, or, when erected on the site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit, as defined herein. Because mobile homes, as defined herein, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district within the Village of Johnstown.

“Modular home” means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

“Monument” means a permanent concrete or iron marker used to establish the lines of the plat of a subdivision, including all lot corners, boundaries, corners and points of change in street alignment.

“Nonconforming use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

“Nursery” or “child day care center” means a facility which temporarily assumes responsibility for more than five (5) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four-hour day for a period of two (2) consecutive days.

“Nursing home” means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care. The phrases “physical impairment,” “mental impairment,” “skilled nursing services,” and “personal care services” shall be defined by relevant provisions of the Ohio Revised Code (ORC).

“Owner/Developer” means any person proceeding under these regulations to create a subdivision of land hereunder.

“Park” means any area that is predominately open space, used principally for active or passive recreation; including playgrounds, and not used for a profit-making purpose.

“Parking area” or “parking lot” means any area other than street, drive, or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

“Parking space (off-street)” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXXIV of this Ordinance.

“Permanent foundation” means a permanent masonry, concrete, or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

“Permanently sited manufactured home” means a manufactured home that meets all of the following criteria:

- A. The structure is affixed to a permanent foundation and is permanently connected to appropriate facilities: water or sewer or electric.
- B. The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, and a length of at least twenty-two (22) feet at one point, and a living area of at least 900 square feet, excluding garages, porches, or attachments;
- C. The structure has a minimum 7:12 roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home community or manufactured home park as defined herein.

“Person” means any individual, corporation, company, business partnership, association, or legal entity.

“Personal services” means any enterprise, conducted for gain, which primarily offers services to the general public.

“Plan” means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

A. "Construction plan" means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.

B. "Grading plan" means a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.

C. "Preliminary plan" means a proposal for the subdivision of land as described in Article IV of this Ordinance, submitted to the Village pursuant to these regulations.

"Planned Unit Development", or PUD, shall mean an area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply, pursuant to Article XXIX of this Ordinance. PUD also can be used to accommodate *conservation development*, i.e., the grouping or clustering of residential units - at somewhat higher densities - on a portion of the site, using the remainder as permanent open space, comprising the most significant identified environmental resources.

"Plat" or "Final Plat" means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines, and such other information as is required by these regulations.

"Playground" means a recreation area with play apparatus.

"Professional office" means the business office of a person or persons engaged in providing to the general public services of a professional nature such as but not limited to legal, medical, accounting, and architectural services.

"Recreational facilities" means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

~~"Recreational trail" means an improved path developed within a proposed subdivision, intended for pedestrian or bicycle use.~~

"Residence" - see "Dwelling".

"Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

"Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

"Right of way" means a strip of land or property wherein is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for transportation purposes. Right of way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the state or Village.

"Shared-use Path" means a facility for non-motorized users that are independently aligned and not necessarily associated with parallel roadways. Shared use paths are designed to accommodate a variety of users, including walkers, bicyclists, joggers, people with disabilities, skaters and pets. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses.

"Sidewalk" means a paved path, intended for pedestrian use, lying between the curb lines or edge of pavement of a roadway and the adjacent property lines.

"Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity,

business, place, object or product. Other definitions specifically related to signs are found in Article XXXV of this Ordinance.

“Similar use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 12.02.05 of this Ordinance.

“Street” or “Highway” means the entire width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property. Streets shall be classified as follows:

A. “Arterial Street” any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by Johnstown as part of a major arterial system of streets or highways. Arterial streets carry the largest volume of traffic usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.

B. “Collector Street (Major)” means a thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 2,000 - 10,000 vehicles per day ADT.

C. “Collector Street (Minor)” means a thoroughfare which primarily carries vehicular traffic from local streets to major collector and arterial streets, and is designed to accommodate 500-2,000 vehicles per day ADT.

D. “Cul-de-sac” means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.

E. “Local Street” means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.

F. “Industrial Street” means a street on which more than twenty-five percent (25%) of the traffic is comprised of trucks, or where more than fifty percent (50%) of the abutting property is either occupied by industrial uses.

G. “Private Street” or “Driveway” means a strip of privately-owned land providing access to abutting properties.

H. “Public Street” means a strip of land providing public access to abutting property, as dedicated to the Village, county or township, upon a plat which has been duly approved, filed and recorded in the Licking County Recorder's Office.

I. “Service road” or “access road” means a minor street parallel to a thoroughfare to afford abutting property owners access to the thoroughfare at limited points.

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. For the purposes of this Ordinance, “structure” shall include fences, and mobile or manufactured structures.

“Structural alteration” means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

“Subdivision” means either of the following:

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax list and duplicate of real and public utility property, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

- (1) A division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access,
 - (2) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, or
- B. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants or leaseholds or as easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.

"Thoroughfare Plan" means a plan, which may be part of a comprehensive plan, now or hereafter adopted by the Planning and Zoning Commission, which sets forth the location, alignment and/or classification of existing and proposed streets.

"Variance" means a modification of the strict terms and requirements of this Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of these regulations would result in practical difficulties, in accordance with Article VII of these regulations.

"Village" means the Village, City, or Municipality of Johnstown, Ohio.

"*Village of Johnstown Design Criteria*" or "Design Criteria" means the most recent edition of the engineering drawings and standards as adopted by the Village of Johnstown, along with such written amendments and modifications to same as may be periodically made.

"*Village of Johnstown Comprehensive Plan*" means the plan for physical development of the Village, as adopted by Village Council in Resolution #2020-22, effective September 1, 2020, as may be subsequently amended.

"Zoning" or "Zoning Code" means the Village regulations limiting the height, area, and use of buildings, structures and/or areas.

"Zoning Inspector" means the employee of the Village who is charged with enforcing the provisions of this Zoning Ordinance.

PART TWO – ADMINISTRATION AND ENFORCEMENT

ARTICLE III - ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 - Zoning Inspector

3.01.01 - Office of Zoning Inspector Established

The Zoning Inspector, who shall be appointed by the Village Manager, shall enforce the provisions of this Planning and Zoning Code. In performance of his/her duties, the Zoning Inspector shall function as an employee of the Village.

3.01.02 - Duties of Zoning Inspector

For the purposes of this Planning and Zoning Code, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Ordinance and take such steps as may be necessary to remedy conditions found in violation. Such steps include ordering, in writing, the discontinuance of illegal uses or work in progress, and directing cases of noncompliance to appropriate Village official(s) for action.
- B. Coordinate the submittal and processing of material so as to fulfill the requirements of Articles IV-VIII of this Ordinance
- C. Issue zoning certificates when the provisions of this Ordinance have been met, or refuse to issue same in the event of noncompliance.
- D. Report to the Planning and Zoning Commission on a regular basis on development activity that has occurred in the Village.
- E. Collect all designated fees as established for zoning certificates and applications for other matters pertaining to this Ordinance.
- F. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of this Ordinance and action taken on same.
- G. Inspect any buildings or lands to determine whether any violations of this Ordinance have been committed or exist.
- H. Advise the Planning and Zoning Commission of other matters pertaining to the enforcement of and amendments to this Ordinance

In performance of the powers and duties above, the Zoning Inspector is hereby granted the authority to enter, at reasonable times, any property within the Village to investigate condition(s) that might constitute a violation of the provisions of this Ordinance.

Section 3.02 - Planning and Zoning Commission

The Planning and Zoning Commission as constituted at the time of enactment of this Ordinance shall remain in power. Pursuant to Section 7.03 of the Johnstown Village Charter, such Commission shall consist of five (5) electors of the Village to be appointed for overlapping terms of four (4) years, except that those members at the time of enactment of this Ordinance shall complete the term to which they were previously appointed.

3.02.02 - Quorum

Three (3) members of the Commission shall constitute a quorum. Any action by the Commission must be by a concurring vote of three of the Commission membership.

3.02.03 - Organization and Procedures

The meetings of the Commission shall be public. However, the Commission may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Commission shall organize annually and elect a Chairperson. The Commission shall adopt, from time to time, such rules and procedures as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.

The Commission shall have the authority to subpoena witnesses, administer oaths and may require the production of documents under such rules as it may establish.

The Commission may call upon the various departments of the Village, or outside consultants hired for the specific purpose, for assistance in the performance of its duties. It shall be the duty of such departments to render assistance to the Commission as may reasonably be required.

3.02.04 - Removal of Members

Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Village Council. Prior to such removal, a hearing shall have been held before Village Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

3.02.05 - Powers and Duties

For the purposes of this Ordinance, the Commission is hereby designated as the platting authority of the Village of Johnstown and shall have the powers and authority granted under the Johnstown Village Charter and Chapters 711, 713 and 735 of the Ohio Revised Code, including the following specific responsibilities:

- A. Take actions to approve, approve with modification or disapprove subdivisions, as authorized by this Ordinance.
- B. Review all proposed amendments to this Ordinance in accordance with Article VI, and make recommendations to the Village Council.
- C. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this Ordinance will result in practical difficulties, in accordance with the provisions of Article VII of this Ordinance.
- D. Hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
- E. Declare a zoning permit null and void pursuant to Section 4.08 of this Ordinance.
- F. Grant zoning permits for conditional uses as specified in the district regulations and establish such additional safeguards as will uphold the intent of this Ordinance.
- G. Authorize the substitution or extension of nonconforming uses, as specified in Article X of this Ordinance.
- H. Prepare and present a zoning plan for newly annexed territory, pursuant to Article XII of this Ordinance.
- I. Such other powers and duties as specified in the other Articles of this Ordinance.

In exercising its duties, the Commission may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Commission shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, pursuant to Section 7.01 of this Ordinance.

Section 3.03 - Powers of Zoning Inspector, Planning and Zoning Commission and Village Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Inspector. It is further the intent of this Ordinance that the powers of Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Village Council shall not have the authority to overrule the decisions of the Planning and Zoning Commission on such matters of appeal or variance. The procedure for deciding such questions shall be as stated in Article VII of this Ordinance.

ARTICLE IV – ZONING CERTIFICATE PROCEEDURES

Section 4.01 - Zoning Certificates

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established, used or changed in use, pursuant to Section 4.02 below, without a zoning certificate therefor, issued by the Zoning Inspector. The zoning certificate shall certify that the proposed action is in conformance with this Ordinance.

Section 4.02 - Zoning Certificate Required

A zoning certificate shall be required for, and obtained prior to the undertaking or beginning, of any of the following:

- A. The occupancy and/or use of vacant land
- B. The alteration, construction, conversion, creation, in whole or in part, of any building or structure, or the location or placement of any structure on land
- C. A change, in whole or in part, in the use of any existing building, structure, or land
- D. A change, in whole or in part, of a lawful nonconforming use
- E. The demolition of any building or structure within the Village

Section 4.03 - Application for Zoning Certificate

Applications for a zoning certificate shall be obtained from the offices of the Zoning Inspector. The application shall contain the following information:

- A. Name, address, telephone number and e-mail address of the applicant.
- B. Legal description of property as recorded in Licking County Recorder's office.
- C. Existing and proposed uses
- D. Zoning district in which property is located.
- E. Number of proposed dwelling units
- F. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- G. Height of proposed buildings or alterations.
- H. Number and dimensions of existing and proposed off-street parking or loading spaces, applicable.
- I. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.
- J. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an approval by the Licking County Health Department of the proposed method of water supply and disposal of sanitary wastes. When public water supply and sewers are available, the applicant must utilize those facilities.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

Section 4.04 - Approval of Zoning Certificates

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, unless the provisions of other specific sections of this Ordinance apply. All zoning certificates shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent, on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. One (1) copy of application, similarly marked, shall be retained by the Zoning Inspector. If the application is approved and upon issuance of a Certificate of Zoning Compliance attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance, the Zoning Inspector shall, upon request, notify County Auditor that such certificate has been issued.

Section 4.05 - Record of Zoning Certificate

A record of all zoning certificates shall be kept on file in the office of the Zoning Inspector and copies shall be furnished upon request to any persons.

Section 4.06 - Expiration of Zoning Certificates

If the work described in any zoning certificate has not begun within twelve (12) months from the date of issuance thereof, or has not been completed within twenty-four (24) months from the date of issuance thereof, said permit shall expire. Further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or an extension has been granted by the Planning and Zoning Commission.

Section 4.07 - Certificate of Zoning Compliance

4.07.01 - Certificate of Zoning Compliance Required

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

4.07.02 - Application for Certificate of Zoning Compliance

Certificates of Zoning Compliance shall be applied for by the applicant giving written notice to the Zoning Inspector that the exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

4.07.03 - Record of Certificate of Zoning Compliance

The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual certificate shall be

Section 4.08 - Void Zoning Certificates

A zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued by the Zoning Inspector contrary to the provisions of this Ordinance.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Planning and Zoning Commission, written notice of its revocation shall be given by certified mail to applicant, sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease, unless and until a new zoning certificate has been issued.

ARTICLE V – SUBDIVISION PROCEDURES

Section 5.01 - Pre-Application Meeting

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the Zoning Inspector and/or the Planning and Zoning Commission to familiarize himself/herself with the provisions of this Code and other applicable regulations. The submittal of a concept or sketch plan for the proposed development, incorporating existing aerial photographs and topographic information, and plans for adjacent areas is required.

Section 5.02 - Submittal of Minor Subdivisions ("Lot Splits")

If the Zoning Inspector, or his/her designated agent, determines that the proposed subdivision of land meets the following criteria, then it shall be classified as a *minor subdivision*:

- A. Adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway or the installation of any required utilities, and
- B. Creates no more than five (5) lots including the remainder, not including dedication of rights-of-way, and
- C. Complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the Village.

All other subdivisions not meeting the standards above shall be considered as *major subdivisions* and subject to the full requirements of Sections 5.03 through 5.17 of this Article, as cited below.

If the subdivision is considered as a minor subdivision, only such drawings and information as is determined necessary by the Zoning Inspector to determine compliance with pertinent subdivision, zoning and other regulations need to be submitted for approval. At a minimum, the submitted material shall include a survey of the property by a Registered Surveyor, along with a completed application form as provided for such purpose by the Zoning Inspector.

After determination that such action meets the criteria for a minor subdivision and within ten (10) business days after it has been submitted, the Zoning Inspector may approve or disapprove said minor subdivision by indicating upon the preliminary plan or instrument of conveyance "*Approved (Disapproved) Johnstown Planning and Zoning Commission / No Plat Required*", or he/she may refer such submittal to the full Planning and Zoning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan or instrument of conveyance, with such notation thereon, shall be retained for the files of the Planning and Zoning Commission. The decision of the Zoning Inspector may be appealed in writing to the full Planning and Zoning Commission within thirty (30) days from the date of the approval or disapproval.

If no action on the proposed minor subdivision is taken within thirty (30) days from submittal, then the minor subdivision shall be considered as approved by the Planning and Zoning Commission.

Section 5.03 - Application for Preliminary Plan

Upon determining to proceed with a preliminary plan, the Owner/ Developer shall submit ten (10) complete sets of drawings and other material for an application as specified in Section 5.04 below, to the Zoning Inspector, along with applicable fees as established by Village Council in separate Ordinance.

Within ten (10) working days from receipt, the Zoning Inspector shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Section 5.04 below, the Zoning Inspector shall certify such application and proceed with review. If the application is

found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked.

Section 5.04 - Contents of Application for Preliminary Plan

The application for preliminary plan shall, at a minimum, include the following information:

- A. Proposed name of the subdivision and its location;
- B. Names, addresses and telephone numbers of owners and/or developers;
- C. Name, address and registration number of the Professional Engineer or Professional Surveyor preparing the plan.
- D. Date, north arrow and plan scale;
- E. Boundary lines of the proposed development and the total tract owned or controlled by Owner /Developer, along with the acreage of both;
- F. Existing physical features, including any existing structures, with contour lines at not more than two (2) foot intervals if slope of the site is fifteen percent (15%) or less, and five (5) feet if slope of the site is more than fifteen percent (15%). Contours shall be based on USGS topographic information, recent aerial photography and/or ground surveys;
- G. Portions of the site identified by the Federal Emergency Management Agency (FEMA) as within the Official Flood Hazard Area for the 100-Year Flood, as specified on Official Flood Hazard studies, or Flood Hazard Boundary Map(s) for Johnstown, as may be amended.
- H. Portions of the site subject to federal wetlands requirements.
- I. Existing sewers, water mains, transmission lines, culverts and other underground structures within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- J. Proposed lot or parcel dimensions, street rights-of-way widths, water, sanitary sewer and storm sewer layout, along with grades and elevation of proposed streets, storm sewers and sanitary sewers;
- K. Other utility system layouts and requirements;
- L. Proposed methods for addressing storm runoff;
- M. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications;
- N. For commercial and/or industrial development, the location, dimensions and grades of proposed parking and loading areas, alleys, streets and points of vehicular ingress and egress to the site.

All drawings shall be submitted as hard copies, as well as in AutoCAD format and as TIFF images or other format as approved by the Village Engineer.

Section 5.05 - Submittal of Preliminary Plan to Planning and Zoning Commission

Upon certification of the preliminary plan application pursuant to Section 5.03 above, the Zoning Inspector shall review said application and submit same to the Village Engineer, other Village departments and/or other entities as deemed appropriate for input. In addition, the Zoning Inspector may seek the input of special consultants for the express purpose of providing input on particular issues. After review, the Zoning Inspector shall submit the preliminary plan to the Planning and Zoning Commission, along with a compilation of comments, recommendations and input received from other sources and his/her recommendations for action. The date of submittal of the preliminary plan shall be deemed the date of the first Planning and Zoning Commission meeting following completion of review by the Zoning Inspector.

Section 5.06 - Action on Preliminary Plan by Planning and Zoning Commission

The Planning and Zoning Commission shall review and take action on the preliminary plan not later than sixty (60) days from submittal of the preliminary plan to the Commission by the Zoning Inspector pursuant to Section 5.05 above, or within such further time as is agreed upon by the Owner/Developer. In reviewing the preliminary plan, the Planning and Zoning Commission shall consider the input received by the Zoning Inspector.

A preliminary plan shall not be approved unless the Planning and Zoning Commission finds that:

- A. The preliminary plan complies with the provisions of these regulations and other codes of the Village, and
- B. The subdivision can be adequately served with public or private utilities, facilities and services suitable under the specific circumstances, as approved by the Village Engineer, and
- C. Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously high water table, poor soil conditions or other menace; however, preliminary approval shall not be construed to imply or infer any warranty or assurance by the Village that such hazards do not exist, or any liability thereof.

The Planning and Zoning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action, including citation or reference for rules violated by the plan, shall be stated in the written record of the Commission. Any approval of a preliminary plan shall be effective for a period of two (2) years.

In the event that modifications are required, a copy of the revised preliminary plan incorporating such modifications shall be completed by the Owner/Developer and submitted to the Commission within three (3) months for the permanent file.

Approval of the preliminary plan shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within such two (2) year period, the whole, including all parts of the preliminary plan shall be submitted for final approval, pursuant to Section 5.07 below, unless an extension of such time is granted by the Planning and Zoning Commission

Section 5.07 - Application for Submittal of Final Plat

Upon approval of the preliminary plan, an application for a final plat for land being subdivided shall be submitted by the Owner/Developer to the Zoning Inspector. It shall incorporate all modifications required by the Planning and Zoning Commission during approval of the preliminary plan, and otherwise conform to the preliminary plan as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations.

Section 5.08 - Plans and Specifications for Site Improvements

Prior to action on a final plat by the Planning and Zoning Commission, the applicant shall prepare Construction and Grading Plans, specifications and cost estimates of the required site improvements. Construction and Grading Plans shall include a determination of the first floor elevations of all proposed structures. Cost estimates shall be prepared and certified by a Professional Engineer. A minimum of ten (10) copies of such material shall be submitted to the Zoning Inspector, who shall provide copies of the plans and estimates to the Village Engineer and local utilities, as applicable. All drawings shall be submitted as hard copies, as well as in AutoCAD format and TIFF images, or other suitable format, and shall comply with the requirements of the Village Engineer.

The estimates shall be grouped according to the following:

- A. Street improvements, including curb, gutter, pavement, sidewalks, street lighting, storm drainage and signage;
- B. Water mains, including lines, valves and hydrants;
- C. Sanitary sewers, including lines, manholes, lift stations and service taps if located within the public street right-of-way;
- D. Storm drainage improvements, including pipes, drainage structures, and grading and earthwork for detention/retention areas and open channels.
- E. Site improvements, including seeding, sodding, and erosion control.
- F. Other site improvements as required by the Zoning Inspector.

Section 5.09 - Review by Village Engineer

The Village Engineer shall review the plans submitted pursuant to Section 5.08 above, and, subject to his review, they shall be approved or returned with comments. The Village Engineer may submit the plans for review by special consultants selected by the Village for that purpose, if it is determined by the Village Engineer that such review is warranted. The costs associated with such reviews shall be paid for by the Owner/Developer and deposited with the Village Finance Director prior to review of plans.

Section 5.10 - Construction of Improvements and Performance Guarantees

The Owner/Developer may install, construct, have inspected and approved by the Village Engineer all required site improvements prior to submitting the application for approval of a final plat or he/she may furnish satisfactory performance guarantees, pursuant to Article XXXVII for the construction of such improvements. The amount of performance guarantees shall be 110% of the cost of improvements.

No construction work on such development, including street grading, shall be started until the Owner/Developer has obtained approval of the Construction and Grading Plans from the Village Engineer, approval of necessary bonds and/or letters of credit, and execution of any development agreement.

Section 5.11 - Application for Approval of Final Plat

Upon determining to proceed with a final plat, the Owner/ Developer shall submit ten (10) complete sets of drawings and materials as specified in Section 5.12 below to the Zoning Inspector. The applicant shall submit all fees as applicable for a final plat, as established by Village Council. The application shall be submitted within two (2) years after approval of the preliminary plan; otherwise, approval of the preliminary plan shall become null and void unless an extension is granted by the Planning and Zoning Commission. Within ten (10) working days, the Zoning Inspector shall review the application, and determine if such application is complete and if all applicable requirements of this Ordinance have been met. If he/she determines that all applicable requirements have been met, the Zoning Inspector shall transmit the application to the Planning and Zoning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat.

Section 5.12 - Contents of Application for Final Plat

A final plat shall be drawn to a scale of one (1) inch to one-hundred feet, capable of printing on sheet or sheets 24"X 36" in size, or other size and scale as determined appropriate by the Village Engineer. All drawings shall be submitted as hard copies, as well as in AutoCAD format and TIFF images or other format as approved by the Village Engineer. The final plat shall contain the following items:

- A. Name of the subdivision and the section number, if it is a portion of the total subdivision.
- B. A legal description giving the number of acres, Village, township, section, range, parcel identification number and property owner's name.

- C. All required certifications and approvals
- D. Requested covenants and/or deed restrictions
- E. Sheet and total number for each sheet, including covenant sheet and construction plan
- F. Scale and north indicator
- G. The bearings and distances of the boundary lines of the subdivision
- H. The bearings and distances of all lot lines or areas dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of radius, the length of arc and the length and bearing of the chord shall be given
- I. Lot numbers
- J. The required setbacks and first floor elevations of all proposed structures on lots within the subdivision
- K. The bearing and distances of all straight sections of street center lines. Curved sections of street center lines shall show the same information as curved lot lines
- L. Street names
- M. Street, alley and easement widths. Any easements not parallel to property lines shall show the bearings and distances of the lines
- N. The location of all permanent markers or monuments
- O. Building setback lines with their distance from the right-of-way lines
- P. The proposed location of all utilities and easements, including dimensions
- Q. Certification of engineering data on the plat by a Professional Engineer
- R. All of the above, including any additional requirements as may be cited by the Licking County Auditor or Recorder.

Section 5.13 - Action by Planning and Zoning Commission

If the final plat as submitted to the Commission pursuant to Section 5.11 above conforms to the provisions of this Ordinance, and is consistent with the preliminary plan with such changes as required by the Planning and Zoning Commission, and if satisfactory provision is made regarding site improvements, and costs pursuant to Section 5.08 of this Ordinance, the Commission shall take action on the final plat within sixty (60) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman of the Planning and Zoning Commission. Reasons for disapproval of a final plat shall be stated in the records of the Commission, including citations or references to the requirements or provisions of the applicable Ordinance(s) that are inconsistent with the final plat.

If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning and Zoning Commission as to the date of the submission of the plat for approval, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval.

Section 5.14 - Conditional Approval

The Commission may grant conditional approval to a final plat by requiring the Owner/Developer to alter the plat or any part of it, within a specified period after the end of the thirty (30) calendar days, as a condition for final approval. Once all conditions have been met within the specified period, the Commission shall cause its final approval to be endorsed on the plat. No plat shall be recorded until it is so endorsed with the Commission's final or unconditional approval.

Section 5.15 - Appeal of Plat Refusal

Within sixty (60) days after final plat denial, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named Plaintiff. The petition shall contain a copy of the plat sought to be recorded, a statement of facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the Licking County Recorder to record such plat. Such petition may include a statement of facts to support the claim that the rules and regulations of the Planning and Zoning Commission are unreasonable and/or unlawful. The Planning and Zoning Commission of the Village of Johnstown and the Licking County Recorder shall be joined as Defendants, and summons shall be issued upon such Defendants as in a civil action.

Section 5.16 - Acceptance of Public Lands and Improvements

Within thirty (30) days after approval of the final plat by the Planning and Zoning Commission, the Zoning Inspector shall forward the plat to the Village Council for acceptance of the public rights-of-way and easements dedicated or granted thereon. Action of the Village Council shall be by separate ordinance, containing a statement authorizing the Clerk of Council to sign the plat and instructing him/her when such signing shall occur.

Section 5.17 - Recording of Plat

Upon approval of the final plat, a copy thereof shall be properly recorded in the Office of the Licking County Recorder, at the sole expense of the Owner/Developer. The Final Plat shall be so recorded within sixty (60) days after such plat is approved. In the event that the Final Plat is not recorded within sixty (60) days, the approval of such Final Plat shall thereupon become null and void, unless an extension of such time is granted by the Planning and Zoning Commission. At such time as the final plat is submitted for recording, the final plat shall contain the Village lot number designations, as well as a statement that the public improvements associated with the plat shall be completed within twenty-four (24) months from final plat approval, pursuant to Section 5.13 and Section 5.10 above.

Subsequent to the recording required hereby, one copy shall be returned to the Zoning Inspector, along with the assurances for completion of improvements as required in this Ordinance.

ARTICLE VI - AMENDMENTS

Section 6.01 - Power of Village Council

Whenever the public necessity, convenience, or general welfare require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

Section 6.02 - Initiation of Amendments

Amendments to this Ordinance and zoning map may be initiated in one of the following ways:

- A. By referral of a proposed amendment to the Planning and Zoning Commission by Village Council.
- B. By the adoption of a motion by the Planning and Zoning Commission submitting the proposed amendment to Village Council.
- C. By the filing of an application by at least one (1) owner or person(s) or other entity having an interest in the property, or his designated agent, within the area proposed or affected by the said amendment.

Section 6.03 - Application

An application for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain the following information:

- A. Name, address, phone number and e-mail address of the applicant.
- B. Proposed amendment to the text or, in cases where property is proposed to be placed in a different zoning district, a legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district, if applicable.
- E. A map showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within, contiguous to, and directly across the street or alley from the parcel(s) proposed to be rezoned and their address as appearing on the Licking County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- I. A fee as established by the Village Council.

Section 6.04 - Transmittal of Ordinance to Planning and Zoning Commission

Upon referral of the proposed Ordinance by Village Council, or the filing of an application by at least one (1) owner or other entity having an interest the property, or their designated agent. The Zoning Inspector shall transmit said proposed amendment or application to the Planning and Zoning Commission.

Section 6.05 - Recommendation by Planning and Zoning Commission

Within thirty (30) days after the first regular meeting of the Planning and Zoning Commission after the receipt of the proposed amendment, the Planning and Zoning Commission shall recommend to the Village Council that the amendment be approved as requested, approved with modification, or that the amendment be denied. A public hearing shall be held by the Planning and Zoning Commission for consideration of the proposed amendment. The Planning and Zoning Commission shall follow the requirements for notification of such hearing as specified in Section 6.06 below.

In considering a proposed zoning amendment, the Planning and Zoning Commission may seek the input and recommendations of outside counsel or consultants procured for that purpose.

Section 6.06 - Action by Village Council

6.06.01 - Public Hearing

Before the proposed Ordinance may be considered, the Village Council shall hold a public hearing, and shall give at least seven (7) days notice of the time and place thereof in a newspaper of general circulation in the Village and on the official Village website. If the proposed Ordinance intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Zoning Inspector, by first-class mail, at least ten (10) days before the date of the public hearing to the owners of property within, contiguous to, and directly across the street or alley from such parcel or parcels to be redistricted to the address, as provided by the applicant. The failure of delivery of such notice shall not invalidate such proposed Ordinance.

6.06.02 - Display of Relevant Materials

During such thirty (30) days, the text of the proposed Ordinance, together with maps, plans, and reports submitted to the Planning and Zoning Commission shall be on file, for public examination, in the office of the Zoning Inspector.

6.06.03 - Action by Village Council

No such Ordinance which is in accordance with the recommendation submitted by the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the Village Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning and Zoning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Village Council. Failure of Village Council to take final action on the proposed amendment within sixty (60) days after the public hearing shall be deemed a rejection of the ordinance.

6.06.04 - Criteria

In reviewing the proposed amendment and arriving at its decision, the Planning and Zoning Commission and Village Council shall consider the following factors:

- A. Whether the proposed change is consistent with the established land use pattern in the surrounding area
- B. Whether the proposed change would alter the population density pattern and thereby adversely impact public facilities such as schools, utilities, streets and the like
- C. Whether the existing district patterns are logically drawn in relation to existing conditions on the property proposed for change.
- D. Whether changed or changing conditions make adoption of the proposed amendment necessary

- E. Whether the proposed change is out of scale with the needs of the neighborhood or Village.
- F. Whether the proposed change would be likely to have an adverse effect on the existing natural environment.
- G. The relationship of the proposed amendment to the purposes and objectives of the Strategic Plan Update with appropriate consideration as to whether the proposed change will further the purposes and objectives of this and other ordinances, codes and regulations of the Village of Johnstown.
- H. Relationship of the amendment to public health, safety and general welfare.

Section 6.07 - Effective Date and Referendum

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of Ordinance, unless Village Council determines that an emergency exists, in which case, the amendment shall go into effect immediately. If the amendment as passed by Village Council pertains to a change in the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and date of adoption.

Section 6.08 - Successive Applications

No application for a zoning change shall be made within eighteen (18) months from the date of the scheduled public hearing of a previous application for substantially the same request which was not approved by Council, unless the applicant can provide proof that there has been a substantial change of conditions and character of the surrounding area.

ARTICLE VII – APPEALS AND VARIANCES

Section 7.01 - Appeals

7.01.01 - Taking of Appeals

Appeals to the Planning and Zoning Commission concerning a final decision of interpretation or administration of this Ordinance by the Zoning Inspector may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, or board. Such appeal shall be taken within twenty (20) days after the date of the decision, by filing with the Clerk of Council, a notice of appeal specifying the decision of the Zoning Inspector from which the appeal is being taken.

7.01.02 - Imminent Peril

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Planning and Zoning Commission, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Planning and Zoning Commission after notice to the Zoning Inspector, or by judicial proceedings.

Section 7.02 - Powers of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the power to authorize, upon appeal in specific cases, as hereinafter provided, such variance from the provisions or requirements of this Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases whereby strict application of the requirements would result in practical difficulties in the use of the property. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered practical difficulties in the use of his property include, but are not limited to:

- A. whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- B. whether the variance is substantial;
- C. whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- D. whether the variance would adversely affect the delivery of governmental services (*e.g.*, water, sewer, garbage);
- E. whether the property owner purchased the property with knowledge of the zoning restriction;
- F. whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- G. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Under no circumstances shall the Planning and Zoning Commission grant a variance that would allow a use not permissible under this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 7.03 - Application for Variance and Appeals

Any person owning or having an interest in property, after being denied a zoning certificate, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector, with the Planning and Zoning Commission, on a form as specified for that purpose.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, phone number and e-mail address of the applicant.
- B. Legal description of property as recorded in Licking County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Licking County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which are applicable.
- F. A narrative statement explaining the following:
 - 1. The specific exception for which variance or appeal is sought.
 - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - 3. The specific reasons why the variance or appeal is justified, according to Section 7.02 A-G above. It shall be the duty of the applicant to present by the preponderance of evidence, sufficient proof to demonstrate that the conditions cited above do exist

Section 7.04 - Public Hearing by the Commission

The Planning and Zoning Commission shall hold a public hearing within forty-five (45) days after receipt of a complete application for an appeal from decision of the Zoning Inspector. For good cause, the Chair of the Planning and Zoning Commission may continue or schedule the public hearing beyond the forty-five (45) window. At such hearing, any party may appear in person or may be represented by an agent or attorney.

Section 7.05 - Notice of Public Hearing

Before holding any public hearing pursuant to Section 7.04, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing or posted on the official Village website. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. In addition, written notice of such hearing shall be mailed by the Zoning Inspector, by certified mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of published notice as specified above. Parties of interest shall include at a minimum, owners and occupants of property within 200 feet from, contiguous to, and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the actions of the Planning and Zoning Commission.

In cases of appeal, property owners within 200 feet of the property in question need not be notified.

Section 7.06 - Action by Planning and Zoning Commission

The Chair of the Planning and Zoning Commission, and the Planning and Zoning Commission may compel the attendance of witnesses.

Within thirty (30) days after the public hearing pursuant to Section 7.04, the Planning and Zoning Commission shall either approve, approve with modifications, or disapprove the request for appeal or variance. The Planning and Zoning Commission shall transmit a written copy of its decision and findings to the Zoning Inspector or his/her designee, who shall forward such copy to the applicant. If the application is approved, or approved with modifications, the Planning and Zoning Commission shall make a finding that the reasons set forth in the application justify the granting of the variance or appeal that will make possible a reasonable use of the land, building or structure.

If the request for appeal or variance is denied, the applicant may seek relief pursuant to procedures as cited in the Ohio Revised Code.

Section 7.07 - Supplementary Conditions and Safeguards

In granting any appeal or variance, the Planning and Zoning Commission may prescribe appropriate and reasonable conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 9.02 of this Ordinance.

ARTICLE VIII – CONDITIONAL USES

Section 8.01 - Purpose

Under some unusual circumstances, a proposed use which more intensely affects an area than those uses permitted in the zoning district in which it is located, may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the description of the respective zoning districts. The Planning and Zoning Commission may allow such a use to be established as a conditional use where these unusual circumstances exist and where the proposed use will be consistent with the general purpose and intent of this Planning and Zoning Code.

Section 8.02 - Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for a conditional use provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward a copy to the Planning and Zoning Commission. The application shall contain the following information:

- A. All of the information required for a zoning permit, pursuant to Section 4.03.
- B. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- C. A narrative statement evaluating the effects on adjoining property, and a discussion of the general compatibility with adjacent and other properties in the district.
- D. The names and addresses of all property owners contiguous to, and directly across the street from the property, as appearing on the Licking County Auditor's current tax list.
- E. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Planning and Zoning Commission.

Section 8.03 - General Standards for Conditional Uses

The Commission shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of such area.
- B. Seeks to maintain, and will not be hazardous to, the health, safety and welfare of the existing neighborhood, and the total community.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- D. Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
- E. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. Will have vehicular approaches to the property which shall be so designated as not to interfere with traffic on surrounding public streets or roads.

G. Complies with any other requirements or standards that are cited under the specific zoning district regulations of this Ordinance.

H. Will be in accord with the general objectives, or with any specific objective, of the strategic plan and the Zoning Ordinance

I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

It shall be the duty of the applicant to present by the preponderance of evidence, sufficient proof in the application to demonstrate that the requirements cited above are met.

Section 8.04 - Action by the Planning and Zoning Commission

Within sixty (60) days from the date of the application, the Commission shall approve, approve with supplementary conditions as specified in Section 8.05, or disapprove the application as presented. In rendering its decision, the Commission may contact and seek input from adjacent property owners and/or other interested parties. If the application is approved with supplementary conditions, the Commission shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Commission for approval. If the application is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code, the Johnstown Village Charter or other ordinances of the Village. If no action is taken by the Commission within the specified time frame, the application shall be considered as approved.

Section 8.05 - Supplementary Conditions

In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with this Ordinance.

Section 8.06 - Expiration and Revocation of Zoning Permit Issued Under Conditional Use Provisions

The approval of the zoning certificate issued in accordance with Section 8.04 above, shall become null and void if such use is not fully implemented, as evidenced by issuance of a Certificate of Zoning Compliance, within eighteen (18) months after date of approval; however, the Planning and Zoning Commission may grant an extension of a zoning certificate for a conditional use for an additional period of six (6) months. The Planning and Zoning Commission may revoke the zoning certificate, if it finds, based upon written evidence by any citizen or official of the Village, of violation of this Ordinance and/or written terms and conditions upon which approval was based. The Conditional Use Permit shall authorize at most only the conditional use applied for and such Conditional Use Permit shall automatically expire, if for any reason the conditional use shall cease for more than one (1) year.

Section 8.07- Benefit of Permit

No Conditional Use Permit shall inure to the benefit of the heirs, successors, assigns or purchasers of a Conditional Use Permit holder.

Section 8.08 Burden of Proof

It shall be the affirmative duty of the applicant to present by the preponderance of evidence, sufficient basis to demonstrate the property of a conditional permit. Mere application for the permit is not sufficient.

Section 8.09 Notice of Public Hearing

Notice shall be given at least seven days prior to the public hearing and be published in one or more newspapers of general circulation in Johnstown. Property owners as listed under **Section 1131.02(c)(7)** may be notified at least seven days prior to the hearing by certified mail return receipt requested. Such notice shall include the place, time, date and nature of the conditional use applied for.

ARTICLE IX – FEES AND VIOLATIONS

Section 9.01 - Schedule of Fees, Charges and Expenses

The Village Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, subdivision plats, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 9.02 - Violation

9.02.01 - Violation and Remedies

If any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used, or any land is or is proposed to be used in violation of this Planning and Zoning Ordinance or any amendment or supplement thereto, Village Council, the Village Manager or any citizen who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, demolition, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

9.02.02 - Failure to Obtain a Required Certificate or Approval

Failure to obtain a zoning certificate, Certificate of Zoning Compliance, or other approval as required by specific Sections of this Ordinance shall be a violation of this Ordinance and punishable under Section 9.02.05 below.

9.02.03 - Construction and Use to be as Specified in Applications, Plans, Permits, and Certificates

Zoning certificates or other approvals issued on the basis of plans, plats and/or applications authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 9.02.05 below.

9.02.04 - Complaints Regarding Violations

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

9.02.05 - Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains

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such violation may each be found guilty of a separate offense and be subject to the penalties herein provided.

Penalties as above shall apply unless penalties are defined for specific sections of this Ordinance, in which case the penalties so defined in those sections shall apply.

ARTICLE X - NONCONFORMATIES

Section 10.01 – Purpose and Intent

The purpose of this chapter is to regulate Nonconforming Uses, Nonconforming Structures, and Nonconforming Lots and Parcels.

Within the districts established by this Ordinance, or amendments hereinafter adopted, there may exist land, structures and/or lots, or uses thereof, which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit such nonconformities to continue until they are removed, but not necessarily to encourage their survival and /or expansion except as provided herein.

Section 10.02 - Nonconforming Uses

10.02.01 - Nonconforming Use

A nonconforming use is any use that was:

- A. lawfully established in accordance with all applicable local zoning codes prior to the effective date of this zoning code or any of its amendments, that does not conform to a subsequently enacted applicable use regulation of this zoning code, or
- B. lawfully established when annexed to the city, that does not conform to an applicable use regulation of this zoning code.

10.02.02 - Continuation

Any use of land, structures or buildings existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such use was legally existing prior to the establishment of this Ordinance. No nonconforming use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Ordinance.

10.02.03 - Substitution

The Planning and Zoning Commission may allow the nonconforming use of land or a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. However, in an “R” District, no change in use shall be authorized by the Planning and Zoning Commission unless the applicant clearly demonstrates that:

- A. the existing and proposed nonconforming uses were lawful at the time of enactment of this Ordinance, and
- B. such substitution is generally compatible with adjacent land use and zoning patterns.

10.02.04 - Expansion/Extension

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Planning and Zoning Commission may permit a lawful nonconforming use to be expanded within an existing structure manifestly arranged or developed for such use,

provided the applicant clearly demonstrates that such expansion is necessary and incidental to the continuance of such lawful nonconforming use.

10.02.05 - Discontinuance

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered discontinued or abandoned when either of the following conditions exist:

- A. When the use has been discontinued for a period of one (1) year.
- B. When the nonconforming use has been replaced by a conforming use.

If a nonconforming use is discontinued or abandoned during a continuous one-year period, the use must conform to the current zoning regulations.

Section 10.03 - Nonconforming Structures

Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance or amendment hereto and upon which actual building construction has been diligently continued, provided such construction is completed within two (2) years from the effective date of this Ordinance.

10.03.01 - Nonconforming Structures.

A nonconforming structure is any structure that was:

- A. Lawfully constructed in accordance with all applicable local zoning codes prior to the effective date of this zoning code or any of its amendments, that does not conform to a subsequently enacted applicable development standard of this zoning code, or
- B. Lawfully constructed when annexed to the city, that does not comply with an applicable development standard of this zoning code.

10.03.02 - Nonconforming Mobile Homes

A nonconforming mobile home, as defined in Article II of this Ordinance, located in any district, once removed shall not be relocated on such lot, or replaced with another mobile home. No enlargement, extension or expansion of a nonconforming mobile home, as defined in Article II, shall be permitted within the Village of Johnstown.

10.03.03 - Extension

- A. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- B. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided it meets the requirements of the most proximate R-District.

10.03.04 - Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use or location of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the following conditions are met:

- A. the restoration or rebuilding is commenced within six (6) months of the time of damage, and construction is completed within one (1) year, unless an extension is requested from and granted by the Planning and Zoning Commission, and
- B. the damaged or destroyed building was not located in such a manner so as to encroach or intrude on adjacent property, and
- C. such restoration or rebuilding would not extend or expand the existing use beyond the parameters established in Section 10.04 below.

If any part of the damaged or destroyed building encroaches or intrudes on adjacent property, the location of the restored or rebuilt structure is subject to approval by the Planning and Zoning Commission. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Section 10.04 shall apply.

10.03.05 - Maintenance and Repair

Nothing in this Ordinance shall be deemed to prevent normal maintenance and repair of a nonconforming building or structure, or a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use when at least one of the following conditions exist:

- A. When required by law.
- B. To convert to a conforming use.
- C. A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 10.04 - Nonconforming Lots and Parcels

10.04.01 - Nonconforming Lots and Parcels.

A nonconforming lot or parcel is:

- A. Any individual taxing parcel or lot that was lawfully established, recorded, and existing in compliance with all applicable local zoning codes prior to the effective date of this zoning code that does not comply with either a subsequently enacted applicable lot width or lot area standard of this zoning code; or
- B. Any individual taxing parcel or lot that was lawfully established, recorded, and existing in compliance with all applicable local zoning codes when annexed to the city, that does not comply with either an applicable lot width or lot area standard of this zoning code.

10.04.02 - Nonconforming One-Family Detached Dwelling

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not

comply with the lot area and width requirements of the district in which it is located, provided said lot has a minimum lot area of 3,000 square feet and at least thirty (30) feet frontage on a public right-of-way; and further provided the following conditions are complied with:

- A. If the owner of such lot does not own adjacent property and did not own such property at the time this Ordinance became effective, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three (3) feet
- B. If the owner of such lot owns two (2) or more adjacent lots, or other adjacent property, such owner shall redivide the property in such a manner that they conform to the minimum width of such lots in the most proximate single-family district. However, if such redivision would result in lots that exceed the width requirement of lots in the most proximate district, such redivision shall provide for one (1) more building lot than would otherwise be allowed.

ARTICLE XI – RESERVED FOR FUTURE USE

PART THREE - ZONING DISTRICTS

ARTICLE XII – STANDARD ZONING DISTRICT REGULATIONS

Section 12.01 - Regulation of the Use and Development of Land or Structures

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Article XIII, are hereby established and adopted.

Section 12.02 - Rules of Application

12.02.01 - Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

12.02.02 - Permitted Uses

A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:

1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Ordinance.
2. An unlisted use may be determined by the Planning and Zoning Commission to be a similar use, in accordance with Sections 12.02.05 of this Article.

B. No more than one (1) permitted use shall exist on any one zoning lot unless explicitly allowed by this zoning ordinance.

12.02.03 - Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Article XXXII of this Ordinance.

12.02.04 - Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Planning and Zoning Commission may in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article VIII of this Ordinance.

12.02.05 - Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district. Applications for zoning certificates for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Planning and Zoning Commission.

Within thirty (30) days after such submittal, the Planning and Zoning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning and Zoning Commission shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no increased danger to health and safety, creates no increased level of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

12.02.06 - Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

Uses allowed within a one-step superior hierarchically ranked district may be allowed in an inferior hierarchically ranked district; one step lower but inferior hierarchically ranked district uses shall not be allowed in superior hierarchically ranked districts.

12.02.07 - Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning certificate, or at such time when the property is rezoned into that district. The Development Plan shall contain a site plan for the property, drawn to approximate scale, showing all property lines, existing buildings, access drives, parking areas, and other notable physical features. The Development Plan should also show the location and size of all proposed structures including the design of all improvements including drainage, private streets, water and sanitary sewer lines as appropriate, design, materials and location of all signage proposed for the development. The Development Plan shall also contain a narrative description of the proposed use, and the applicant's evaluation of how such use may impact adjacent property.

The Development Plan shall be reviewed by the Planning and Zoning Commission and must be approved as a condition for the issuance of a zoning certificate. In reviewing such Plan, the Planning and Zoning Commission may seek the timely input from specific consultants. In approving a Development Plan, the Planning and Zoning Commission shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas as may be required in this Ordinance.
- B. The use and structures, as proposed, can be adequately and efficiently served by public streets and utilities.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods, and/or the Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate such adverse impacts and protect the character of such adjacent residential areas.

12.02.08 - Essential Services

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Essential Services, as defined and specified in Article II of this Ordinance, shall be permitted in any and all zoning districts within the municipality.

ARTICLE XIII – ZONING DISTRICTS AND ZONING DISTRICT MAP

Section 13.01 - Zoning Districts Established

The following zoning districts are hereby established for the Village of Johnstown:

(RR)	Rural Residential District
(SR-1) (SR-2) (SR-3)	Suburban Residential Districts
(OVR)	Old Village Residential District
(UR)	Urban Residential District
(RO)	Residential Office District
(LB)	Limited Business District
(GC)	General Commercial District
(VC)	Village Center District
(LI)	Limited Industrial District
(GE)	General Employment District
(SU)	Special Use District
(FP)	Flood Plain Overlay District
(DR)	Design Review Overlay District
(HDR)	Historic Design Review Overlay District
(PUD)	Planned Unit Development District

Section 13.02 - Official Zoning Map

The districts established in Section 13.01 above are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be identified by the signatures of the Village Manager and Mayor, and shall be on file in the Village offices.

Section 13.03 - Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Ordinance. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Planning and Zoning Commission.

Section 13.04 - Newly Annexed Areas

Subject to the conditions stated below, territory which is annexed into the Village of Johnstown subsequent to the effective date of this Ordinance, and for which rezoning to a different district has not already been approved subject to the annexation, shall, upon the effective date of the annexation, be zoned into the Rural Residential (RR) District.

ARTICLE XIV - RR RURAL RESIDENTIAL DISTRICT

Section 14.01 - Purpose

The purpose of the Rural Residential District is to preserve agricultural uses where appropriate and can act as a holding zone for newly annexed properties, with a maximum density of one dwelling unit per three acres.

Section 14.02 - Permitted Uses

- A. Agriculture including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry
- B. One family detached dwellings
- C. Storage and processing of agricultural products including grain elevators, mills or other facilities for the storage, sorting or other preliminary processing of agricultural products, except that commercial grain elevator operations shall not be permitted. Storage facilities shall not be within 50 feet of a side or rear lot line. Processing facilities shall not be within 100 feet of a side or rear line.
- D. Public parks, playgrounds and play fields operated with or without fees.

Section 14.03 - Accessory Uses

- A. Accessory buildings or structures customarily associated with single family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and similar facilities for primary use by occupants of the principle use of the property on which the facility is located, subject to the requirements of this Ordinance
- B. Accessory uses in association with permitted agricultural uses. More than two accessory structures are permitted for agricultural uses only.
- C. Home occupation in association with a permitted dwelling, and in accordance with Section 32.02 of this ordinance.

Section 14.04 - Conditional Uses

- A. Associated sales as accessory to and in association with an agricultural permitted use, such associated sales to cease upon cessation of the agricultural activity. This shall include but is not limited to garden supplies with a nursery or greenhouse, milk products with a dairy, or imported produce with a permitted produce stand.
- B. Boarding and care of animals provided it occupies a lot of not less than three acres and building pen or other enclosure so used shall not be within 200 feet of any property line.
- C. Veterinarian and animal medical care offices.
- D. Commercial grain operations.
- E. Child day care centers.
- F. Country clubs and golf courses.
- G. Church or other place of worship.

Section 14.05 - Additional District Development Standards

14.05.01 - Minimum Lot Area

3 acres.

14.05.02 - Minimum Lot Width

One hundred fifty (150) feet of lot width, each lot shall have access to and abut on a public right-of-way for a distance of seventy (70) feet or more.

14.05.03 - Minimum Front Yard Depth

Seventy-five (75) feet.

14.05.04 - Minimum Side Yard Depth

Eight (8) feet.

14.05.05 - Maximum Rear Yard

Twenty percent (20%) of lot depth, except that a rear yard of more than 50 feet shall not be required.

14.05.06 - Minimum Area of Principle Building

1,700 square feet of total living area shall be required for a dwelling having one story; 2,000 square feet of living area shall be required for dwellings with one -and-one-half (1 1/2) or two (2) stories.

14.05.07 - Maximum Building Height

Thirty (30) feet for dwelling structures. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and reviewed and accepted by the Planning and Zoning Commission

ARTICLE XV – SR-1, SR-2, SR-3 SUBURBAN RESIDENTIAL DISTRICTS

Section 15.01 - Purpose

The Suburban Residential Districts are established to provide for new single-family residential development at densities typical of contemporary suburban environments. The SR-1, SR-2 and/or SR-3 Districts are to be utilized in areas on the periphery of the Village that are generally vacant at the time of development, but are capable of being served by public water and sewer.

Section 15.02 - Permitted Uses

- A. One-family detached dwellings.
- B. Public parks and open space
- C. Public playgrounds of less than one (1) acre in size

Section 15.03 - Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 15.04 - Conditional Uses

- A. Public playgrounds of one (1) acre or more

Section 15.05 - Development Standards

The development standards for the SR-1, SR-2 and SR-3 Districts shall be as shown on the following chart:

	SR-1	SR-2	SR-3
MINIMUM LOT AREA	20,000 S.F.	13,500 S.F.	11,500 S.F.
MINIMUM LOT WIDTH	95 feet	85 feet	75 feet
MINIMUM FRONT YARD DEPTH	35 feet	30 feet	30 feet
MINIMUM WIDTH EACH SIDE	10 feet	10 feet	8 feet
MINIMUM REAR YARD DEPTH	30 feet	30 feet	30 feet
MAX. % OF LOT COVERAGE	30%	30%	35%
MIN. BLDG AREA (1 STORY)	1,700 S.F.	1,600 S.F.	1,400 S.F.
MIN. BLDG AREA (1.5 - 2 STORY)	2,000 S.F.	1,800 S.F.	1,600 S.F.
MAX. BLDG HEIGHT	30 feet	30 feet	30 feet

ARTICLE XVI – OVR OLD VILLAGE RESIDENTIAL DISTRICT

Section 16.01 - Purpose

The OVR District is established to provide for the continuance of single-family housing within the older portions of the Village of Johnstown, and to allow for limited expansion of such uses in appropriate areas, thereby encouraging private reinvestment and revitalization and increasing the diversity of housing choice, while maintaining adequate development standards.

It is recognized that property in the OVR District is located in the older areas of the Village, and that such areas are likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and might not be allowed under the current provisions of this Ordinance. It is the intent of this Ordinance, and this district in particular, to protect and preserve the basic property rights of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article X of this Ordinance.

The district can also be used to allow for new development in outlying areas of the Village by meeting standards intended to promote the historic neighborhood character of such new development.

Section 16.02 - Permitted Uses

- A. One-family detached dwellings.
- B. Public parks, playgrounds and open space.

Section 16.03 - Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 16.04 - Conditional Uses

- A. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- B. Day-care centers and schools associated with conditionally permitted churches.
- C. Libraries, museums and similar areas of public assembly
- D. Public elementary and/or middle schools

Section 16.05 - Development Standards

16.05.01 - Minimum Lot Area

6,000 square feet.

16.05.02 - Minimum Lot Width

Sixty (60) feet of lot width with frontage on a publicly dedicated, improved street or highway.

16.05.03 - Minimum Front Yard Depth

Twenty (20) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.

16.05.04 - Minimum Width Each Side

Six (6) feet.

16.05.05 - Minimum Rear Yard Depth

Fifteen percent (15%) of lot depth, but not less than twenty (20) feet.

16.05.06 - Minimum Area of Principal Building

1,300 square feet of total living area shall be required for a dwelling having one story; 1,500 square feet shall be required for dwellings with one-and-one-half (1 1/2) or two (2) stories.

16.05.07 - Lot Coverage

All structures, including accessory structures, shall cover not more than 45% of the area of the lot.

16.05.08 - Maximum Building Height

Thirty-five (35) feet.

16.05.09 - Additional Requirements for New Lots Developed in the OVR District

Presently undeveloped areas outside the older portion of the Village may be developed in the OVR District, subject to the following regulations:

- A. Adjacent to OVR District - The property proposed for new OVR development must be located adjacent to an area of the Village currently zoned in the OVR District.
- B. Development Plan - A Development Plan shall be required for all new residential development within the OVR District, containing more than five (5) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public features, including lighting.
- C. Garage - All garages shall be located within the rear yard.
- D. Sidewalks - ADA compliant sidewalks shall be required for both sides of all new streets developed within the OVR District. Such sidewalks and/or any pedestrian paths shall be designed so as to connect with sidewalks in adjacent OVR District(s).
- E. Required Open Space - Not less than 20% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association, or - with the approval of the Village Council - may be granted to the Village. For the purposes of this calculation, net developable area shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.

ARTICLE XVII – UR URBAN RESIDENTIAL DISTRICT

Section 17.01 - Purpose

The Village of Johnstown desires to promote a diverse range of housing opportunities, including but not limited to affordable housing, within the Village. Promoting housing diversity includes providing for particular areas at higher residential density typically associated with more urban areas. Apartments, condominiums and manufactured home developments are uses typically associated with such areas. These uses have unique development characteristics that require special treatment in regard to standards, placement and land use compatibility.

The Urban Residential (UR) District is established to provide for such areas of higher residential density while encouraging a desirable residential environment, protected from adverse influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining residential areas, and shall provide overall desirability equivalent to that for other forms of residential development.

Section 17.02 - Permitted Uses

- A. One-family detached dwellings, subject to the standards of the OVR District.
- B. Individual manufactured homes on individual lots, subject to the standards of the OVR District.
- C. Multiple family structures having two or more dwellings per structure in accordance with Section 12.02.07.
- D. Public or private parks.

Section 17.03 - Accessory Uses

- A. Uses incidental and accessory to permitted uses for exclusive use of the residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.
- C. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 17.04 - Conditional Uses

- A. Manufactured home communities and subdivisions, as defined in Article II and subject to approval of a Development Plan as cited in Section 12.02.07 of this Ordinance.
- B. Nursery schools and day care centers.
- C. Class I Type A group residential facilities, subject to the requirements of Section 32.04 of this Ordinance.
- D. Assisted living facilities, nursing homes and group residential facilities.

Section 17.05 - Development Standards

17.05.01 - Manufactured Home Communities and/or Manufactured Home Subdivisions

A. Water and Sewer

Any development shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system.

B. Minimum Lot Area

The minimum lot area for any single project shall be ten (10) acres; however, the Planning and Zoning Commission may allow a smaller lot area on a case-by-case basis, following the procedures for a variance pursuant to Article VII. Individual lots within a manufactured home community or subdivision shall be not less than 4,000 square feet in area. The maximum gross density shall not exceed six (6) dwelling units per acre.

C. Minimum Lot Width

The minimum lot width for any single project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet.

D. Minimum Front Yard

The minimum front yard depth for any single project shall be not less than thirty-five (35) feet.

E. Minimum Side Yard / Rear Yard Width

The minimum side and rear yard width for any single project shall be not less than fifty (50) feet from any adjacent property line.

F. Minimum Rear Yard Depth

The minimum rear yard depth for any project shall be not less than fifty (50) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.

G. Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall be subject to approval by the Planning and Zoning Commission, and shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

Commented [BK1]: I reviewed in ORC and did not find anything FBT review?

H. Off-Street Parking

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

I. Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage effective and efficient traffic flow. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

J. Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be subject to approval by the Planning and Zoning Commission.

K. Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Planning and Zoning Commission.

L. Underground Utilities

All utility lines, including electricity, telephone, and cable television shall be located underground.

M. Consultation and Assistance

In determining the compliance of any development proposal with the above standards, the Planning and Zoning Commission may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant

17.05.02 - Other Permitted Uses

A. Minimum Lot Area

Each lot shall be not less than 10,000 square feet. 3,500 square feet per dwelling unit for two-family dwellings. 1,500 square feet per each one-bedroom dwelling unit; 2,000 square feet for each two-bedroom unit and 2,500 square feet for each three-bedroom unit, but in no case shall the total lot be less than 10,000 square feet.

B. Minimum Lot Width

Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.

C. Minimum Front Yard Depth

Thirty (30) feet.

D. Minimum Side Yard Width

Twenty-five (25) feet.

E. Minimum Rear Yard Depth

Forty (40) feet.

F. Maximum Building Height

Thirty-five (35) feet.

G. Minimum Distance between Buildings

If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.

H. Storm Drainage

A plan for accommodating storm drainage, showing storm drainage runoff collection points and methods proposed for transport of storm runoff to a suitable outlet must be submitted to and approved by the Planning and Zoning Commission.

I. Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view of adjacent properties. Screening of trash and garbage areas shall meet the requirements of Article XXXIII of this Ordinance. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

J. Landscaping

If side or rear yards are located adjacent to any SR-1, SR-2, SR-3 or OVR District, the landscaping and screening of those yards shall be required to meet the requirements of Article XXXIII of this Ordinance. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements.

K. Open/Play Area

In cases where multiple family dwellings consist of more than three (3) units, an open space/play area must be established. Such open area shall not be less than 1,000 square feet for each five (5) units, or portion thereof, within the complex. Such open area shall be maintained by the owner of the complex.

L. Development Plan

A Development Plan, pursuant to the provisions of Section 12.02.07 of this Ordinance shall be required. In addition, the applicant shall provide an analysis of existing and proposed storm drainage on the site, such Development Plan shall be approved by the Planning and Zoning Commission prior to rezoning of the site into the AR District, or issuance of a zoning permit.

ARTICLE XVIII – RO RESIDENTIAL OFFICE DISTRICT

Section 18.01 - Purpose

The RO District is established to provide areas along older major thoroughfares that are currently occupied by single-family residences, but are subject to development pressure for commercial use. The intent of the district is to provide for smaller low intensity administrative and/or professional offices while retaining the area's residential character.

Section 18.02 - Permitted Uses

- A. Any use or structure as specified in the SR-1, SR-2 or SR-3 District.
- B. Two family attached dwellings.

Section 18.03 - Accessory Uses

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 32.02 of this Ordinance.

Section 18.04 - Conditional Uses

- A. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- B. Day-care centers and schools associated with conditionally permitted churches.
- C. Bed-and-Breakfast establishments, subject to the following standards:
 - 1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
 - 2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.
 - 3. Accommodations shall be limited to not more than three (3) rooms.
 - 4. Off-street parking shall not be allowed in the front or side yard.
- D. Administrative, business or professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
 - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
 - 2. Insurance agents and brokers and associated services.
 - 3. Real estate sales and associated services.
 - 4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
 - 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
 - 6. Accounting, auditing and other bookkeeping services.

Section 18.05 - Special Provisions for Conditional Uses

A. Development Plan

A Development Plan, pursuant to the provisions of Section 12.02.07 of this Ordinance shall be required. Such Plan shall be approved by the Planning and Zoning Commission prior to issuance of a zoning certificate.

B. Hours

Activities shall be conducted principally during daylight hours.

C. Nuisance

Activities shall not create a nuisance from noise, smoke or odor.

D. Appearance

Structures shall maintain a residential appearance and be compatible with surrounding residences in size and scale.

E. Lighting

Lighting shall be limited to those types customarily found in residential neighborhoods. Any exterior lighting shall be arranged so as not to shine on adjacent properties. Consideration should be given to motion sensor lighting when adjacent to residential uses.

F. Signage

Exterior signage shall be limited to a single sign not more than twelve (12) square feet in area, identifying the business. No signs shall be internally illuminated. Signs should integrate with surrounding architecture.

G. Storage

Storage of materials and equipment shall be within enclosed buildings.

H. Parking

Sufficient off-street parking shall be provided as specified in Article XXXIV. All parking shall be provided in designated areas in rear yards.

Section 18.06 - Development Standards

The minimum lot area, lot width, front yard depth, side yard width, and rear yard depth, and the maximum building height and lot coverage for all permitted and conditional uses in the RO District shall be as required in the OVR District.

ARTICLE XIX RESERVED FOR FUTURE USE

ARTICLE XX – LB LIMITED BUSINESS DISTRICT

Section 20.01 - Purpose

The purpose of the Limited Business (LB) District is to provide for the orderly development of neighborhood-oriented small businesses and personal service uses, particularly those serving the personal service needs of residents. Because commercial establishments within the LB District are commonly located close to residential land uses, more restrictive requirements related to size and scale, traffic control and landscaping are needed than in other commercial areas.

Section 20.02 - Permitted Uses

A. Administrative, business or professional offices of not more than 5,000 square feet of gross floor area consisting of:

1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
2. Insurance agents and brokers and associated services.
3. Real estate sales and associated services.
4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
6. Accounting, auditing and other bookkeeping services.

B. Retail Stores of not more than 5,000 square feet of gross floor area, primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure; and not including drive-through establishments, or businesses selling gasoline or similar fuels. Examples include:

1. Food and food products.
2. Proprietary drug and hardware stores.
3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the LB District.

C. Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. All structures shall have a gross floor area of not more than 5,000 square feet. Examples include:

1. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
2. Barber and beauty shops, having no more than four work stations.
3. Funeral services.
4. Human medical and/or dental clinics.
5. Commercial photography.
6. On-premises duplication services.

D. Nursery schools and day care facilities.

E. Churches and similar places of public assembly, provided the seating capacity of the primary assembly area is not more than 300 persons.

F. Parks, governmental and community buildings.

G. Single structures, e.g. shopping centers, featuring a combination of any of the above uses, provided each individual use is not more than 5,000 square feet.

Section 20.03 - Conditional Uses

A. Veterinary offices, not including outside boarding of animals. A Development Plan, pursuant to the standards of Section 12.02.07 of this Ordinance, shall be required.

B. Class I Type A or B group residential facilities, subject to the requirements of Section 32.04 of this Ordinance.

C. Class II Type A or B group residential facilities, subject to the requirements of Section 32.04 of this Ordinance.

D. Nursing Homes and Assisted Living Facilities.

E. Any permitted use with a gross floor area of more than 5,000 square feet.

F. Similar small business uses consistent with the purposes of the LB District, subject to the approval of a Development Plan by the Planning and Zoning Commission, pursuant to Section 12.02.05 of this Ordinance.

Section 20.04 - Development Standards

20.04.01 - Development Plan

All conditional uses shall require a Development Plan, pursuant to Section 12.02.07 of this Ordinance. The Development Plan shall be approved by the Zoning Inspector prior to issuance of a zoning certificate.

20.04.02 - Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.

20.04.03 - Lot Width

No minimum lot width is required; however, all lots shall abut an improved public street designated as having not less than secondary collector status. All lots shall have adequate width to provide for required parking and yard area.

20.04.04 - Front Yard Setback

The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall not be less than thirty (30) feet measured from the street right-of-way.

20.04.05 - Side Yards

Fifteen (15) feet, unless adjacent to an existing residence or any district where residences are a permitted use, wherein the side yard shall be no less than forty (40) feet.

20.04.06 - Rear Yards

Twenty (20) feet, unless adjacent to an existing residence or any district where residences are a permitted use, wherein the rear yard shall be no less than forty (40) feet.

20.04.07 - Additional Yard and Pedestrian Areas

Where new development in the LB District is located adjacent to an existing residence or any district where residences are a permitted use, the Planning and Zoning Commission may require that at least fifteen percent (15%) of the lot area, exclusive of parking areas and public rights-of-way, to be devoted to landscaped yards or pedestrian space.

20.04.08 - Maximum Building Size

Individual uses within LB District shall have usable floor area of not more than 5,000 square feet, even if such uses occupy more than one building. Any single building containing multiple uses within the LB District shall have a usable floor area of not more than 20,000 square feet.

20.04.09 - Lighting

Lighting fixtures within the LB District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property. Consideration should be given to motion sensor lighting when adjacent to residential uses.

20.04.10 - Parking and Loading

Parking and loading requirements shall be as specified in Article XXXIV of this Ordinance. Parking areas shall be arranged so as to minimize the visual and functional impacts of business-related parking on any adjacent districts zoned for single family residences.

20.04.11 - Landscaping/Screening

If side or rear yards are located adjacent to an existing residence or any areas where single-family residences are permitted uses, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements, so as to meet the requirements of Article XXXIII of this Ordinance.

20.04.12 - Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

ARTICLE XXI – GC GENERAL COMMERCIAL DISTRICT

Section 21.01 - Purpose

The General Commercial District is established to provide areas for business uses that typically generate intensive levels of commercial activity dependent on high traffic volumes. The intent of the GC District is to encourage such business growth while promoting a compatible relationship between permitted uses and overall traffic movement while minimizing negative impacts on adjacent land uses. The GC District is not intended as a substitute for the VC District in the existing downtown core area

Section 21.02 - Permitted Uses

- A. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers including:
 - 1. Insurance agents and brokers and associated services.
 - 2. Professional, legal, engineering and architectural services, not including the outside storage or equipment.
 - 3. Accounting, auditing and other bookkeeping services.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption including:
 - 1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof.
 - 2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
 - 3. Similar retail stores selling specialty goods, including drug stores, hardware and home repair goods, gift and novelty stores, etc.
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - 1. Restaurants and taverns,
 - 2. Banks, savings and loans, and credit agencies.
 - 3. Barber and beauty shops.
 - 4. Self-service laundries and/or dry-cleaning establishments.
 - 5. Human medical and/or dental clinics.
 - 6. Funeral services.
- D. Business Services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- E. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- F. Lumber and home improvement sales.
- G. Motor vehicle sales.
- H. Hotels and motels.
- I. Garden centers.
- J. Carry out food and beverage establishments with drive-through facilities.

- K. Medical offices and clinics, including nursing and/or convalescent facilities.
- L. Single structures, e.g. shopping centers, featuring a combination of any of the above uses.
- M. Café seating secondary to primary business; excluding outdoor alcohol consumption.
- N. Similar uses, as determined by the Planning and Zoning Commission, in accordance with the provisions by Section 12.02.05 of this Ordinance.

Section 21.03 - Conditional Uses

- A. Self-service car wash facilities, provided a Development Plan is approved, pursuant to Section 12.02.07 of this Ordinance.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided a Development Plan, including a plan for all signage, is approved pursuant to Section 12.02.07 of this Ordinance and all other permits are obtained.
- C. Self-service storage facilities.
- D. Automobile service establishments including gas stations, but not including truck servicing establishments.

Section 21.04 - Development Standards

21.04.01 - Development Plan

A Development Plan shall be required for all conditional uses and all permitted uses with a gross floor area of over 20,000 square feet. The Development Plan shall be approved by the Zoning Inspector prior to issuance of a zoning certificate.

21.04.02 - Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

21.04.03 - Minimum Lot Width

100 feet of frontage on a publicly dedicated and improved street or highway.

21.04.04 - Minimum Front Yard Depth

Forty (40) feet.

21.04.05 - Minimum Side Yard

When abutting a non-residential zoning district: Twenty (20) feet for structures, ten (10) feet for paved areas.

When abutting a residential zoning district: Forty (40) feet for structures, thirty-five (35) feet for paved areas.

21.04.06 - Minimum Rear Yard

When abutting a non-residential zoning district: Forty (40) feet for structures, ten (10) feet for paved areas.

When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

21.04.07 - Building Height

Thirty-five (35) feet.

21.04.08 - Parking and Loading

Parking and loading requirements shall be specified in Article XXXIV.

21.04.09 - Trash and Garbage Control

All trash and garbage shall be stored in container systems, which are located and enclosed so as to effectively screen them from view.

21.04.10 - Lot Coverage

Permitted and conditional structures, pedestrian sidewalks, and parking areas shall not cover more than ninety percent (90%) of the lot. The remaining ten percent (10%) of the lot shall be landscaped with natural vegetation.

21.04.11 - Fire Hydrant

Lots of greater than two and one-half acres shall contain at least one fire hydrant for every additional three quarter acres over two and one-half initial acres.

ARTICLE XXII – RESERVED FOR FUTURE USE

ARTICLE XXIII – VC VILLAGE CENTER DISTRICT

Section 23.01 - Purpose

The purpose of the Village Center (VC) District is to promote and foster the economic and physical revitalization of Johnstown's historic town center, while recognizing the unique physical characteristics of the area and preserving historic mixed use and pedestrian focus. The standards and requirements of the Village Center District are based on the following principles:

- A. The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- B. The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- C. Development standards and regulations should encourage the adaptive use of older structures.
- D. The upper stories of older structures should be promoted for productive uses that contribute to the business vitality of the area.
- E. The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- F. Housing - and particularly owner-occupied housing - should be an integral component of the physical fabric of areas within and adjacent to Village Center.

Section 23.02 - Permitted Uses

A. Administrative, business or professional offices of not more than 10,000 square feet of gross floor area, including:

- 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
- 2. Insurance agents and brokers and associated services.
- 3. Real estate sales and associated services.
- 4. Medical and medical-related activities.
- 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
- 6. Accounting, auditing and other bookkeeping services.
- 7. Professional, fraternal and membership associations

B. Retail Stores of not more than 10,000 square feet of gross floor area, primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure.

C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal property. All structures shall have a gross floor area of not more than 10,000 square feet. Examples include:

- 1. Restaurants, not including restaurants with drive-through facilities and/or outside dining areas.
- 2. Banks, savings and loans, and similar financial institutions.
- 3. Barber and beauty shops.
- 4. Funeral services.

- 5. Human medical and/or dental clinics.
- D. Facilities for the administration and meetings of fraternal, veterans and similar member organizations.
- E. Nursery schools and day care facilities.
- F. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- G. Churches and places of public assembly, provided the main assembly area contains not more than 300 seats.
- H. Off-street parking areas accessory to a permitted or conditional use.

Section 23.03 - Conditional Uses

- A. Two or more family residences, provided the development standards of the UR District are met, and a Development Plan, pursuant to the requirements of Section 12.02.07 is submitted by the applicant. Such Development Plan shall include an explanation of how the specific residential use(s) will be developed so as to be consistent with the purposes of the Village Center District. Such Development Plan shall be subject to approval by the Planning and Zoning Commission. Such residential uses may be allowed as an accessory use to a permitted use in an existing building, provided such uses are limited to the upper stories of those buildings and specific approval is obtained from the Planning and Zoning Commission.
- B. One-family detached dwellings.
- C. Restaurants and food service establishments with drive-through facilities and/or outside dining areas.
- D. Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the principles of the VC District as stated in Section 23.01 above.
- E. Single buildings containing not more than three (3) separate permitted or conditional uses.
- F. Similar Uses, which conform to the purpose of the VC District, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 12.02.05 of this Ordinance.

Section 23.04 - Development Standards

23.04.01 - Lot Area

No minimum lot area is required.

23.04.02 - Lot Width

No minimum lot width is required.

23.04.03 - Setbacks

The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to any R District, in which case the setback shall be twenty (20) feet.

23.04.04 - Maximum Building Size

Individual uses within the VC District shall have a ground floor area of not more than 10,000 square feet, unless the use is located in a building existing as of the effective date of this Ordinance, in which case such restriction shall not apply.

Commented [BK2]: What does P&Z think about removing drive-thrus from this district? Then they would only be allowed in GCC districts.

23.04.05 - Manufactured/Modular Buildings

The use of manufactured and/or modular buildings for business purposes shall be prohibited.

23.04.06 - Property Maintenance

No owner of a property or structure in the VC District shall fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, loose walls, roofing materials and dead or dying trees or vegetation.

ARTICLE XXIV - LI LIMITED INDUSTRIAL DISTRICT & GE GENERAL EMPLOYMENT DISTRICT

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Section 24.01 - Purpose

These regulations are established to provide for a wide range of industrial and other employment-generating activity, while preserving the health, safety and welfare of the users of the district(s) and residents of the area. Two (2) separate industrial districts are hereby established:

A. LI – Limited Industrial District

This district provides areas where most industrial and industrial-related activities may locate. Limited retail activities are allowed. The district is intended for areas which are primarily undeveloped, having larger lots and irregular block patterns.

B. GE – General Employment District

This district provides areas for a wider range of employment opportunities. The district allows for a more restricted range of industrial activities, but a wider range of office, business and retail uses. As with the LI District, this district is primarily intended for undeveloped areas.

Section 24.02 - Permitted and Conditional Activities

Permitted and conditional uses in each district are as shown on the following table. Descriptions and characteristics of activity categories are listed in Section 24.03.

ACTIVITY	DISTRICT	
	LI	GE
Industrial		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Manufacturing and Production	P	C
• Warehousing and Distribution	P	P
Sales and Service		
• General Office Activities	P	P
• Personal Service	C	P
• Retail Product Sales and Service	N	P
• Vehicle Service	C	C

P = Permitted Activity

C = Conditional Activity

N = Not Permitted

Section 24.03 - Activity Categories for Industrial Districts

24.03.01 - Industrial Categories

A. Industrial Product Sales

Characteristics: Firms that are involved with the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on on-site sales or order taking and may include display areas. Products may be delivered to the customer.

Accessory Activities: Accessory activities may include administrative offices, product repair and/or warehouses.

Examples: Industrial Product Sales activities may include: sale of machinery and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture and store fixtures. Industrial Product Sales also include industrial equipment and vehicle rental.

Exceptions: Firms primarily engaged in retail sales to the general public are classified as Retail Product Sales and Service.

B. Industrial Service

Characteristics: Firms that are engaged in the repair or servicing of industrial or business machinery, equipment or products. Few customers, especially the general public, come to the site.

Accessory Activities: Accessory activities may include administrative offices

Examples: Industrial Service activities may include: welding shops, machine shops, tool and appliance repair, electric motor repair, truck and large equipment repair, storage and salvage, headquarters for building, plumbing and heating or electrical contractors, printing, publishing and blueprinting, janitorial and/or building maintenance services, medical research and testing facilities, laundry and dry-cleaning, carpet cleaning.

C. Manufacturing and Production

Characteristics: Firms that are involved in the manufacturing, packaging and/or assembly of goods. Raw, secondary, or partially completed materials may be used. Products may be finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.

Accessory Activities: Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouses and storage yards. Retail outlets as an accessory to manufacturing plants shall be treated as Retail Product Sales and Service.

Exceptions: Manufacturing of goods to be sold primarily on-site and to the general public are classified under the Retail Product Sales and Service category.

D. Warehouse and Distribution

Characteristics: Firms that are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are limited.

Accessory Activities: Accessory activities may include administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.

Examples: Warehouse and Distribution firms may include warehouse uses by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials; plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; This classification does not include self-service storage facilities.

24.03.02 Sales and Service Categories

A. General Office Activities

Characteristics: Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.

Accessory Activities: Accessory activities may include cafeterias, health facilities or other amenities primarily for use of employees.

Examples: Examples include professional services such as lawyers, accountants, engineers or architects, financial businesses such as brokerage houses, lenders or realtors, data processing, sales offices, industrial or commercial company headquarters when not adjacent with other portions of the firm and/or government offices.

B. Personal Services

Characteristics: These establishments provide on-site personal services or entertainment to the general public or business persons.

Accessory Activities: Accessory activities may include administrative offices, product sales and laboratories.

Examples: Examples include barbers, hair salons and similar personal care services; banks, savings and loans and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks, libraries and museums; cafes and restaurants; day care facilities; self-service laundries; business and trade schools; dance and martial arts schools; health clubs, gymnasiums, membership clubs and lodges; medical related offices such as doctors, dentists, optometrists and veterinarians; public service agencies such as employment offices, social service agencies and permit issuing offices.

C. Retail Product Sales and Service

Characteristics: Firms that are involved in the sale, lease or rent of products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on-site, and use or consumption is primarily off-site. Goods are generally taken off-site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend time on the site.

Accessory Activities: Accessory activities may include offices, storage and display of goods.

Exceptions:

1. Lumber Yards and similar building material sales, which sell primarily to contractors and do not have a retail orientation are classified in the Industrial Product Sales category.
2. Repair and service of consumer vehicles is classified in the Vehicle Service category. Repair of motor vehicles in conjunction with vehicle sales is classified in the Vehicle Service category.
3. Repair and service of industrial vehicles and equipment is classified in the Industrial Service category.

D. Vehicle Service

Characteristics: Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.

Accessory Activities: Accessory activities may include offices, storage and sales of parts.

Examples: Examples include gas stations, vehicle repair, auto body shops, alignment shops, auto upholstery shops, tire sales and mounting, towing and vehicle storage, and/or surface or garage fee parking.

Section 24.04 - Lot and Area Requirements

24.04.01 -Minimum Lot Area

No minimum lot size is required in the LI or GE Districts; however, lot area shall be sufficient to provide for all yards and distances as required by this Ordinance

24.04.02 - Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

24.04.03 - Side Yards

For any structure or service area within the LI or GE District, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.

24.04.04 - Front Yard Depth

Any new structure or parking area must be located not less than fifty (50) feet from the right-of-way of the road or highway on which the use has frontage.

24.04.05 - Minimum Rear Yard Depth

For any structure or service area within the LI or GE District, the required rear yard shall be not less than forty (40) feet from any interior lot line.

24.04.06 - Maximum Lot Coverage

The maximum lot coverage for structures and paved areas within the LI or GE District, the maximum lot coverage is 60%.

24.04.07 - Height

No building shall exceed a height of forty-five (45) feet.

24.04.08 - Distance from Residential Districts

A. For any land in the Village as of the effective date of this Ordinance which is zoned into the LI District, no structure, service or parking area shall be located less than 100 feet from any existing residence or any district where residences are a permitted use

B. In no case shall any structure, service or parking area in any GE District be located less than 100 feet from any existing residence or any district where residences are a permitted use.

24.04.09 - Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

Section 24.05 - Exterior Development

24.05.01 - Exterior Operations

Exterior Operations includes: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the GE District, but shall be permitted in the LI District.

24.05.02 - Exterior Storage

Exterior Storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials, packing materials, salvage goods, machinery, equipment, damaged vehicles, etc. Exterior storage shall be permitted in the LI District, but not permitted in the GE District unless an acceptable plan for screening such storage is submitted to and approved by the Planning and Zoning Commission.

24.05.03 - Exterior Display

Exterior Display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall not be permitted in the LI District but shall be permitted in the GE District.

Section 24.06 - Off-Site Impacts

No land or structure in the LI or GE Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any adjacent or proximate property which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust, glare or other factors. Statements in writing that such uses comply or will comply with such standards may be required by the Planning and Zoning Commission from the owner. In cases of doubt, the Village is hereby authorized to select and arrange for an independent survey by a professional qualified in the particular field and the costs for such services shall be paid by the applicant.

A. Noise

The sound pressure level of any operation on a lot within the LI or GE District shall not exceed the average intensity of street traffic in the most proximate residential district, and no such sound shall be objectionable due to intermittence, beat, frequency or shrillness. Any applicable standards of Ohio Environmental Protection Agency (OEPA) shall apply.

B. Dust and Smoke

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so the rate of emission or quantity deposited do not create a public nuisance, as measured on the most proximate lot within a non-industrial district. No emission of air pollutants shall be permitted which violate the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

D. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises.

Section 24.07 Fire Hydrants

Lots of greater than two and one-half acres shall contain a fire hydrant plan which has been approved by the Johnstown-Monroe Fire District Fire Chief and the Village Manager.

ARTICLE XXV - RESERVED FOR FUTURE USE

ARTICLE XXVI – SPECIAL USE DISTRICT

Section 26.01 - Purpose

“*Special use*” as used throughout this Ordinance, means facilities classified as main and accessory uses as listed in Section 26.02. The SU District and regulations are established to regulate the location and standards for such uses and structures so as to ensure their proper functioning in consideration of traffic, access, and general compatibility adjacent areas

Section 26.02 - Conditional Uses

Buildings and land within the SU District shall be utilized only for one (1) of the uses set forth in the following schedule:

MAIN BUILDINGS / USES	ACCESSORY BUILDINGS / USES
<u><i>Institutional and/or Educational:</i></u> Public buildings, museums, primary and secondary public, private or parochial schools, nursery schools.	Parking areas, playgrounds, signs
<u><i>Large Public Assembly Areas:</i></u> Churches, synagogues, arenas/stadiums, commercial and/or similar facilities,	Parking areas, signs.
<u><i>Health Care:</i></u> General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.	Parking areas, signs.
<u><i>Senior Citizen Housing:</i></u> Assisted living facilities, nursing homes	Parking areas, signs.
<u><i>Cemeteries and Pet Cemeteries:</i></u>	Signs, maintenance facilities,
<u><i>Class II Type A or B Group Residential Facilities:</i></u>	Parking areas, signs.

Section 26.03 - Development Standards

The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, setbacks, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a specified conditional special use shall be approved by the Planning and Zoning Commission through review of the Development Plan, pursuant to Section 26.05 below.

Section 26.04 - Yard Regulations

A. Front Yards

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

B. Side and Rear Yards

The yards for each building or structure in the SU District shall be specified in the required Development Plan. If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the side and rear yards shall be not less than seventy-five (75) feet.

Section 26.05 - Approval by Planning and Zoning Commission

In addition to the material required for the application for a zoning amendment, as specified in Section 4.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required pursuant to Section 12.02.07 of this Ordinance. In making its recommendation to the Village Council on the proposed placement of land into the SU District, the Planning and Zoning Commission may propose modification to the Development Plan as submitted.

Section 26.06 - Action by Village Council

In approving the redistricting of land into the SU District, the Village Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

Section 26.07 - Conformity with Development Plan

The construction of all buildings and development of the site within the SU District shall be in conformity and compliance with the Development Plan as approved by the Planning and Zoning Commission and Village Council. Any subsequent environmental change or change in use on the property shall require an amendment to the Development Plan and approval by the Planning and Zoning Commission.

ARTICLE XXVII – FP FLOOD PLAIN DISTRICT (OVERLAY)

Section 27.01 - Purpose

It is the intent of the Flood Plain Overlay District to regulate the use of flood plains for uses which could be detrimental to health and welfare for citizens of the Village. The further purposes of the FP District are as follows:

- A. to prevent flood plain uses that are hazardous or environmentally incompatible, and
- B. to ensure that the flood storage and conveyance functions of the flood plain are maintained, and
- C. to minimize damage to public facilities and essential uses that may be located within flood plains, and
- D. to meet community participation requirements of the National Flood Insurance Program.

Section 27.02 - Overlay District

The FP District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements. All uses permitted in the base district are allowed provided they meet the provisions of the FP District.

Section 27.03 - Methods

In order to accomplish the purposes cited in Section 27.01 above, these regulations include methods for:

- A. restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. controlling the alteration of natural flood plains, stream channels and natural protective barriers which help to accommodate or channel flood waters;
- C. controlling filling, grading, dredging, excavating, and other development which may increase flood damage;
- D. preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 27.04 - Lands Subject to Flooding

For the purposes of this Ordinance, "land subject to flooding" means those lands adjacent to a watercourse subject to flooding as have been identified by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRM) as cited below, as may be subsequently amended:

- 3903340137H (Effective May 2, 2007)
- 3903340139H (Effective May 2, 2007)
- 3903340141J (Effective March 16, 2015)
- 3903340143J (Effective March 16, 2015)

For the purposes of these regulations, the flood plain shall consist of the floodway and the floodway fringe, as defined in Article II.

Section 27.05 - Flood Plain Administrator

The Village Manager, or his/her designee, is hereby appointed as the Flood Plain Administrator to administer and implement these regulations. The duties and responsibilities of the Flood Plain Administrator shall include, but are not limited to:

- A. Evaluate applications for permits to develop in flood plains and issue same when the requirements of this Article have been met.
- B. Interpret flood plain boundaries and provide flood protection elevation information.
- C. Inspect buildings or lands to determine whether violations of this Article have occurred.
- D. Make and permanently retain for public inspection all records necessary for administration of these regulations

Section 27.06 - Flood Plain Development Permits

No construction or other development activity, including but not limited to filling, grading, construction, alteration, remodeling or expanding any structure, or alteration of any watercourse wholly or partially within lands subject to flooding as identified in Section 27.04 above, until a flood plain development permit is obtained from the Flood Plain Administrator. Such permit is separate from and in addition to any zoning certificate. Such flood plain permit shall certify that the requirements of this Article have been met.

The application for a flood plain development permit shall be made on such forms as provided by Flood Plain Administrator and shall contain any and all information and material as needed by the Flood Plain Administrator to determine compliance with these regulations.

Section 27.07 - Development Standards

A. Prohibited Uses

- 1) New construction of any residential or nonresidential structures within the floodway.
- 2) Storage or processing of materials that are hazardous, flammable or explosive.
- 3) Storage of material or equipment that, in time of flooding, could become buoyant and obstruct flows in the floodway.
- 4) Any development that may increase flood levels during occurrence of base flood discharge.

B. New construction in the floodway fringe may be allowed, provided the applicant provides evidence by a Professional Engineer, that the proposed project will be adequately protected from future flood events to the 500 Year parameter, will not obstruct water flows during such flood events, and otherwise complies with the requirements of this Article.

ARTICLE XXVIII – DR DESIGN REVIEW OVERLAY DISTRICT & HDR HISTORIC DESIGN REVIEW OVERLAY DISTRICT

Commented [JL4]: Update with new regs.

Section 28.01 - Purpose

The Village of Johnstown contains areas with unique and valuable historic, architectural and /or cultural resources. The preservation and enhancement of these resources is directly linked to the cultural, social and economic well-being of the community. The purposes of this Article are to:

- A. protect and preserve these resources and prevent intrusions and alterations within the established districts which would be incompatible with their established character., and
- B. encourage infill development and property improvement that respects the context of the existing built environment and reduce conflicts between new construction and existing development, and
- C. stabilize and enhance property values and economic value of identified resources, and
- D. promote economically viable reuse of historic structures within Johnstown’s historic core, and

Section 28.02 - Description

Two (2) design review districts are hereby established:

A. (DR) Design Review District

This district is intended for new development on tracts that are vacant and adjacent to similar undeveloped property.

B. (HDR) Historic Design Review District

This district is intended to guide the reuse and renovation of older historic properties and areas adjacent to such resources.

Both of the above districts are *overlay districts*. The standards of the respective districts are requirements which must be met in addition to the established requirements and standards of the underlying zoning district and/or other lawfully adopted regulations.

Section 28.03 - Definitions

As used in this Article, the following words shall be defined as follows:

- A. “Alteration” means any action to change, modify, reconstruct, remove or demolish any exterior features of an existing structure or site within the Historic Design Review District. For the purpose of this item, ordinary maintenance to correct any deterioration, decay or damage to a structure or premises and to restore the structure as nearly as practicable, is excluded from the definition of “alteration”, provided such work does not involve a change in type of building materials.
- B. “Architectural Character” means the architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, “exterior features” means the style, material, size and location of the sign.
- C. “Certificate of Appropriateness” means a certificate authorizing any environmental change within an established Design Review (DR) or Historic Design Review (HDR) District.

D. "Environmental Change" means the construction, alteration, demolition or removal of any property subject to the provisions of this Article.

E. "Preserve" or "preservation" means the process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.

Section 28.04 - District Boundaries

The Design Review and/or Historic Design Review Districts shall consist of areas to be identified on the Official Zoning District Map and designated by Village Council pursuant to the procedures cited in Article VI of this Ordinance.

Section 28.05 - Certificate of Appropriateness Required

No environmental change shall be made to any property within the Design Review or Historic Design Review Districts until a Certificate of Appropriateness has been properly applied for, and issued by the Planning and Zoning Commission. No zoning certificate shall be issued by the Zoning Inspector for any construction, reconstruction, alteration or demolition of any structure now or hereafter in the respective Districts, or subject to the process as specified in this Ordinance, unless a Certificate of Appropriateness has been authorized by the Planning and Zoning Commission.

Section 28.06 - Procedure for Certificate of Appropriateness

A. The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Zoning Inspector, along with such plans, drawings, specifications and other materials as may be needed by the Commission to make a determination. At a minimum, such information shall include the following:

1. A site plan showing building outlines, dimensions and landscaping.
2. Elevations clearly showing the proposed change(s).
3. A description of or sample of materials to be used on the proposed project.
4. A complete description of the proposed environmental change and how such change(s) relate to the criteria for evaluation as cited in Sections 28.07 and 27.08 below.

B. The Planning and Zoning Commission shall determine whether the proposed environmental change will be appropriate to the environmental, architectural or historic character of the Design Review or Historic Design Review District, pursuant to the criteria below.

C. In determining the appropriateness of a specific environmental change, the Planning and Zoning Commission may conduct a public hearing on the project and/or solicit input from consultants that shall be approved and hired by the Village.

Section 28.07 - Criteria of Evaluation of Application for Certification of Appropriateness

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Planning and Zoning Commission shall consider the following:

A. Height

The height of the building shall be measured at the ridge line or the parapet. All new construction should be within ten percent (10%) of the average height of the existing adjacent buildings, unless the structures are of a potential landmark character, or the Planning and Zoning Commission finds that a common height should be maintained.

B. Building Massing.

In evaluating building massing, such characteristics as the building width, height, surrounding setbacks and style shall be considered in relationship to all other structures within 100 feet. This relationship between buildings should allow for consistency of style, size and density in each given neighborhood area.

C. Roof Shape

Roof shape is particularly significant in low buildings or buildings which will be seen from a distance or from above. Roof forms and materials may relate to surrounding buildings. Tall building roof shapes should be evaluated from the logical point or points from where they would be viewed rather than from a straight elevation.

D. Materials and Texture.

Materials and texture are particularly important in terms of their relationship to surrounding buildings and the use of natural materials should be encouraged. Brick color from actual samples should be evaluated. In many cases, through the skillful use of color, significant compatibility with the surrounding environment can be developed.

E. Use of Live Plant Material.

Planting materials should be evaluated on their use for accentuating and highlighting the architectural details of screening undesirable areas such as vacant lots, parking and mechanical equipment. Planting and landscaping are particularly important where parking lots are utilized. Mounding may be developed to partially screen automobiles from the pedestrian view or driving views. Larger parking lots (over fifteen cars) should be broken up by interior landscaping, preferably at the ends of parking aisles. Where year-round screening is required, evergreen planting is appropriate.

F. Lighting

Lighting is particularly important, both from the standpoint of providing light to the pedestrian as well as affecting the view of the building in the evening hours. Where possible, lighting should be either low level or screened from any potential of shining directly into pedestrians' or auto drivers' eyes. When appropriate, the applicant should provide a lighting plan as seen at night.

G. Enhancement of Pedestrian Environment.

Elements which can contribute to the quality of the pedestrian environment should be promoted. Improving circulation and developing new pedestrian routes, such as mid-block connections, are particularly desirable.

H. Signage.

Signage will be most significant in communicating the character of the building. Generally, signage should be discreet and minimal. Signs oriented to the pedestrian should be small in scale; those oriented toward automobile traffic may be larger. Color should be subdued, and where appropriate, the architectural character of the sign should be consistent with that of the building.

I. Strategic Plan Update

The Planning and Zoning Commission shall further utilize the Design Guidelines as cited in the *Village of Johnstown Strategic Plan Update* (pp. 17-22) as may be subsequently amended.

Section 28.08 - Additional Criteria of Evaluation of Application for Certification of Appropriateness in HDR District

In considering any proposed environmental change in the Historic Design Review District, the Planning and Zoning Commission shall also consider the following:

A. The visual and functional components of the building and its site shall be generally compatible with the historic context of its surroundings. Such components shall include, but not limited to,

building height, massing and proportion, roof shape and slope, landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.

B. The distinguishing original qualities or character of a historic building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environmental features should be avoided when possible.

C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.

D. Whereas changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment, if these changes are deemed to have acquired significance, then this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

F. Significant architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the applicant shall provide evidence that new material matches the material being replaced in composition, design, texture and other visual qualities as closely as possible. Repair or placement of architectural features should be based on accurate duplication of the feature, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.

G. The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.

H. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, material and character of the property, neighborhood or environment.

I. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and least visible of historic properties should be given priority over other designs.

J. Reconstruction or rehabilitation within the Historic Design Review District shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment.

K. The design of new structures and of additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture and material of other structures and premises within the individual precinct.

L. All new structures and all reconstruction or remodeling of existing structures within the Historic Design Review District shall utilize natural traditional exterior materials such as brick, stone, masonry and/or wood. The use of contemporary materials, such as aluminum and other similar metals, fiberglass and plastic for exterior surfaces on architecturally significant structures shall be prohibited unless the applicant provides evidence that the use of such materials would contribute to the enhancement of existing traditional materials and the overall integrity and longevity of the structure.

M. All signs within the Historic Design Review District shall conform to the material standards of this Section, be of such size, scale, style and design that reflects the era during which the structure was built, and shall conform to the requirements of this Ordinance. Sign size and shape shall also respond to the existing proportions of period structures, and signs shall not be permitted to cover, "blank-out" or close existing window and doorway openings or otherwise hide important architectural features.

Section 28.09 - Demolition of Structures in HDR District

In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure within the Historic Design Review District, the Planning and Zoning Commission shall grant the demolition and issue a Certificate of Appropriateness when the applicant submits suitable evidence that at least one (1) of the following conditions exists:

- A. The structure contains no features of architectural and historic significance to the character of the individual precinct within which it is located.
- B. There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- C. Deterioration has progressed to the point where it is not economically feasible to restore the structure.

Section 28.10 - Maintenance

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any property within the Design Review and Historic Design Review Districts, provided such work involves no change in material, design, texture, or exterior appearance; nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Zoning Inspector is required for the public safety because of an unsafe, insecure or dangerous condition.

Section 28.11 - Appeals

Any applicant aggrieved by any decision of the Board may appeal the decision in accordance with the procedures specified in Article VII of this Ordinance.

Section 28.12 - Penalty

Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Design Review and Historic Design Review Districts in violation of this Article, shall be deemed to be guilty of a misdemeanor, subject to the penalties specified in Article IX of this Ordinance.

ARTICLE XXIX – PUD PLANNED UNIT DEVELOPMENT

Section 29.01 - Purpose

The purpose of these regulations is to provide for planned unit development (PUD) within the Village of Johnstown, in order to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development.
- B. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other environmental resources, and prevents the disruption of natural drainage patterns.
- C. A development pattern that promotes a greater degree of external and internal pedestrian circulation.
- D. A more efficient use of land resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use, density, transportation, and community facilities objectives of the Village as cited in the *Strategic Plan Update*.

Section 29.02 - Definition

“Planned Unit Development”, or PUD, shall mean an area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply. PUD also can be used to accommodate *conservation development*, i.e., the grouping or clustering of residential units - at somewhat higher densities - on a portion of the site, using the remainder as permanent open space, comprising the most significant identified environmental resources.

The approval of PUD may contain requirements in addition to those of the standard zoning districts, such as building design principles, and landscaping plans.

Section 29.03 - Permitted and Conditional Uses

Permitted uses within the SR, OVR, UR, LB and/or SU Districts may be combined in the PUD District, provided that the proposed locations of non-residential uses are compatible with the design of the overall tract, will not adversely impact adjacent property, and that the location of such uses are specified in the preliminary and final development plans.

The amount of land devoted to non-residential uses in a planned unit development combining residential and non-residential components shall be clearly designated on the Sketch Plan, as required in Section 29.11 below.

Section 29.04 - Project Area

The gross area of a tract of land to be developed in a single PUD District shall be a minimum of twenty (20) acres. This requirement may be waived by the Planning and Zoning Commission if all property abutting the subject tract is platted and/or developed.

Section 29.05 - Common Open Space

A minimum of forty-five percent (45%) of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be:

- A. Dedicated to a homeowner's association who shall have title to, and be responsible for the maintenance of, the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner's association shall be subject to review and approval

by the Planning and Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,

- B. Dedicated to the Village or public school for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the Village or public school shall be subject to the review and approval of the Planning and Zoning Commission; or,
- C. Some combination of A and B, or other specific methods as specifically approved by the Planning and Zoning Commission.

Public utility and similar easements and rights-of-way for watercourses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Commission.

Section 29.06 - Utilities

All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground and in the rear of each platted lot.

Section 29.07 - Arrangement of Non-Residential Uses and Parking

When development in the PUD District includes non-residential uses, buildings shall be planned having common parking areas and common ingress and egress points, in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of such areas where they are adjacent to residential areas. Parking areas shall be designed so as to discourage single, large, unbroken paved lots, and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

The plan of projects developed in the PUD District shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas.

Section 29.08 - Residential Density and Design Criteria

- A. The maximum density shall be three (3) dwelling units per gross acre of area within the area to be developed.
- B. All storm water management facilities must be designed as retention ponds.

Section 29.09 - Private Roads

Private roads or streets as a common easement may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following requirements:

- A. The easement shall not be counted as required open space.
- B. The road or street is approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures
- C. Private roads shall not be used to provide access as through streets to areas outside the development.

Section 29.10 - Procedure for Approval of PUD District

Planned unit development projects shall be processed in accordance with the procedures specified in Sections 29.11 through 29.21, as follows:

Section 29.11 - Pre-Application

The developer is encouraged to meet with the Zoning Inspector and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the PUD process, other provisions of this Code, and the drainage, sewer, and water systems within the Village. Prior to this meeting, the developer shall provide a Sketch Plan of the property, clearly designating the significant environmental resources on the site and how these resources will be preserved, the portions of the site to be developed and overall densities of those areas.

Section 29.12 - Contents of Application for Preliminary Development Plan

An application for preliminary planned unit development shall be filed with the Planning and Zoning Commission by at least one (1) owner of the property for which the planned unit development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information and material:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Present and proposed zoning districts and a description of existing use(s).
- D. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- E. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- F. A list of all property owners within 200 feet from the proposed site.
- G. Proposed schedule for the development of the site.
- H. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
 1. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
 2. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
 3. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use
 4. Open space and the intended uses.
 5. Residential land uses summarized by lot size, dwelling type and density.
 6. Surface drainage and areas subject to flooding.
 7. Preliminary plan for water, sewer, storm drainage and other utility systems, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.

Section 29.13 - Review Procedure

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector at least twenty-one (21) working days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package to the Planning and Zoning Commission and other parties as deemed appropriate for review and comment.

A public hearing shall be held by the Planning and Zoning Commission not more than sixty (60) days from the date of acceptance of the application package. The notification requirements for such hearing shall be as set forth in Section 6.05 of this Ordinance.

Section 29.14 - Action by Planning and Zoning Commission

Within thirty-five (35) days after the public hearing held by the Planning and Zoning Commission, the Commission shall make a recommendation to Village Council, following the procedures as cited in Section 6.05 of this Ordinance.

Section 29.15 - Criteria for Recommendations by Planning and Zoning Commission

Before making its recommendation as required in Section 29.14, the Planning and Zoning Commission shall determine whether the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not impose undue adverse impacts on adjacent uses, but will have positive impacts which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations.
- D. The area surrounding said development can be used in substantial compatibility with the proposed development.
- E. The existing and proposed public services are adequate for the population densities and uses proposed, and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose. The cost of services provided by outside consultants and/or experts will be the responsibility of the applicant.

Section 29.16 - Action by Village Council

Upon receipt of the recommendation by the Commission, Village Council shall review and take action on the application, following the procedures specified in Section 6.06 of this Ordinance. Following approval by Village Council, the subject property shall be considered as zoned PUD. The Preliminary Development Plan is approved and takes effect concurrently with the approval of the rezoning. The Preliminary Development Plan becomes binding for the development of the property, unless amended. The approved Preliminary Development Plan may be amended when the amended plan is determined by the Village to be equal or better than the previously approved plan. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan, within the time frames cited in this Article.

Section 29.17 - Final Development Plan

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Zoning Inspector. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

Section 29.18 - Contents of Application for Approval of Final Development Plan

An application for approval of the Final Development Plan shall be filed with the Zoning Inspector at least twenty-one (21) working days prior to the Planning and Zoning Commission's next scheduled meeting, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information

supplied on the application. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall contain the following information and materials:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan, including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- G. Plans for landscaping
- H. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

Section 29.19 - Action by the Planning and Zoning Commission

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to by the Owner/Developer, the Planning and Zoning Commission shall approve, deny or approve with modification, the Final Development Plan for all or a portion of the project. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

Section 29.20 - Expiration and Extension of Approval Period

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved Development Plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension is necessitated by conditions beyond the control of the applicant.

Section 29.21 - Platting

The creation of new parcels under any planned unit development shall be subject to the subdivision requirements of this Ordinance. To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD District. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by Village Council and such amendment has become effective.

ARTICLE XXX – RESERVED FOR FUTURE USE

PART FOUR – ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXXI – GENERAL DEVELOPMENT STANDARDS

Section 31.01 - Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved street or thoroughfare within the Village.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located. For lots on curved streets or at the terminus of a cul-de-sac, lot width shall be determined by the chord length of the lot at the minimum building setback line.

Section 31.02 - Front Yards

A. Front Yard Requirements

All front yard space shall be landscaped by lawns, shrubbery, trees or other plantings and maintained in a neat and orderly state.

B. Front Yard Measurements

Front yard depth shall be measured from the right-of-way line of the street or highway or property line, whichever is most restrictive, to the building line.

C. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of a corner lot shall be as required for the rear yard of the district where the lot is located.

D. Open Porches

In residential districts, an open, uncovered porch or paved terrace may project into a required front yard for a distance of not greater than six (6) feet.

E. No accessory structures may be placed in front yard.

Section 31.03 - Side Yards

A. Measurement

Side yard width shall be measured from the side lot line to the nearest point of the outside wall of the building.

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line.

C. Accessory Uses or Structures

Accessory uses or structures may be allowed in a side yard, subject to requirements of Section 32.01 of this Ordinance if a minimum of five (5) feet is maintained to any adjoining lot line.

Section 31.04 - Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the nearest point of the outside wall of the building. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 32.01 of this Ordinance if a minimum of five (5) feet is maintained to any adjoining lot line.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum of ten (10) feet is maintained to any adjoining lot line.

Section 31.05 - Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front, side or rear yard not more than three (3) feet, so long as a minimum of two (2) feet is maintained to any adjoining lot line.

Section 31.06 - Height

Height regulations specified in the various zoning districts shall not apply to chimneys, steeples, spires, or similar structures attached to, and appropriate with the primary structure.

Section 31.07 - Minimum Floor Area Requirements

Minimum floor area requirements as specified in the various zoning districts shall not include open porches with no roof, decks with no roof, or outdoor living areas, garages, breezeways or steps.

Section 31.08 - Lot Coverage

The calculation of lot coverage shall include principal and accessory structures, decks, porches and/or steps covered by a roof, but shall not include open decks with no roof, porches with no roof or steps with no roof.

Section 31.09 - Curb Cuts

A. New Curb Cuts

New curb cuts in all districts shall be subject to the requirements of Chapter 905 of the Codified Ordinances.

B. SR Districts

Curb cuts in SR Districts shall be located not less than thirty-five (35) feet from any street intersection, as measured from the right-of-way line. If more than one (1) curb cut is proposed on a single lot, the applicant for a zoning certificate on such property shall demonstrate that such additional curb cut is necessary for safe vehicular movement to and from the site and that the distance between the curb cuts is sufficient to allow for the safe and efficient ingress and egress of vehicular traffic

C. OVR, UR, RO and VC Districts

The number and spacing of new curb cuts in these districts shall be determined on a case-by-case basis by the Village manager.

D. LB, GC, LI, GE and SU Districts

Not more than two (2) curb cuts per street frontage shall be established for any single lot in the above districts. All curb cuts must be located not less than 150 feet from any street intersection and fifty (50) feet from any adjacent property line. If the property is a corner lot located at the intersection of two (2) streets, the curb cut(s) shall be located on the street with the lowest

Average Daily Traffic (ADT). In any case, the applicant for a zoning certificate on properties involving new curb cuts shall demonstrate that the distance between the curb cuts is sufficient to allow for the safe and efficient ingress and egress of vehicular traffic from the site.

The use of shared curb cuts in these districts is encouraged, and modification of the standards of this Section may be granted by the Planning and Zoning Commission if such alternative access is proposed.

Section 31.10 – Additional Yard Requirements

Two-family or multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front yard, two side yards and one rear yard as specified for dwelling in the appropriate district.

ARTICLE XXXII – ADDITIONAL DISTRICT STANDARDS

Section 32.01 - Accessory Buildings and Structures

"Accessory building or structure" shall mean a detached structure and/or use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, swimming pools and similar facilities. Such accessory structures are subject to the following additional requirements:

- A. For the purposes of this Section, "detached" means not connected to the principal building by a common load bearing wall, column, beam, girder or roof.
- B. The use of all accessory structures shall conform to the definition above, and no accessory structure shall be used for human habitation or for commercial purposes.
- C. In the SR, OVR, and RO Districts, no separate accessory structure can be erected on a vacant lot, or any lot where there is no principal residential structure. Any exceptions to this requirement must be addressed as a variance, subject to the standards and procedures of Article VII.
- D. An accessory use or structure shall not exceed twenty-four (24) feet in height, unless the subject property is in the Historic District Review (HDR) District and specific approval for a higher accessory building is granted in order to promote consistency with the architectural character of the other structures on the site.
- E. An unattached use or structure shall be located to the rear of the principal structure within any side or rear yard no closer than six (6) feet from any side or rear lot line in any SR District and four (4) feet in the OVR, UR and RO Districts. In any other district, the location of accessory buildings must be approved by the Planning and Zoning Commission.
- F. Not more than two (2) detached accessory building or structures shall be permitted on any single lot. The total floor area of all accessory uses or structures shall not exceed 576 square feet or 30% of the total living area of the principal building, whichever is less. Swimming pools and similar uncovered areas shall be exempt from these area requirements. In addition, these restrictions are subject to the lot coverage requirements of Section 31.08 of this Ordinance.
- G. Not more than one (1) moveable storage building shall be allowed on any single residential property, and such structure shall comply with the location requirements of Section 32.01D above. The above restrictions shall not apply to temporary storage structures in place for less than ninety (90) days.

Section 32.02 - Home Occupations

Home occupations or professions shall be regulated as permitted or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty percent (20%) of dwelling unit floor area is devoted to the home occupation.
- B. The home occupation shall be managed by the occupant of the property. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- C. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- D. No external sign pertaining to the home occupation shall be permitted.
- E. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- F. No home occupation shall be conducted from any accessory building on the lot.

In particular, a home occupation shall consist primarily of rendering specific personal or professional services and/or sale or services of products.

Section 32.03 - Private Swimming Pools

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than one and one-half (1 1/2) feet. No such swimming pool, exclusive of portable swimming pools with an area of less than one-hundred (100) square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than ten (10) feet to any property line or structure.
- C. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than forty-two inches (42") in height, maintained in good condition, and affixed with an operable gate and lock.
- D. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.
- E. Community or Club Swimming Pools.

Community or club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- 1. The pool is intended and is to be used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- 2. The pool and accessory structures thereto, including areas used by the bathers shall not be closer than twenty-five (25) feet to any property line; and
- 3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Such fence or wall shall not be less than four (4) feet in height with a gate and lock and maintained in good condition.

A zoning certificate shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

Section 32.04 – Group Residential Facilities

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the UR District, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the SU District subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.

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- G. Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

Section 32.05 - Conformity Required

All proposed dwellings shall be in harmony with and conform to the character of that neighborhood.

Section 32.06 - First Floor Level of Residential Buildings

Residential buildings, of one story or more, shall not have a first floor level more than thirty inches above finish grade. All finish grades shall be in complete harmony with all abutting properties.

Section 32.07 - Minimum Lot Areas Where Water and Sewer Facilities Not Available

In any area in which neither Village water nor sewer facilities are available, lot area shall be increased to a minimum of 20,000 square feet. In any area in which either water or sewer are available, but not both, the lot areas shall not be less than 15,000 square feet.

Section 32.08 - Fire Hazards

Any activity involving the use of or storage of flammable explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 32.09 - Noise

Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled.

Section 32.10 - Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Section 32.11 - Erosion

No erosion created by a land owner shall be permitted which will carry objectionable substances onto neighboring properties.

Section 32.12 - Radioactivity or Electrical Disturbance

No activity shall emit dangerous radioactivity at any point, or electrical disturbances adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

Section 32.13 - Nuisance Control and Weed or Tall Grass Removal

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjacent property.

No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the Village, shall permit noxious weeds or grass to grow thereon to a height in excess of six (6) inches, or to spread or mature seeds thereon, or fail to cut and destroy such noxious weeds and grass.

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same be improved or unimproved, vacant or occupied, within five (5) days' written or oral notice to do so, shall cut or destroy, or cause to be cut or destroyed, any noxious or poisonous weeds or tall grass growing upon such lot or parcel of land and/or any abutting treelawn, and prevent the same from blooming or going to seed, or exceeding a height of six (6) inches, or spreading pollen which may be harmful to human health. For the purposes of this subsection, "oral" notice may be in person or by phone, and "written" notice may be by ordinary mail, e-mail or by prominently posting the notice on the lot or parcel of land in question. For the purposes of this subsection, a "treelawn" shall be defined as the landscaped area between the sidewalk and the paved portion of a street.

If the owner, occupant or person having the charge or management of any lot or parcel of land does not cut or destroy, or cause to be cut or destroyed, noxious weeds or grasses as provided herein, the Village Manager is authorized to cause to be cut or destroyed such noxious weeds or grasses.

When any such noxious weeds or grasses are cut or destroyed by the Village, as provided herein, then after such work is performed, the Village shall give five (5) days' notice by regular mail to the owner, occupant or person having the charge or management of such lot or parcel of land, at his known address, to pay the cost of such cutting or destroying of noxious weeds or grasses, which notice shall be accompanied by a statement of the amount of cost incurred. If the same is not paid within thirty (30) days after the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected or the Village may seek recovery of such costs by civil action against the property owner involved.

When it is deemed necessary to cut and destroy weeds or grasses on private property, in accordance with the provisions of this section, the owner shall be charged at the rate of two hundred dollars (\$200.00) per hour or portion thereof, or the actual cost of work, whichever is larger. The minimum charge shall be two hundred dollars (\$200.00).

Section 32.14 Litter and Cleaning of Premises

No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the Village, shall permit the accumulation of debris including but not limited to all tin cans, bottles, trash, junk vehicles and other unclean and unsightly matter and debris.

The Zoning Inspector shall cause a notice ordering persons to clean thoroughly for all lands, yards, vaults, cesspools, sheds and barns, and to cause all tin cans, bottles, trash, junk vehicles and other unclean and unsightly matter and debris to be removed there from. Additionally, the Zoning Inspector, in a reasonable manner, shall notify at such other times as may be necessary any person, property owner, firm or tenant who allows or has permitted the accumulation of or the existence of the above described conditions that such person or firm shall cause the removal or cleaning up of such condition within a period not less than seven days from the receipt of the notice herein.

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the Village, whether the same be improved or unimproved, vacant or occupied, within five (5) days' written or oral notice to do so, shall clean thoroughly for all lands, yards, vaults, cesspools, sheds and barns, and to cause all tin cans, bottles, trash, junk vehicles and other unclean and unsightly matter and debris.

If the owner, occupant or person having the charge or management of any lot or parcel of land does not clean thoroughly for all lands, yards, vaults, cesspools, sheds and barns, and to cause all tin cans, bottles, trash, junk vehicles and other unclean and unsightly matter and debris, the Village Manager is authorized to cause to be cleaned.

When any property is cleaned thoroughly by the Village, as provided herein, then after such work is performed, the Village shall give five (5) days' notice by regular mail to the owner, occupant or person having the charge or management of such lot or parcel of land, at his known address, to pay the cost of such

cleaning the property, which notice shall be accompanied by a statement of the amount of cost incurred. If the same is not paid within thirty (30) days after the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected or the Village may seek recovery of such costs by civil action against the property owner involved.

When it is deemed necessary to clean thoroughly for all lands, yards, vaults, cesspools, sheds and barns, and to cause all tin cans, bottles, trash, junk vehicles and other unclean and unsightly matter and debris on private property, in accordance with the provisions of this section, the owner shall be charged at the rate of two hundred dollars (\$200.00) per hour or portion thereof, or the actual cost of work, whichever is larger. The minimum charge shall be two hundred dollars (\$200.00).

Section 32.15 - Conformity with Lot Size Requirements; Variances

Any lot of record on the effective date of this Zoning Ordinance on which construction of any improvement is not started, nor a building permit obtained shall conform to the requirements set forth in this Zoning Ordinance. However, where any lot of record cannot conform to the lot size requirements of this Zoning Ordinance, a request may be made to the Planning and Zoning Commission for a variance.

Section 32.16 - Mobile Homes and Parks Prohibited

All mobile homes, mobile home parks, camps, tourist courts, tourist cabins and tourist cottages are prohibited from being located or erected within the Village.

Section 32.17 - General Commercial District; Off Street Parking Facilities

Off-street parking facilities may be located within the required front yard of any General Commercial parcel, but shall not be nearer than fifty feet to any Residential District.

Section 32.18 Sidewalks Required

No building or structure shall be erected, substantially altered, or its use changed unless an ADA compliant sidewalk has been provided in accordance with the provisions of this Zoning Ordinance. Sidewalks shall at a minimum be provided along any public roadway and provide pedestrian access to the building directly.

Section 32.19 As-Built Foundation Survey

Prior to framing any structure, a sealed, as-built foundation survey certification is required from a registered surveyor. Two sealed copies of the survey are required to be submitted to the zoning inspector for review and approval before proceeding with construction. Any structure requiring a foundation is required to have a foundation survey.

The following definitions shall apply to this section:

- A. "Foundation" means the lowest load-bearing part of a building, typically below ground level.
- B. "Structure" means anything constructed or erected, the use of such requires location on the ground or attachment to something having a fixed location on the ground.

ARTICLE XXXIII – LANDCAPE SCREENS, BUFFERS AND FENCES

Section 33.01 - Purpose

The purpose of these landscaping requirements is to promote and protect the public health, safety and welfare through the promotion of the vital importance of tree growth as an integral part of the ecological system. It is further the purpose of this Section to specifically encourage the preservation and replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

Section 33.02 – Definitions

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

- A. "Landscaping" means the use of trees, shrubs, grass, ground covers and other plant materials.
- B. "Major tree" means a living tree with a trunk diameter of not less than six (6) inches, measured twenty-four (24) inches above ground level.
- C. "Opacity" means the state of being impervious to rays of light measured by observation of any two (2) square yard area lying between two (2) and ten (10) feet from the ground.

Section 33.03 - Preservation of Natural Features

When preparing and reviewing subdivision plans and preliminary and final development plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. If an area is determined to be a wetland, it shall be preserved and/or mitigated consistent with Federal regulations. Streams with a drainage area greater than twenty-five (25) acres and their riparian corridors, to a minimum width of fifty (50) feet on each side of the centerline of the stream, shall be preserved in their natural state.

Section 33.04 - Street Tree Requirements

The planting of street trees for new developments shall be subject to the following requirements:

- A. Street trees must be planted in the front lawn, between the sidewalk and the structure. Street trees shall be located not less than four (4) feet from the sidewalk for small trees, six (6) feet from the sidewalk for medium trees and eight (8) feet from the sidewalk for large trees. Street trees shall be located not less than ten (10) feet from fire hydrants, streetlights and/or utility poles, and so that a twenty-five (25) foot sight triangle is maintained at street intersections. Tree lawns shall have a minimum width of nine (9) feet.
- B. Street trees shall be a minimum of one and a half inches (1.5") caliper (trunk diameter as measured at breast height (DBH), 4.5 feet above ground) and shall not be of a species cited in Section 33.05 C below.
- C. The Owner/Developer shall be required to maintain all street trees for a period of two (2) years after the tree is planted, and to replace any tree which dies within such two (2) year period.
- D. No person shall, as a normal practice, top any tree within the public right-of-way. "Topping: means the severe cutting back of limbs within the crown of the tree to such a degree so as to remove the normal canopy or otherwise disfigure the tree.
- E. Street tree limbs extending over the sidewalk shall be subject to trimming so that no portion of same shall be less than seven (7) feet above the sidewalk.
- F. The Village or any licensed utility shall have the right to but will not be required to plant, prune, and/or maintain or remove trees within the established right-of-way as may be necessary to ensure public safety, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.

Commented [BK6]: Tree Commission reviewed and approved Sections 33.04-.07 (September 29, 2020)

Section 33.05 - Landscape Screening

A. Screening in Particular Districts

The development standards for particular districts require the installation of screen or buffer areas of side or rear yards that are adjacent to districts where residences are permitted uses. When required by the specific district development standards, such screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements. Such areas shall be a minimum of ten (10) feet wide and contain screening at least seven (7) feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage.

B. Screening of Trash Receptacles

The development standards for particular zoning districts require the screening of trash receptacles to effectively screen them from view. In those cases where screening is required, landscaping can be utilized as a supplement to, but not a replacement for, the required fencing. Container systems shall not be located in front yards, and shall conform to applicable side and rear yard setbacks for the respective district. The height of such screening shall be at least six (6) feet in height.

C. Maintenance of Shrubbery and Hedges

In any district, no shrubbery, hedge and/or other vegetation shall be planted, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, trees and/or other vegetation located so as to affect the vision of drivers on adjacent streets shall keep such vegetation trimmed to a maximum of thirty inches (30") in height, and keep trees trimmed so as to avoid covering or obscuring of traffic visibility or traffic control signals.

Section 33.06 - Parking Lot Landscaping

A. Parking Lot Islands

- a. Large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape area shall be smaller than 350 square feet.
- b. For each 100 square feet, or fraction thereof, of parking area, a minimum total of five square feet of landscaped area shall be provided.
- c. Parking areas should contain a minimum of one deciduous canopy tree for every ten parking spaces.
- d. Trees used in parking lot islands shall have a clear trunk of at least five feet above the ground, and the remaining areas shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.

B. Buffering

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

Section 33.07 - Landscape Materials

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

A. Quality and Type

All plant materials shall conform to the standards of the ANSI - American Standard for Nursery Stock and have passed applicable State of Ohio inspections. Added landscape elements shall observe and respect the size, placement, character and type of such materials employed on adjacent and proximate properties.

B. Deciduous Trees

Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured at breast height (DBH), 4.5 feet off ground) of at least one and a half inches (1.5") immediately after planting shall be required. Trees of undesirable species, as cited in 33.05 C below, are prohibited.

C. Undesirable Species

In meeting the planting and maintenance requirements of this Ordinance, the following species of trees shall be considered undesirable species, and shall not be utilized.

1. Box-Elder (*Acer negundo*)
2. Silver Maple (*Acer saccharinum*)
3. Catalpa (*Catalpa speciosa*)
4. Tree of Heaven (*Ailanthus Altissima*)
5. Mulberry (*Morus alba*)
6. Poplars and Cottonwoods(all kinds) (*Populus*)
7. Bradford Pear (*Pyrus calleryana*)
8. Willows (all kinds) (*Salix*)
9. Siberian Elm (*Ulmas pumila*)
10. Any tree located or planted so as to interfere with any public utility.

D. Evergreen Trees

Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half inches (1 1/2") immediately after planting.

E. Shrubs and Hedges

Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.

F. Grass or Ground Cover

Grass of the fescue (*Gramineae*) or bluegrass (*Poaceae*) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion, nets or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

G. Maintenance and Installation

All landscaping materials shall be installed in a sound and competent manner, according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free of refuse and debris at all times. All unhealthy or dead plant material installed pursuant to this section shall be replaced within one (1) year.

Section 33.08 - Residential Fences and/or Hedges

Section 33.08.01 - Definition

As used in this section:

- A. "Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence. Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence".
- B. "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.
- C. "Chain link fence" means a fence usually made of metal consisting of loops or wire interconnected in a series of joined links.
- D. "Ornamental fence" means a fence usually made of wood constructed for its beauty or decorative effect and, when viewed at right angles, having not less than fifty percent (50%) of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light and air. Permitted ornamental fences are:
 - a. "Rail or split rail fence" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts.
 - b. "Picket fence" means an open fence made of upright pales or slats.
 - c. "Wrought Iron" means an open fence made of metallic compounds formed of iron that has been beaten out or shaped by hammering rather than cast.
- E. "Privacy fence" means a fence made to inhibit public view and provide seclusion and, when viewed at right angles, having more than fifty percent (50%) of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) closed to light or air. Permitted privacy fences are:
 - a. "Basket weave or woven fence" means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
 - b. "Louver or ventilating fence" means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

Section 33.08.02 - Permit and Appeal

No fence or wall, as defined above, may be erected within the Village unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The owner shall also identify any dedicated easements and/or drainage structures in the immediate vicinity of the proposed fence and shall certify that he/she shall bear all future costs and liability associated with such fence being located on or over such dedicated easements or drainage structures. The owner shall pay a permit fee as decided by Council.

Should the Zoning Inspector fail or refuse to issue a permit after proper application has been made therefore, a person may appeal the failure or refusal to the Planning and Zoning Commission which has been established under Ohio R. C. 713.01. There is hereby delegated to the Planning and Zoning Commission under Ohio R. C. 713.11 the power to permit variances after hearing in accordance with the established rules and procedures of the Planning and Zoning Commission. The power to grant variances to this chapter shall include, but not be limited to, the authority to

grant variances with respect to prohibited fences under Section 33.08.04. The person seeking a variance and the Planning and Zoning Commission shall follow all rules and procedures currently enforced for granting variances to the application of the Village Zoning Ordinance, including no such variance shall be authorized unless a finding is made that all of the following facts and conditions exist:

1. Exceptional and extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same district or vicinity.
2. The special circumstances or conditions do not result from actions of the property owner or any of his predecessors in title.
3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.
4. The authorization of such variance shall not be materially detrimental to the public welfare or injurious to property in the district or vicinity in which the property is located.

Section 33.08.03 – Permitted Types

Fences shall be permitted in required yards as follows:

- A. Ornamental fences shall be permitted in public facilities and residential zoning districts.
 - a. Front yards. Ornamental fences may be erected in front yards parallel to the building line to a height not exceeding three and one-half feet; provided however, that rail or split rail fences may be erected in front yards parallel to and on or approximately on the common property line but not nearer than one foot to the street right-of-way.
 - b. Side and rear yards. Open ornamental fences may be erected in side and rear yards parallel to and on, or approximately on, the common property line to height of not more than five feet.
- B. Chain link fences shall be permitted in all zoning districts. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding four feet above the natural grade in residential zoning districts, six feet above the natural grade in commercial zoning districts, and eight feet above the natural grade in manufacturing zoning districts.
- C. Privacy fences shall be permitted in all zoning districts only in rear and side yards. Fences in residential districts shall be Privacy fences in a side yard and may extend no closer than 20 feet to the front corner of the primary structure. Such fences shall comply with the yard requirements of permitted accessory buildings and shall not exceed six feet in height above the natural grade.
- D. Shrubbery or hedges shall be permitted in public facilities and residential zoning districts provided they conform to the height and location requirements of this chapter.
- E. Fences are prohibited to extend further than the existing sidewalk. If no sidewalk exists, the fence must be set back far enough to allow the installation of a sidewalk. (See Chapter 901 Sidewalks)
- F. The Planning and Zoning Commission may permit other fences which are similar in character and design to one or more of the fences permitted herein.

Section 33.08.04 - Prohibited Fences

In any residential district, no person shall erect or maintain any above ground fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

Section 33.08.04 - Corner or Through Lot

Where a rear or side yard abuts a street, fences otherwise permitted in side or rear yards shall not extend into required yards, provided however, that this provision shall not prohibit permitted rail

or split rail fences erected in such side or rear yards parallel to and not nearer than one foot to the side or rear property line, at a height not to exceed three and one-half feet above the natural grade.

Section 33.08.05 - Inspection

It shall be the duty of the property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the Zoning Inspector issuing permits, and such fence does not encroach upon another lot or parcel of land. The Village shall furnish such inspection as is deemed necessary to determine that such fence is constructed in accordance with plans submitted for permit, provided however, that the issuance of such permit by the Village shall not be construed to mean the Village has determined such fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.

33.08.06 - Easements

A fence may be located within easements provided they do not prohibit the purpose of the easement. In any case where the fence is removed by the easement holder, the cost of replacing the fence will be borne by the property owner.

33.08.07 - Maintenance

Such permitted fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any grounds between such fences and property lines shall be well maintained at all times. Any such fences permitted on the property line shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence.

33.08.08 - Penalty

Whoever violates any provision of this section shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day that such violation continues shall constitute a separate offense.

Section 33.09 - Agricultural Buffering and Mitigation

Section 33.09.01 - Purpose

The purpose of these standards is to mitigate the potential for conflict between farming activities and urban uses. The mitigation provisions of this chapter seek to achieve the following objectives:

1. Minimize the impacts of urban development on agricultural production activities.
2. Minimize the potential for complaints about agricultural practices and activities.
3. Ensure the continued use of agricultural land for agricultural uses.
4. Minimize potential conflict by developing a well-defined boundary between agricultural and urban uses. The best boundary will be one that minimizes conflict in both directions.

Section 33.09.02 - Definitions

The following definitions apply only to this chapter:

- A. "Agricultural land uses" means the use of land for the cultivation and husbandry of plant and animal products, including agricultural activities permitted on land zoned exclusive farm use (Agriculture).
- B. "Mitigation area" means a management zone of varying size, shape, and characteristics between different land uses that uses combinations of mitigation elements to buffer between agricultural land and urban land uses.
- C. "Mitigation element" means a physical or legal feature within a mitigation area that mitigates an adverse impact. A mitigation element may consist of vegetation, transportation and utility corridors, natural barriers, deed restrictions, or other natural or manmade features.
- D. "Spray drift" means airborne movement of agricultural chemicals onto a non-target area.

- E. Urban Receptor, Sensitivity Of.
 - a. Urban Receptor, Higher-Sensitivity (H).
 - i. Residential use.
 - ii. Motel, hotel, or hostel.
 - iii. Place of worship; public meeting facility.
 - iv. Child care center, kindergarten, school, university, or other educational institution.
 - v. Medical center or hospital.
 - vi. Public or quasi-public use, such as library, park, etc.
 - vii. Other similar uses.
 - b. Urban Receptor, Lower-Sensitivity (L).
 - i. Commercial use, except for any defined as higher-sensitivity urban receptor.
 - ii. Industrial use.
 - iii. All other uses not classified here.

Section 33.09.03 - Description of Impacts Requiring Mitigation

1. Spray Drift. Principally, spray drift is caused by agricultural chemical use, but can apply to urban use of agrochemicals. Separation between urban and agricultural uses is the preferred tool to mitigate the impact of the spray drift, employing either large setbacks or a combination of smaller setbacks and a tree buffer.

2. Trespass and Vandalism. Trespass and vandalism are often considered by farmers to be the most serious adverse potential impact to agricultural operations in proximity to urban areas. Climb-resistant, trespass-inhibiting fences and/or hedges in the mitigation area are the means of reducing these impacts, as is placing the buffer in individual ownership (such as larger urban lots with strict setback requirements).

3. Odor. Odor is one of the less important agriculture-related adverse impacts. Unless there are site-specific reasons why mitigation of odor is critical (such as the presence of a livestock feed lot), issues with odor are sufficiently addressed by requiring that owners of new urban development within 1,000 feet of agricultural land receive notice through an explicitly worded deed declaration of the potential adverse impacts to which they will likely be exposed as a result of living within 1,000 feet of agricultural land.

4. Dust, Smoke, and Ash. Like odor, this grouping of potential adverse impacts is one of the least important agriculture-related issues in the region, and, like odor, can be addressed by the use of a deed declaration.

5. Runoff. Stormwater and irrigation runoff arise from both urban and agricultural uses, and can adversely impact agricultural operations as well as urban health and livability. Impacts may be avoided or significantly reduced by employing erosion-prevention and erosion-control measures during construction, and by an adequate stormwater plan for urban development that takes into account impacts from and on the adjacent agricultural land.

6. Noise. Noise is an impact arising from agricultural operations. This section contains no noise mitigation requirements, but applicants are encouraged to consider community design and construction practices that provide some level of noise mitigation.

Section 33.09.04 - Application Steps

- A. Applicability.
 - a. The provisions in this section apply to the development permit applications listed below where proposed development abuts land zoned or currently utilized as Agricultural.
 - i. Land division;
 - ii. Planned unit development;
 - iii. Conditional use permit;
 - iv. Site plan and architectural review.

- b. A preapplication conference is required for all applications subject to the provisions of this section.
 - c. Different degrees of mitigation are required of the applicant based on the following factors: the sensitivity of the adjoining urban use to agricultural impacts and the impact being buffered; the intensity of uses on the adjacent Agriculture land.
- B. Application.
 Agricultural Impact Assessment Report. As part of any application for development or use of land which is adjacent to agriculture (refer to subsection (D) of this section) and where the agricultural mitigation standards in Section 33.09.05 apply, an applicant shall supply the planning department with a report entitled "Agricultural Impact Assessment Report" (AIAR). The purpose of the AIAR is to provide the approving authority with sufficient evidence to determine agricultural intensity and to evaluate the applicant's proposed method of complying with the provisions of this section. The AIAR shall include the following components:
 - a. Map showing the zoning of land adjacent and within 200 feet of the property proposed for urban development.
 - b. A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned Agriculture and sources of such information. The information thus required, if applicable, shall include:
 - i. Method of irrigation (if proposed).
 - ii. Types of agricultural production and practices for the five preceding years.
 - iii. Type of agricultural equipment customarily used on the property.
 - c. Detailed information obtained from the Natural Resources Conservation Service (NRCS) concerning soils which occur on adjacent lands zoned Agriculture, and whether the land has access to water for irrigation.
 - d. Wind pattern information.
 - e. A description of the measures proposed to comply with the requirements of subsection (D) of this section and Section 33.09.05.
 - f. The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.
 - g. All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.
 - h. If the applicant is requesting a deviation from the standards of this section, the agricultural impact assessment report shall not be deemed to be complete unless accompanied by the conflict assessment and mitigation study described in Section 33.09.06 (D)
 - i. A list of acceptable plant type
 - j. A plan and narrative, including best practices and other industry standards, to incorporate existing natural vegetation and trees to the required buffer area.
- C. Review Process.
 Using the definitions of these classifications herein and the evidence of the AIAR, the approving authority shall determine.
 - a. Whether the applicant's proposed mitigation plan meets the standards of this section.
 - b. The approving authority shall approve, approve with conditions, or deny the AIAR and its proposals and conclusions.
- D. Mitigation Requirements.
 All mitigation elements will be sited on urban land unless arrangements have been made with the adjacent agricultural land owner to site some or all elements on agricultural land.

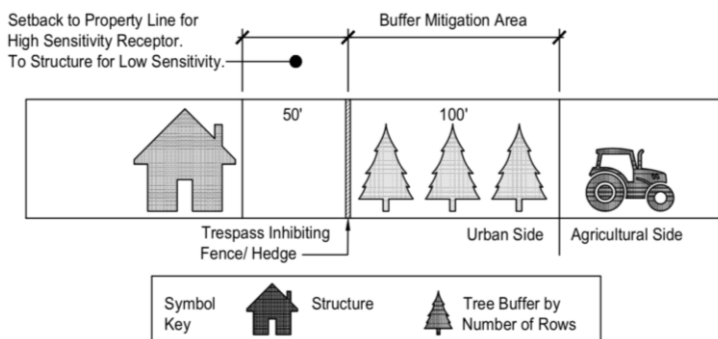
 Mitigation for Agriculture. To minimize or mitigate the potential adverse impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the applicant when urban development is proposed adjacent to land which is in agricultural use:
 - a. Setbacks as illustrated in Section 33.09.05(A), Figure 1, either alone or in conjunction with a tree buffer;

- b. Tree buffer as illustrated in Section 33.09.05(B), Figures 2, Section 33.09.05(C), Figure 3, and described in Section 33.09.05(B)(a) through (e);
- c. Screening shrubs (only in conjunction with a tree buffer) as illustrated in Section 33.09.05(B), Figure 2, and described in Section 33.09.05(D);
- d. Trespass-inhibiting hedges/fencing as illustrated in Section 33.09.05(B), Figure 2, and described in Section 33.09.05(E);
- e. Deed Declaration. All urban land proposed for development which lies within 1,000 feet of an Agriculture zoning district boundary shall be subject to a deed declaration that requires the owners and all successors in interest to recognize and accept common, customary and accepted farming practices which may produce noise, dust, odors, and other impacts. The deed declaration shall be in a form approved by the city. After the deed declaration is signed it shall be recorded in the official records of Licking County, and copies shall be mailed to the owners of adjacent agricultural lands zoned Agriculture.
- f. Maintenance Program. Land adjacent to an Agriculture zoning district boundary shall be subject to a restrictive covenant that provides that the perpetual maintenance of mitigation-related fencing, the perpetual horticultural care and maintenance of trees, shrubs, and hedges that are used for mitigation, and the maintenance of other mitigation elements shall be solely the responsibility of the owners, Homeowners Association (HOA) and/or all successors in interest of property subject to the covenant. The covenant shall be in a form approved by the city. After the covenant is signed it will be recorded in the official records of Licking County.
- g. Runoff. Measures appropriate to the circumstances present shall be undertaken by the applicant to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.
- h. Ownership. All buffer mitigation areas shall be contained with the boundary of a single parcel owned and maintained by the Homeowners Association.

Section 33.09.05 - Mitigation Standards

- A. Illustration of Tree Buffer/Setback Combination Options.
 - a. Figure 1 illustrates the tree buffer/setback combination options for applicants.
 - i. The "tree" symbol illustrates the number of rows required under each option.
 - ii. Minimum setbacks are represented by the "structure" symbol ranged along a linear scale showing distance from the urban/agricultural boundary. Setbacks apply to any structure or property line as defined.
 - b. The figure does not depict screening shrubs; however, that element is required when a tree-based buffer is used and when the tree species in the first row on the agricultural side will not provide sufficient foliage cover to ground level.
 - c. Where there is a mix of urban uses, the buffer design shall protect the most sensitive use among them.

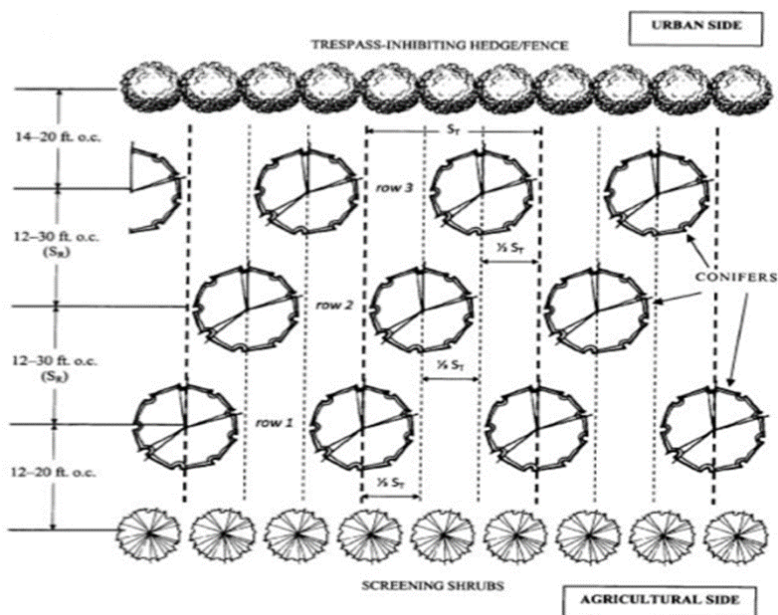
**Figure 1.
Illustration
of Tree
Buffer**



B. Tree Buffers.

- a. Three-Row Buffer. Depending on the species used, the minimum possible tree buffer width is 100 feet. A 50' setback from buffer/mitigation area is required to property line for a high sensitivity urban receptor and 50' to structures for low sensitivity receptors. The buffer area may be extended to 150 feet with no setback required. The buffer shall be composed of at least two different conifer species.

Figure 2: Three Row Tree Buffer



- b. Row Spacing and Offset. The purpose of the row-by-row offset is to mitigate the effect of individual tree mortality and to compensate for the individual differences between trees.

i. Three-Row Buffer.

1. Offset. Set off the second row by one third the spacing distance of trees (ST) in the first row; set off the third row by another third. Refer to Figure 2 for clarification.
2. Spacing of Rows. The distance between rows will be determined using the following formula, where SR is the spacing distance between rows, D1 is the widest foliage diameter of the tree species in one row when it reaches a height of 30 feet, and D2 is the widest foliage diameter of the tree species in the next row when it reaches a height of 30 feet:

$$SR = 0.5(D1 + D2) + 4$$

- c. Tree Spacing within Rows. Tree spacing within a row is based on the greatest foliar diameter of a given tree species when it reaches a height of 30 feet. Coniferous trees vary from narrow pyramidal forms (e.g., Atlas cedar) to broad

pyramidal forms (e.g., Norway spruce), so the following table contains calculation methods for each.

Table 1: Calculation of Tree Spacing within Rows for Narrow- and Broad-Diameter Trees

	Narrow ST =	Broad ST =
Single-species row	1.25 D	1.1 D
Two-species row	0.625(D1+D2)	0.55(D1+D2)

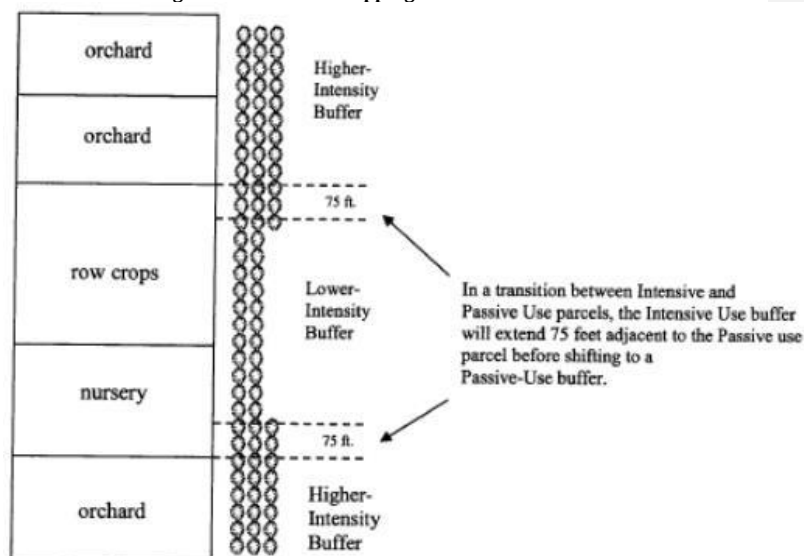
D = Typical foliar diameter of a tree species when 30 feet tall. The diameter is measured at the widest extent of a pyramid conifer.

ST= Tree spacing within rows; calculated as a multiple of a tree diameter.

Note: When planting more than two species in a row, use the two species with the widest diameters to calculate spacing.

- d. Minimum Tree Height at Planting. Five to six feet, balled and burlapped.
 - e. Permitted Tree Species.
 - i. Applicants may use any species of conifer trees provided they are resistant to or will not harbor agriculturally harmful insects or diseases.
 - ii. A list of recommended species is available in **APPENDIX A**
- C. Transitions between Buffers of Different Intensity. The principal purpose of the tree buffer is to mitigate spray drift; spray height is the primary factor in determining whether a higher- or lower-intensity buffer is required. To lessen the amount of spray being carried past a transition between the two types of buffer, the applicant will extend the buffer 75 feet beyond the end of the higher-intensity buffer, as shown in Figure 3.

Figure 3: Buffer Overlapping for Transition Areas



- D. Screening Shrubs.
 - a. Screening shrubs are used only in conjunction with tree buffers.

- b. If the first row of trees on the agricultural side of the tree buffer does not have foliage down to ground level, install screening shrubs to provide sufficient foliage cover to close the gap. If the first row of trees on the agricultural side of the buffer provides foliage down to ground level, then screening shrubs are not required.
 - c. The mature height of the shrubs shall be 125 percent of the anticipated ground-to-foliage bare space of the average mature specimen of tree species.
 - d. Permitted Screening Shrubs.
 - i. Applicants may use any species of screening shrubs provided they are resistant to or will not harbor agriculturally harmful insects or diseases.
 - ii. A list of recommended species is available in the regional plan, APPENDIX A, available at the Village of Johnstown zoning departments.
- E. Trespass-Inhibiting Hedges and Fences.
 - a. Hedges and fences may be used separately or in combination to inhibit trespass onto agricultural land.
 - b. Hedge Standards.
 - i. Spacing and Number of Rows. One or more rows, whichever is sufficient to create an eight-foot- wide buffer at maturity.
 - ii. Spacing within Rows. As appropriate to eliminate gaps within three years of planting.
 - iii. Overall Height.
 - 1. No less than three (3) gallon if being used solely as a trespass inhibitor.
 - 2. If doubling as screening shrubbery, the hedge needs to cover any bare space between the ground and the lowest branches of trees in the central portion. Mature height shall be 125 percent of anticipated ground-to-foliage bare space of average mature specimen of tree species being screened.
 - iv. Permitted Trespass-Inhibiting Species. Applicants may use any species of trespass-inhibiting hedges provided they are resistant to or will not harbor agriculturally harmful insects or diseases. A list of recommended species is available in the regional plan, APPENDIX A, available at the Village of Johnstown zoning departments.
 - c. Fence Standards.
 - i. Minimum fence height: six feet.
 - ii. Fences shall be climb resistant.
 - iii. Install gates only when necessary for maintenance of the mitigation area.
- F. Other Design Requirements.

It is always preferable to not bisect buffers with roads due to the wind-funneling effect they create. If a road is unavoidable, it should be as narrow as possible, not straight, and should not be oriented to the prevailing wind. It should be noted that even a road with an acceptable orientation and design will permit some degree of increased spray drift to pass through the buffer area, and will also pose a greater risk of trespass

Section 33.09.06 - Deviations

- A. A proposed mitigation design that deviates from the provisions may be approved by the Planning & Zoning Commission as described in this section.
- B. A mitigation design may not be considered as a deviation if existing elements consistent with the purpose of the buffer are incorporated, as described below:
 - a. For mitigation without tree buffers the requirements of linear distance can be achieved by elements such as the following:
 - 1. Manmade or natural features such as infrastructure rights-of-way, roads, watercourses, wetlands, rock outcrops, forested areas, and steep slopes;

2. Nonfarmable areas of the agricultural land being buffered (including yards, storage areas, roads, and all structures) unless such land is used for animal husbandry.
 3. Publicly owned land without consistent present or projected public use (as determined by the public entity owner);
 4. An easement on agricultural land purchased by the applicant;
 5. Other open areas (except undeveloped rural residential, commercial, or industrial parcels) that are considered appropriate to the purpose of the buffer.
- b. For mitigation with tree buffers the approving authority may allow the requirements to be partially or fully satisfied by existing areas of trees and shrubs, as long as their mitigation effect is essentially the same as that intended by the requirements in Section 33.09.05. If the characteristics of the existing vegetation do not meet the requirements in Section 33.09.05, and cannot substitute in full or in part for an adequate tree buffer, then the area can either be incorporated into the design at half its mitigation value (for example, a 20-foot-wide riparian area would be calculated as 10 feet of tree buffer) or it can be left out of the tree buffer and be calculated at its original width (20 feet of existing vegetation would be considered as 20 feet of bare land).
- C. When an applicant proposes a mitigation design that deviates from the minimum standards in this section, the applicant is responsible for the preparation of a conflict assessment and mitigation study (CAMS).
- D. Conflict Assessment and Mitigation Study (CAMS).
- a. The CAMS shall:
 1. Determine the present and likely future agricultural land uses, practices, and activities with the potential to cause adverse impacts to adjacent urban development. This determination shall be based on factors such as soil type; topography; parcel size, shape, and location; infrastructure; microclimatic conditions; regional agricultural practices and crops; and the farming history of the adjacent agricultural land and surrounding similar parcels.
 2. Determine how the proposed urban development would likely impact the management and operation of nearby agricultural lands. All owners of Agriculture-zoned land within 1,000 feet of the land proposed for development shall be asked for an interview, and the findings of those interviews will be included in the CAMS.
 3. Identify the land uses, practices, and activities that may cause adverse impacts and the extent of the impacts, from both the urban use as well as from the agricultural land. It shall also quantify the impacts, where possible, in terms of frequency and duration of activities to determine the impacts. As part of this evaluation, the CAMS shall consider the likely future uses determined in subsection (D)(a)(1) of this section. The buffering mechanisms that are proposed shall be sufficient to accommodate these potential future uses. The current financial viability of a particular crop will not be considered an important limiting factor in determining potential future use.
 4. Propose a set of buffering measures that will achieve acceptable buffering outcomes, which may include, but are not limited to, the siting of residences, size and geometry of lots, separation distances, communal open space, vegetation, natural landscape features, acoustic features, and so forth.
 5. Propose the means by which the proposed buffering measures will be monitored and maintained. This includes responsibility for implementing and maintaining specific features of the buffer areas to ensure continued effectiveness. Acknowledgment of the authority

- responsible for ensuring compliance with any agreement will be plainly cited.
6. Establish a timeline for the development that establishes when the buffer will be installed.
- E. Any approval of a deviation does not create a precedent for any subsequent requests for deviations from the standards of this section.

ARTICLE XXXIV – OFF STREET PARKING REQUIREMENTS

Section 34.01 - Purpose

The purpose of these requirements is to encourage the orderly development of parking and loading areas within the Village and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 34.02 - Provision for Parking Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking spaces in accordance with the provisions of this Article.

Section 34.03 - General Requirements

A. Area and Dimensions – Parking Spaces

	Minimum Width (Measured in Feet Parallel to Aisle)	Minimum Length (Feet)	Maneuvering Lane (Width in Feet)
Parallel Parking	9	23	12
30-53 Degree Parking	13	20	15
54-74 Degree Parking	10	20	20
75-90 Degree Parking	9	19	20

Commented [BK7]: 1175.09 Size Requirements
Parking Aisles
90 degrees – 20 feet
Angle – 18 feet
Parallel – 14 feet

B. Area and Dimensions – Loading Spaces

Length	Width	Height Clearance
30 feet	12 feet	15 feet

C. Access

All off-street parking and loading areas provided in accordance with this Section shall have direct access to a publicly dedicated and improved street or alley. Any nonresidential and multiple-family use parking area shall be designed in such a manner that any vehicle entering or leaving the parking area from or onto a public or private street shall be traveling in a forward motion. Access or driveways for parking or loading areas shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

D. Surfacing

All off-street parking areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface. All off-street parking and loading areas located in front yard setbacks, including single-family residential uses, shall be paved with asphalt, Portland concrete, brick or other similar material. All paved parking areas shall be constructed with adequate bedding, as approved by the Zoning Inspector.

E. Lighting

Lighting used to illuminate any off-street parking area shall use down-lighting only and be arranged as to reflect light away from any adjoining premises in any zoning district where

residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

F. Location of Parking Spaces

1. Proximity to Street Right-of-Way

In all districts, a five (5) foot clear zone shall be maintained between the street right-of-way line, and any off-street parking space. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle (or portion thereof) over the clear zone.

2. Proximity to Use

In the VC District, required parking and loading spaces shall be provided either on the same lot, or within 300 feet of the principal use which they serve. In all other Districts, required parking and loading spaces shall be provided on the same lot as the principal use they serve.

3. Location on Lot

For all residential districts, parking in front or side yards is prohibited unless on asphalt or concrete driveway. Parking for commercial structures should be primarily at the rear and side of the site, behind the buildings.

G. Parking in the VC District

1. Required Parking Spaces

The Village Center (VC) District contains small lots and is served by on-street parking and the Municipal Parking Lot. For these reasons, special regulations are justified in this district. Non-residential uses located in new structures within the VC District must provide only twenty-five percent (25%) of the required spaces as specified in Section 34.04, provided that - in all cases - sufficient off-street spaces shall be provided for all employees of the establishment.

2. Joint Provision of Parking Facilities

Two 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 Section 34.03 F, and the number of spaces so provided shall not be less than the sum of required spaces as per Section 34.04 of this Ordinance. A written agreement between the parties stating the terms under which the proposed parking shall be developed and maintained shall be filed with the application for a zoning certificate.

H. Parking Limitations in Residential Districts

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment, commercial trucks and/or inoperable vehicles shall not be parked on streets or alleys in any district where residences are a permitted use. The storage of such equipment shall be subject to the following requirements:

1. Not more than two (2) pieces of recreational equipment, not more than one (1) of which can be a motor home, shall be permitted to be stored outside on a parcel containing a

- single family or two-family dwelling. For the purpose of these regulations, a boat stored on a boat trailer shall be deemed one (1) piece of recreational equipment.
2. For multi-family uses, an area shall be designated for outdoor storage of recreational equipment and shall be limited in area to accommodate no more than one (1) piece of recreational equipment for each fifteen (15) dwelling units.
 3. Recreational equipment shall not be occupied or used for sleeping, housekeeping or business purposes.
 4. The parking of a disabled vehicle within a residential or commercial district for a period of more than forty-eight hours shall be prohibited, unless such vehicle is stored in an enclosed garage.
 5. At no time shall the parking of commercial semi-trailers be permitted in residential districts.

Section 34.04 - Required Number of Off-Street Parking Spaces

Parking spaces shall be provided according to the following Schedule, which is hereby made a part of this Ordinance.

SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

USE	MINIMUM NUMBER OF REQUIRED SPACES	MAXIMUM NUMBER OF REQUIRED SPACES
A. Residential		
1. Single or multi-family residences	One (1) per dwelling unit	Four (4) per dwelling unit
2. Institutional housing, other residential uses	One (1) per four (4) occupants plus one (1) for each main shift	
B. Commercial		
1. Professional, administrative and business	One (1) per 500 S.F. of gross floor area	One (1) for each 200 S.F. of gross floor area
2. Food, department, general merchandise, hardware, drugs or other retail sales	One (1) per 400 S.F. of gross floor area	One (1) for each 200 S.F. of gross floor area
3. Eating or drinking establishments <i>without</i> drive-through facilities	One (1) per 300 S.F. of gross floor area	One (1) for each 100 S.F. of gross floor area
4. Eating or drinking establishments <i>with</i> drive-through facilities	One (1) per 250 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces	One (1) for each 75 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces
5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities	One (1) for each 300 S.F. of gross floor area	
6. Personal services, including banks, savings and loans, and similar	One (1) for each 200 S.F. of gross floor area plus additional space in drive-through lanes equal to eighty percent (80%)	

services <i>with</i> drive-through facilities	of the required number of parking spaces	
7. Barber and beauty shops	Two (2) for each work station	
8. Vehicle repair/services	Two (2) for each service bay plus one (1) for each fuel dispensing nozzle, plus one (1) for each employee during the main shift	
9. Self-serve laundries	One (1) for each three (3) washers	
10. Medical and dental offices, human clinics	One (1) for each 200 S.F. of gross floor area plus one (1) for each employee during the main shift	One (1) for each 75 S.F. of gross floor area plus one (1) for each employee during the main shift
11. Veterinary clinics, animal hospitals	One (1) for each 200 S.F. of gross floor area plus one (1) for each employee during the main shift	One (1) for each 75 S.F. of gross floor area plus one (1) for each employee during the main shift
12. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) additional space	
13. Funeral homes	One (1) for each 100 S.F. of gross floor area	
C. Industrial		
1. Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises	
D. Institutional		
1. Churches and places of public worship	One (1) for each five (5) seats in main sanctuary	
2. Public or private, elementary or secondary schools	Two (2) for each classroom or one (1) for each eight (8) seats in main auditorium, whichever is greater	
3. Business, trade or technical school, college or university	One (1) for each four (4) students and one (1) for each faculty member	
4. Nursery school/Day care	One (1) for each twenty (20) students	
5. Libraries, museums, community centers and similar facilities	One (1) for each 500 S.F. of gross floor area	
6. Civic, social and fraternal organizations	One (1) for each five (5) persons allowed in main room/area at full capacity	
7. Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift	
E. Recreational		
1. Baseball, softball, football, soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one for each six (6) seats in stands	

2. Tennis, handball or racquetball courts	Two (2) for each court	
3. Bowling alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants	
4. Exercise gyms and/or health/fitness clubs	One for each 300 S.F. of gross floor area	
5. Theaters, stadiums, sports arenas, auditoriums or other assembly halls other than schools	One (1) for each four (4) seats	
6. Indoor recreational facilities in which seating is secondary to the principal use, e.g. roller rinks and similar venues	One (1) for each four (4) persons allowed in main room/area at full capacity	

ARTICLE XXXV - SIGNS

Section 35.01 - Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems so as to:

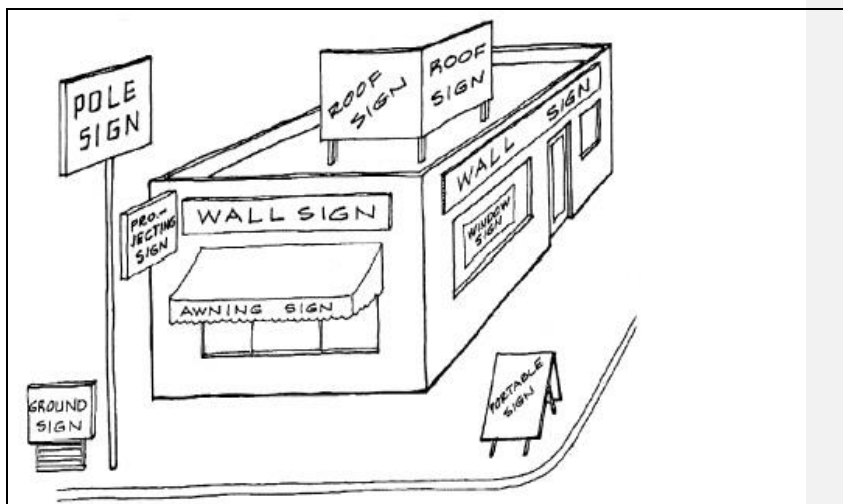
- A. Prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic,
- B. Prevent signs from having an adverse impact on adjacent properties or uses,
- C. Reduce sign clutter,
- D. Encourage the development of signage systems that promote an active economic and business environment, and thereby protect the general health, safety, and welfare of the citizens of the Village of Johnstown, and
- E. Promote the principle of content neutrality in the regulation of signs and signage systems.

Section 35.02 - Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
- B. Other Definitions
 - 1. "Awning" means a hood or cover that projects from the wall of a building.
 - 2. "Banner sign" means a non-rigid cloth, plastic or canvas temporary sign typically related to a special event or promotion. For the purposes of this Article, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations.
 - 3. "Billboard" means an off-premises sign that is more than two-hundred (200) square feet in area.
 - 4. "Canopy" means a structure separate from, but associated by use with the principal building, which is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A "canopy sign" is a sign that is attached to or a part of the roof of such a structure.
 - 5. "Changeable copy sign" means a permanent sign in which the material or message composing the sign, in whole or in part, is manually or mechanically changeable. This definition does not include digital display signs.
 - 6. "Digital display sign" means a sign which uses digital technology to produce a bright clear image which automatically changes on a programmed interval.
 - 7. "Directional sign" means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.
 - 8. "Electronic message center sign" means a changeable copy sign that utilizes computer generated messaging or some other electronic means of changing copy.
 - 9. "Flashing sign" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
 - 10. "Freestanding sign" means a sign which is wholly independent of any building for support.

- a) "Ground sign" means a freestanding sign supported from the ground and not attached to any building.
 - b) "Pole sign" means a freestanding sign supported by one or more poles at the base of the sign.
11. "Joint Identification sign" means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.
12. "Mural" means a large picture or graphic generally free of a written message that is painted or attached directly to an exterior building surface.
13. "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
14. "Permanent sign" means a sign that is not temporary.
15. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and is not physically attached to any part of a building or the ground. Portable signs shall include:
- a) "Trailer sign" meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.
 - b) "Folding portable sign" meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
16. "Projecting sign" means a sign which extends outward perpendicular to the building face
17. "Roof sign" means any sign erected upon or completely over the roof of any building.
18. "Temporary sign" means a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure or the ground,
19. "Vending machine sign" means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar outdoor object.
20. "Wall sign" means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
21. "Window sign" means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window and is designed and located to be read from outside the building.



COMMON SIGN TYPES

Section 35.03 - Signs as Accessory Use

Unless indicated otherwise by specific provisions of this Ordinance, signs shall be considered as an accessory use to the principal permitted use on the premises.

Section 35.04 - Prohibited Signs

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Trailer signs, as defined in Section 35.02 B 15 above.
Signs mounted on motor vehicles that are parked in a prominent location for the primary purpose of displaying the sign.
- B. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display.
- C. Pole signs, as defined in Section 35.02 B 10 (b) above.
- D. Billboards, as defined in Section 35.02 B 15 above.
- E. Flashing or high intensity lights mounted on a sign.
- F. Any sign that obstructs any part of a doorway, exit or fire escape.
- G. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
- H. Any sign affixed to any utility pole or otherwise located within the street right-of-way. Any such sign shall be subject to immediate removal by the Village.
- I. Pole Sign

Section 35.05 - Signs Excluded from Regulations

The following signs are excluded from the regulations and requirements of this Article:

- A. Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals.
- B. Signs erected by a governmental entity or public utility for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
- C. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- D. Signs which are in the nature of cornerstones, commemorative tablets and historic designations, provided such signs are less than nine (9) square feet in size.
- E. Temporary signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- F. Temporary window signs which promote special business sales, promotions or occasions.
- G. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion.

Section 35.06 - Signs Which Do Not Require a Permit

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article but are not included in the maximum number of signs allowed according to **TABLE ONE**

- A. Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One such sign shall be allowed per street front. Such signs shall not be located in a public right-of-way.
- B. Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
- C. Signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- D. Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election shall be considered temporary signs. Such signs shall not exceed six (6) square feet in area, shall not be illuminated and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition, such sign shall not be located in any manner so as to create a safety or visibility hazard and shall be removed not later than three (3) days after such election
- E. Not more than three (3) temporary signs which advertise the sale of personal property, such as a garage, yard, porch or moving sale provided such signs are not located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard and shall be subject to removal after the date of the event.
- F. Temporary construction signs which display the identification of a construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed sixteen (16) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- G. Temporary signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.
- H. Signs determined by the Planning and Zoning Commission to be similar to those specified in Section 35.06 A through G above.

Section 35.07 - Sign Permits and Administration

A. Permit Required

No permanent or temporary sign, except as exempted in Sections 35.05 or 35.06 of this Ordinance shall hereafter be erected, constructed or maintained within the Village of Johnstown unless a permit for the same has been issued by the Zoning Inspector. Application for a permit to construct or erect a sign shall be made on forms as provided by the Village by the owner of the property upon which the sign is proposed, or his agent,

B. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefor.

C. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Planning and Zoning Commission in the manner set forth in Article VI of this Ordinance.

Section 35.08 - Temporary Signs

Temporary signs shall be subject to the following general requirements:

- A. The application for a permit for a temporary sign shall include the time period for which the sign is to be displayed, not to exceed ninety (90) days during any consecutive twelve (12) month period. Such permit may be renewed for an additional ninety (90) days with the approval of Planning and Zoning Commission.
- B. Not more than two (2) temporary signs shall be permitted on any premises during any period. The total area of all temporary signs on any single premises during any period shall not exceed thirty-two (32) square feet in any residential district and fifty (50) square feet in any nonresidential district.
- C. Temporary signs shall not be illuminated.
- D. Trailer signs as defined in Section 35.02 B 15 are prohibited.
- E. Portable signs, not including trailer signs, shall be permitted in nonresidential districts, provided such signs are not displayed for a period exceeding thirty (30) days during any consecutive twelve (12) month period, excepting folding portable signs in the VC District, which are subject to Section 35.08 F. below.
- F. Folding portable signs as defined in Section 35.02 B 15 shall be permitted if such signs are anchored so as to prevent accidental collapse. Such signs shall be allowed in sidewalk areas of the VC District, provided a six feet (6') clear zone is maintained for pedestrian circulation, and such sign is removed from the sidewalk area during nonbusiness hours.
- G. Temporary signs shall be constructed of such material that will allow the sign to be maintained in good repair for the period it is to be displayed. The use of unprotected cardboard or paper products as sign material shall be prohibited.
- H. Banner signs less than twenty (20) square feet in area are permitted as temporary signs, provided such banners are secured to prevent movement which would allow any portion of the banner to extend into the street right-of-way.
- I. Streamers and/or inflatable devices may be permitted as temporary signs, provided specific approval for such signs is granted by the Planning and Zoning Commission.
- J. Signs promoting activities for religious, educational or other non-profit organizations shall require one (1) general permit from the sponsoring organization.

Section 35.09 - General Requirements - Permanent Signs

Particular types of permanent sign types shall be permitted in specific zoning districts as cited in **TABLE ONE** of this Section. Permanent signs shall also be subject to the following requirements:

A. Wall Signs

Wall signs may be erected on any building wall or extension of a building wall, which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve inches (12”).

B. Canopy and/or Awning Signs

Canopy signs may be painted on an awning area or attached to a canopy or roof. Such canopy may be independent of the primary building on the lot. Canopy or marquee signs shall be a minimum of nine (9) feet above ground level.

C. Projecting Signs

Projecting signs shall not exceed eight (8) square feet in size, are placed not less than eight (8) feet above the sidewalk or ground level, and project not more than six (6) feet outward from the building face

D. Freestanding Signs

The location, height and other characteristics of freestanding signs must meet the requirements of this Article. Pole signs, as defined in Section 35.02 B 10 (b) are prohibited. No portion of any freestanding ground sign shall be erected over the street right-of-way. Freestanding ground signs, where permitted, shall be designed and constructed so as to be compatible with the design and materials of the structure with which the sign is associated.

E. Window Signs

Window signs, other than those cited in Section 35.06 B above, shall be permitted as specified in **TABLE ONE**.

F. Off-Premises Signs

Off-premises signs as defined in Section 35.02 B 13 shall be considered as an accessory use in the SU District. Not more than one (1) off-premises ground sign with a sign face area not exceeding thirty-two (32) square feet is permitted on a single lot. Off-premises signs shall conform to all applicable yard, setback and height restrictions for structures as specified in the required Development Plan in the respective SU district where they are located.

G. Digital Display Signs

Digital display signs, as defined in Section 35.02 B 6, shall be considered a conditional use in the SU District, requiring specific approval of the Planning and Zoning Commission. Where permitted, the copy change on digital display signs shall not be more frequent than once per thirty (30) seconds.

H. Billboards

Billboards, as defined in Section 35.02 B 3, shall be prohibited.

I. Drive-Through Menu Boards

Drive-through menu boards shall be allowed in the GC District and shall not be counted as part of the allowed sign area or maximum number of signs. Such signs shall not be visible from the street right-of-way or located in the front yard, shall be single faced and shall not exceed thirty-two (32) square feet in area.

J. Vending Machine Signs

For the purposes of this Article, vending machines with attached signs shall be treated as permanent signs. Vending machine signs shall not be included in the number of permitted signs pursuant to Section 35.09 K 12 below; however, vending machine signs shall meet the requirements for illuminated signs in Section 35.09 K 1 below. In addition, if a vending machine

sign is located on a lot adjacent to any single-family residence, such sign shall be positioned or shielded so as not to be visible from such residence.

K. General Requirements

1. Illumination

Illuminated permanent signs shall be permitted only in the RO, LB, GC, VC, SU, GE, LI and PUD Districts. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses and districts. The level of illumination emitted from a sign shall not be of an intensity to constitute a safety hazard to vehicular movement on any street. External illumination shall be limited to fixtures that use a maximum 150-watt metal halide, tungsten-halogen or incandescent lamp. Such fixtures shall be directed towards and concentrated on the sign face to prevent glare upon adjacent properties and rights-of-way.

2. Pennants and/or Streamers

No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

3. Construction

All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard and shall comply with the applicable provisions of the Ohio Basis Building Code. The Zoning Inspector may require evidence of same at the time of an application for a sign permit.

4. Location

No part of any sign shall be placed in, over, or extend onto any public right-of-way.

5. Changeable Copy Signs

Changeable copy signs, as defined in Section 35.02 B 5 above, shall be permitted in the LB, GC, GE, LI and SU Districts. The number, height and area of changeable copy signs shall be determined by the structural type of the sign, i.e., freestanding, wall, projecting, etc. as cited elsewhere in these regulations. The area of the sign devoted to the copy subject to change, usually the message, shall not exceed fifty percent (50%) of the total area of the sign.

The light and/or perceived movement from any changeable copy sign shall not be of such intensity to constitute a safety hazard to vehicular traffic or shine directly on any residential property.

6. Permanent Subdivision Identification Signs

Such signs shall be limited to wall mounted or freestanding signs only, with placement on walls, columns or similar architectural or landscaped entrance features used to denote the entrance to the subdivision.

7. Joint Identification Signs

Joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) property (e.g., a shopping center) or two (2) adjoining properties on one (1) public street or at the corner of two (2) public streets. If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Each joint identification sign shall not exceed fifty (50) square feet and fifteen (15) feet in height in the GC, LI or GE Districts, and not more than twenty (20) square feet in area and eight (8) feet in height in any other district.

8. Signs in VC District

Notwithstanding the other provisions of this Ordinance, a sign within the VC District may extend into the right-of-way, provided the applicant demonstrates that, due to the location of the building or other physical characteristics of the lot, the erection of an alternative sign outside the right-of-way is not feasible. In addition, such applicant shall certify that such sign shall be subject to subsequent removal at the owner's expense, if so required by the Ohio Department of Transportation (ODOT) and/or the Village for purposes of public safety.

9. Signs in the Historic Design Review (HDR) District

In addition to the requirements in the underlying standard zoning district, signs in the HDR District shall be subject to specific review by the Planning and Zoning Commission to determine compliance with the criteria of Section 28.08 of this Ordinance.

10. Signs in SU and PUD Districts

Signs in the SU and/or PUD Districts shall reflect the standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed development as part of the Development Plan.

11. Schedule of Sign Regulations

The Schedule of Sign Regulations as follows on **TABLE ONE** is hereby made a part of this Ordinance.

SECTION 35.09 K 11 / TABLE ONE
PERMITTED NUMBER AND STRUCTURAL TYPE OF SIGNS
(PERMANENT ON-PREMISES SIGNS)

USE / DISTRICT	PERMITTED SIGN TYPES	MAXIMUM NUMBER OF SIGNS
Residential Subdivision Identification Sign	Wall, ground (all districts)	One (1) per entry Two (2) total)
Two- and Multi-Family Dwellings in the UR District	Wall, ground	One (1) per frontage
Offices in RO District	Wall, ground	One (1) per frontage
Nursery Schools, Day Care in all districts	Wall, ground	One (1) per frontage
Commercial/Office/Institutional Schools, churches, hospitals and other public facilities in all districts	Wall, ground window	One (1) per frontage
Buildings housing Essential Services and similar public facilities	Wall, ground	One (1) per frontage
Churches in all districts	Wall, ground	One (1) per frontage
Permitted / conditional uses in the LB District	Wall, ground, window, (only one ground)	Two (2) per frontage
Business, office and commercial VC District	Wall, window, awning, projecting, canopy	Two (2) per frontage (only one ground)
Permitted / conditional uses in the GC District	Wall, ground, awning, window, projecting, canopy	Two (2) per frontage (only one ground)
Industrial Permitted / conditional uses in the LI and GE Districts	Wall, ground, window	Two (2) per frontage

SECTION 35.09 K 11 / TABLE ONE_(CONTINUED)
SIGN AREA, HEIGHT AND DISTANCE FROM R.O.W.
(PERMANENT ON-PREMISES SIGNS)

USE / DISTRICT	MAXIMUM SIGN AREA (SQ. FT.)	MAXIMUM HEIGHT (FEET)	MINIMUM DISTANCE FR. R.O.W.*
Residential Subdivision Identification Sign	30	8	25
Two- and Multi-Family Dwellings in the UR District	20	15	10
Offices in RO District	20	15 (wall) 6 (ground)	10
Nursery Schools, Day Care in all districts	20	15 (wall) 6 (ground)	10
Commercial/Office/Institutional Schools, churches, hospitals and other public facilities in all districts	50 (all signs) 30 per sign	20 (wall) 10 (ground)	10
Buildings housing Essential Services and similar public facilities	40 (all signs) 30 per sign	15 (wall) 10 (ground)	15
Churches in all districts	50 (all signs)	15 (wall) 10 (ground)	10
Permitted / conditional uses in the LB District	50 (all signs)	15 (wall) 10 (ground)	10
Business, office and commercial uses in the VC District	1.5 per lineal foot of bldg. frontage; 50 S.F. maximum all signs	20 (wall)	-
Permitted / conditional uses in the GC District	1.5 per lineal foot of bldg. frontage; 100 S.F. maximum all signs; 50 S.F. for any ground sign.	15 (ground) 25 (other types)	25
Industrial Permitted / conditional uses in the LI and GE Districts	1 per lineal foot of bldg. frontage; 100 S.F. maximum all signs; 50 S.F. for any ground sign.	15 (ground) 25 (other types)	25

*Distance from R.O.W applicable to freestanding ground signs only

NOTES / TABLE ONE:

1. In addition to the designated number of permitted signs, nonresidential uses along arterial or collector highways within the GC, GE and LI Districts shall be allowed a maximum of two (2) directional signs. Such directional signs shall clearly be for the purpose of designating entrances and/or exits and directing customers to the internal circulation network on the site. Such directional signs shall be subject to specific approval of the Planning and Zoning Commission.
2. In the GC District, if the distance from the right-of-way to existing freestanding signs of the four (4) most proximate properties is less than twenty (20) feet, the applicant for a freestanding sign may construct one (1) such sign at the least of these distances.
3. In multi-tenant buildings in the VC District, the maximum permitted sign area as cited in TABLE ONE above shall be allocated by the building owner on the basis of the approximate proportional gross leasable area used by the tenant.
4. For the purposes of calculating the number of permitted signs, "frontage" shall be mean frontage on a publicly dedicated and improved street.
5. Window signs, when permitted in TABLE ONE above, are not included in the maximum number of signs, but shall be included in the maximum square feet (SF) of signs.
6. Plans for signage in the SU and PUD Districts must be submitted with the required Development Plan; the Planning and Zoning Commission may impose additional requirements.
7. Not more than one (1) sign per business per street frontage in any district shall be a freestanding sign.
8. Buildings or single developments with multiple business occupants sharing a common entrance from the street, i.e., shopping centers, shall be permitted one (1) joint identification sign in addition to signage permitted above. If such sign is a freestanding sign, no individual business within such center shall use a separate freestanding sign. Such joint identification sign shall meet the requirements of Section 35.09 I 7 above.

Section 35.10 - Measurement of Signs

For the purposes of this Article, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
- B. Where a sign has two or more display faces, the area of one (1) face of the sign shall be used in determining the area of the sign. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- C. The area of the letters, numbers or emblems mounted directly on a building wall or wall extension shall be computed by enclosing the entire word or words formed by such letters, numbers or emblems with the smallest single continuous perimeter consisting of rectangular or series of rectangles, and determining the area within such perimeter.
- D. The height of the sign shall be measured from the elevation of the ground at the point which the base of the sign meets the ground, to the highest point on the sign.

Section 35.11 - Nonconforming Signs

A. Continuance of Existing Signs

Except as otherwise provided below, nothing in this Article shall require the removal or discontinuance of an existing sign.

B. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign, together with all supports, braces, guys and anchors is not maintained in a proper state of repair and/or the immediately surrounding premises is not maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

C. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.

D. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming, and a permit is obtained. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

E. Inspection and Removal

If any existing sign is found, upon inspection, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the Village, with the costs associated with such removal assessed to the owner of the property.

Section 35.12 - Variances

Variances to this Article may be granted pursuant to the procedures and policies set forth in Article VII of this Ordinance.

Section 35.13 - Penalties

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Article IX.

ARTICLE XXXVI – SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS

Section 36.01 - Purpose

The purpose of this Article is to establish reasonable and uniform regulations to minimize and control the negative secondary effects of Sexually Oriented Businesses with the Village in order to promote the health, safety, and welfare of the citizens of the Village. The provisions of this Article have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose or effect of this Article to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this Article to condone or legitimize the distribution or exhibition of entertainment that is obscene.

Commented [AYS8]: Beefed up this section to proactively defend against any claims that this is a violation of the First Amendment.

Section 36.02 - Definitions

- A. “Sexually Oriented Business Establishment” or “Sexually Oriented Business” means any establishment which is involved in one or more of the following listed categories.
 1. “Adult Book Store” means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on “specified sexual activities” or “specified anatomical areas” as defined below.
 2. “Adult Motion Picture” means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.
 3. “Adult Entertainment Business” means any establishment involved in the sale of services or products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
 4. “Adult Booth” means any area of a sexually oriented business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- B. “Specified Sexual Activities” means any of the following:
 1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
 3. Masturbation, actual or simulated.
 4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
 5. Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (3) of this definition.
- C. “Specified Anatomical Areas” mean any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed..
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. "Sodomasochistic sexual abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
- G. "Adult Material" means any of the following, whether new or used:
1. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
 2. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
 3. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.
- H. "Visibly displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.
- I. "Licensed premises" means the place or location described in the sexually oriented business establishment license where a sexually oriented business establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the licensed premises.
- J. "Licensee" means any person or entity that has been issued a sexually oriented business license pursuant to the provisions of this Article.
- K. "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with Specified Sexual Activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her Specified Anatomical Areas. The definition of Massage Parlor shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers

for any amateur, semiprofessional or professional athlete or athletic team or school athletic program not by any Licensed Massage Therapist licensed in the State of Ohio pursuant to ORC 4731.15.

- L. "Sexually Oriented Business Commissioner" means the Village Manager, or his designee, shall be the Sexually Oriented Business Use Commissioner.
- M. "Sexually oriented business employee" means any individual, including entertainers, who work in or at, or render any services directly related to the operation of an adult entertainment establishment; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or, repairs, to the licensed premises.
- N. "Sexually oriented business patron" means a sexually oriented business establishment employee, present in or at any sexually oriented business establishment at any time when such sexually oriented business establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs, to the licensed premises.
- O. "Specified criminal act" means any unlawful, lewd, indecent, or immoral criminal conduct.
- P. "Straddle dance" means the use by any person, including specifically but without limitation, a sexually oriented business establishment employee, of any part of his or her body to touch the genitals, pubic region, buttock, anus or female breast of any sexually oriented business establishment patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any sexually oriented business establishment patron. Conduct shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any specified anatomical area. Conduct shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance," "table dance," and "face dance" shall be included within this definition of "straddle dance".
- Q. "Village Zoning Ordinances" means the part of the Village of Johnstown Codified Ordinances known and referred to as the Village Zoning Code or Johnstown Codified Ordinances, as it may be amended from time to time.

Section 36.03 - Exceptions

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 36.04 - Location

Adult Entertainment Facilities shall be considered a conditional use in the GC District, and are subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,000 feet of any residence or district where residences are a permitted use.

Commented [AYS9]: Updated to 1,000 ft per City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 106 S. Ct. 925, 89 L. Ed. 2d 29 (1986).

The U.S. Supreme Court has upheld as a content-neutral time, place and manner restriction an ordinance prohibiting the construction of any adult movie theater within 1,000 feet of any residential zone, single- or multi-family dwelling, church, park or school

- B. No adult entertainment facility shall be established within a radius of 1,000 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

Commented [A10]: Add a map to show radius on all for reference

Section 36.05 – Sexually Oriented Business Use Commissioner

The Village Manager, or his designee, is designated the Sexually Oriented Business Use Commissioner. The Sexually Oriented Business Use Commissioner shall have the following powers and duties:

- A. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of sexually oriented business licenses as set forth in this Article.
- B. To conduct or provide for such inspection of sexually oriented businesses as shall be necessary to determine and ensure compliance with the provisions of this Article and other applicable provisions of law.
- C. To periodically review the provisions of this Article and the conduct and operation of sexually oriented business establishments, and to make such related reports and recommendations to the Village Council, as the Sexually Oriented Business Use Commissioner shall deem necessary.
- D. To conduct such hearings, studies, and reports on sexually oriented businesses as the Sexually Oriented Business Use Commissioner shall deem necessary, and to conduct such hearings on the revocation or suspension of a sexually oriented business license as required pursuant to this Article.
- E. To take such further actions as the Sexually Oriented Business Use Commissioner deems necessary to carry out the purpose and intent of this Article and to exercise such additional powers in furtherance thereof as are implied by the powers and duties expressly set forth in this Article.

Commented [AYS11]: For additional control and ability to regulate, we added Sections 36.05 through 36.21. This outlines an additional licensing process for these types of establishments, with application requirements, penalties, etc.

This requires some additional work and administration by the Village, but I believe the Village could also charge an annual license fee, which could offset the additional work.

This additional license and the associated provisions is certainly not required, but it appears to be best practices across other central Ohio jurisdictions. Happy to discuss further at your convenience.

Section 36.06 – Sexually Oriented Business Licenses Generally

Commented [BK12]: Process included by Yaz but not necessary unless Village wants to include

36.06.01 - Sexually Oriented Business License Required.

In addition to approval as a conditional use, a sexually oriented business license shall be required to establish, operate, or maintain a sexually oriented business within the Village.

36.06.02 - Operation Without License Prohibited.

It shall be unlawful for any person not having a current and valid sexually oriented business license to establish, operate, or maintain a sexually oriented business within the Village at any time after the effective date of this Article.

36.06.03 - Operation in Violation of License Prohibited.

It shall be unlawful for any licensee to establish, operate, or maintain a sexually oriented business within the Village except in the manner authorized by, and in compliance with, the provisions of this Article and the licensee's sexually oriented business license.

36.06.04 - Content and Display of License.

Every sexually oriented business license shall be provided by the Village and shall, at a minimum, prominently display on its face the name of the licensee, the expiration date, and the address of the sexually oriented business. Every licensee shall display the license at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises.

36.06.05 - License Term.

Sexually oriented business licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on the date of issuance and may be renewed only by making an application. Application for renewal should be made at least forty-five (45) days before the expiration date.

Section 36.07 – Form and Submittal of License Application

36.07.01 - Required Form.

An application for a sexually oriented business license, or the renewal thereof, shall be made in writing to the Sexually Oriented Business Use Commissioner on a form prescribed by the Sexually Oriented Business Use Commissioner and shall be signed by:

- A. the applicant, if the applicant is an individual;
- B. at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization; or
- C. by a duly authorized agent, if the applicant is a corporation.

Each application shall specifically identify the applicant and the licensed premises for which a sexually oriented business license is sought. Each initial or renewal application shall be accompanied by ten identical copies.

36.07.02 - Administrative Processing Fee.

Every applicant for a sexually oriented business license shall pay an administrative processing fee in the amount of \$100. The administrative processing fee shall in all cases be non-refundable.

36.07.03 - Required Information and Documents.

Each application shall include the following information and documents:

- A. Names of applicants.
 - a. Individuals. The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.
 - b. Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and of every person owning or controlling more than fifty percent (50%) of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Ohio; and the name of the registered corporate agent and the address of the registered office for service of process.
 - c. Partnerships (general or limited), joint ventures, or any other type of organization where two (2) or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
- B. The general character and nature of the business of the applicant.
- C. The location, including street address and legal description, and telephone number, of the premises for which the sexually oriented business license is sought.
- D. The specific name of the business that is to be operated under the sexually oriented business license.
- E. The identity of each fee simple owner of the licensed premises.
- F. A diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, and the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clear compliance with the provisions of this Article. The requirements of this division shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the license sought to be renewed and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this division shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

- G. The specific type or types of sexually oriented businesses that the applicant proposes to operate in the licensed premises.
- H. A copy of each sexually oriented business license, liquor license, and gaming license currently held by the applicant or any of the individuals identified in the application.
- I. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed sexually oriented business.
- J. Any application for a sexually oriented business license that does not include all the information and documents required pursuant to this section shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Sexually Oriented Business Use Commissioner shall, within five (5) days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.
- K. Operation Without License Prohibited. It shall be unlawful for any person not having a current and valid sexually oriented business license to establish, operate, or maintain a sexually oriented business within the Village at any time after the effective date of this Article.
- L. Operation in Violation of License Prohibited. It shall be unlawful for any licensee to establish, operate, or maintain a sexually oriented business within the Village except in the manner authorized by, and in compliance with, the provisions of this Article and the licensee's sexually oriented business license.
- M. Content and Display of License. Every sexually oriented business license shall be provided by the Village and shall, at a minimum, prominently display on its face the name of the licensee, the expiration date, and the address of the sexually oriented business. Every licensee shall display the license at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises.
- N. License Term. Sexually oriented business licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on the date of issuance and may be renewed only by making an application. Application for renewal should be made at least forty-five (45) days before the expiration date.

Section 36.08 – Processing of License Application

Upon the filing of an application for a sexually oriented business license, the Sexually Oriented Business Use Commissioner shall refer the application to the appropriate Village departments for investigation to be made on the information contained in the application. The application process shall be completed within thirty (30) days from the date of submission of the completed application. After the investigation, the Sexually Oriented Business Use Commissioner shall issue a license unless the requirements set forth herein are not met.

36.08.01 - Appeal.

An applicant may appeal any decision of the Sexually Oriented Business Use Commissioner denying an application to the Johnstown Village Council. The procedure set forth in Section 36.16(B) shall apply.

Section 36.09 -Standard for Issuance or Denial of the License

The Sexually Oriented Business Use Commissioner shall issue a sexually oriented business license to an applicant if, but only if, the Sexually Oriented Business Use Commissioner finds and determines all of the following based on the reports, investigations, and inspections conducted by the Sexually Oriented Business Use Commissioner and any Reviewing Departments and on any other credible information on which it is reasonable for the Sexually Oriented Business Use Commissioner to rely.

- A. All information and documents required by this Article for issuance of a sexually oriented business license have been properly provided and the material statements made in the application are true and correct.
- B. No person identified in the application has been convicted of, or pleaded no contest to, any felony within five (5) years immediately preceding the date of the application.
- C. No person identified in the application is overdue on payment to the Village of taxes, fees, fines, or penalties assessed against or imposed on any such individual in connection with any sexually oriented business.
- D. The sexually oriented business and the licensed premises comply with all then-applicable building, health, and safety codes and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Johnstown Zoning Code.
- E. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Article and all provisions of the Village Zoning Ordinance applicable to sexually oriented businesses, that the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed sexually oriented business establishment and its proposed operation are and shall be in compliance therewith.

36.09.01 - Denial.

If the Sexually Oriented Business Use Commissioner determines that the applicant has not met any one or more of the conditions set forth herein, then the Sexually Oriented Business Use Commissioner shall deny issuance of the sexually oriented business license and shall give the applicant a written notification and explanation of such denial.

36.09.02 - License Deemed Issued.

If the Sexually Oriented Business Use Commissioner does not issue or deny the sexually oriented business license within thirty (30) days after the properly completed application is submitted, then the sexually oriented business license applied for shall be deemed to have been issued.

Section 36.10 – Inspection by the Village

36.10.01 - Authority.

The Sexually Oriented Business Use Commissioner and other village representatives and departments with jurisdiction shall periodically inspect all sexually oriented businesses as shall be necessary to determine compliance with the provisions of this Article and all other applicable law.

36.10.02 - Licensee Cooperation.

A licensee shall permit representatives of the Village to inspect all public areas of the licensed premises and the sexually oriented business establishment for the purpose of determining compliance with the provisions of this Article and all other applicable law at any time during which the licensed premises is occupied or the sexually oriented business establishment is open for business.

36.10.03 - Interference or Refusal Illegal.

It shall be unlawful for the licensee, any sexually oriented business employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the village pursuant to this Article or any other authority.

36.10.04 - Suspension or Revocation.

Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the sexually oriented business license.

Section 36.11 – Change in Information

During the pendency of any application for, or during the term of, any Sexually Oriented Business License, the Applicant or Licensee shall promptly notify the Sexually Oriented Business Use Commissioner in writing of any change in any material information given by the Applicant or Licensee in the application for such license, including specifically, but without limitation, any change in managers of the Sexually Oriented Business Establishment or in the individuals identified in the application pursuant to this Article; or if any of the events constituting grounds for suspension or revocation pursuant to this Article occur.

Section 36.12 – Regulations Applicable to All Sexually Oriented Business Establishments

36.12.01 - General Compliance

All licensed premises and sexually oriented business establishments shall comply with the provisions of this Article, and with the provisions of all other applicable Village ordinances, resolutions, rules, and regulations and all other applicable federal, state, and local laws.

36.12.02 - Hours of Operation

- A. No Sexually Oriented Business Establishment shall be open for business at any time on any State of Ohio or federal holiday.
- B. No Sexually Oriented Business Establishment shall be open for business between the hours of 1:00 a.m. and 9:00 a.m. on any day.
- C. If a Sexually Oriented Business Establishment holds a liquor license issued by the State of Ohio that permits the establishment to serve alcoholic beverages outside of the time parameters listed in subsection (b)(1) and (2) hereof, such Sexually Oriented Business Establishment shall not be subject to these time parameters. However, all Sexually Oriented Business entertainment, such as live erotic dancing and the display of films and other adult materials shall take place only during the times permitted in subsection (b)(1) and (2) hereof.

36.12.03 - Animals

No animals, except Seeing Eye dogs required to assist the blind, shall be permitted at any time at or in any sexually oriented business establishment or licensed premises.

36.12.04 - Restrooms

All restrooms in sexually oriented business establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business. Separate male and female restrooms shall be provided for and used by sexually oriented business employees and patrons.

36.12.05 - Restricted Access

No sexually oriented business patron shall be permitted at any time to enter into any of the non-public portions of any sexually oriented business establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of sexually oriented business employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

36.12.06 - Specific Prohibited Acts.

- A. No sexually oriented business employee or any other person at any sexually oriented business establishment, other than a sexually oriented business employee employed to provide adult entertainment in accordance with the regulations in this Article shall appear, be present, or perform while nude or semi-nude; further, no such employee shall appear, be present, or perform while nude at any sexually oriented business establishment that serves or otherwise provides alcoholic liquor pursuant to a license issued by the State of Ohio.
- B. No sexually oriented business employee or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business patron or any other person at any sexually oriented business establishment, or any other sexually oriented business employee, or any other person. No sexually oriented business establishment patron or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business establishment employee or patron or any other person.
- C. Straddle dances shall be prohibited at all sexually oriented business establishments.

36.12.07 - Exterior Display

No sexually oriented business establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of a sexually oriented business establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to this Article with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

36.12.08 Noise

No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.

36.12.09 - Gambling and Related Devices Prohibited

No sexually oriented business establishment shall contain any video, pinball, slot, bagatelle, pigeon-holed, pool, or any other games, machines, tables, or implements.

36.12.10 - Manager's Station

Each sexually oriented business establishment shall have one or more manager's stations. The interior of each sexually oriented business establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the establishment to which any sexually oriented business establishment patron is permitted access for any purpose.

36.12.11 - Alcohol Prohibition

No sexually oriented business establishment that serves or otherwise provides alcoholic liquor pursuant to a liquor license shall provide or allow sexually oriented business establishment employees that appear, are present, or perform while nude.

Section 36.13 - Special Regulations for Adult Booths

36.13.01 - Prohibited Except in Adult Stores

Adult booths shall be prohibited in all sexually oriented business establishments except adult stores.

36.13.02 - Occupancy and Prohibited Acts

Only one individual shall occupy an adult booth at any time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or deface any portion of an adult booth.

36.13.03 - Open Booth Requirement.

In addition to satisfying the manager station requirements of this Article, all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides other adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult store containing the adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within a sexually oriented business establishment for the purpose of providing secluded viewing of adult materials or live performances.

36.13.04 - Aisle Required

There shall be one continuous lighted main aisle alongside the adult booths provided in any adult store. Each person situated in a booth shall be visible at all times from the aisle.

36.13.05 - Holes Prohibited

Except for the open booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.

36.13.06 - Signage

A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states (i) that only one person is allowed in an adult booth at any one time, (ii) that it is unlawful to engage in any specified sexual activities while in an adult booth, and (iii) that it is unlawful to damage or deface any portion of an adult booth.

36.13.07 - Age Limitations.

- A. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult booth or a licensed premise that includes an adult booth shall be under the age of eighteen (18).
- B. No person under the age of eighteen (18) shall be admitted to any adult booth or any licensed premises that includes an adult booth.
- C. No person under the age of eighteen (18) shall be allowed or permitted to remain at any adult booth or at any licensed premises that includes an adult booth.
- D. No person under the age of eighteen (18) shall be allowed or permitted to purchase or receive, whether for consideration of not, any adult material or other goods or services at or from any adult booth or any licensed premises that includes an adult booth.

Section 36.14 – Special Regulations for Adult Stores

36.14.01 Windows

Window areas for adult stores shall not be covered or obstructed in any way.

36.14.02 - Age Limitations

- A. No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult store or a licensed premise used for an adult store shall be under the age of eighteen (18).
- B. No person under the age of eighteen (18) shall be admitted to any adult store or to any licensed premises used for an adult store.
- C. No person under the age of eighteen (18) shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store.
- D. No person under the age of eighteen (18) shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store.

Section 36.15 – Licensee Responsibility for Employees

Every act or omission by a sexually oriented business establishment employee constituting a violation of the provisions of this Article shall be deemed to be the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the sexually oriented business establishment employee. The licensee shall be punished for any such act or omission in the same manner as if the licensee committed the act or caused the omission. Accordingly, any such act or omission of any such employee constituting a violation of the provisions of this Article shall be deemed, for purposes of determining whether the licensee's sexually oriented business establishment license shall be revoked, suspended, or renewed, to be the act or omission of the licensee.

Section 36.16 – License Revocation or Suspension

36.16.01 - Grounds

Pursuant to the procedures set forth in this section, the Sexually Oriented Business Use Commissioner may suspend for not more than thirty (30) days, or revoke, any sexually oriented business establishment license if the Commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

- A. The licensee has violated any of the provisions or requirements of this Article or the sexually oriented business establishment license issued pursuant hereto, or the provisions of the Village Zoning Code applicable to the licensed premises or the sexually oriented business establishment.
- B. The licensee:
 - a. Knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Village for the issuance or renewal of any sexually oriented business establishment license or
 - b. Knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee's behalf.
- C. The licensee has committed a felony or specified criminal act on the licensed premises.
- D. The licensee authorizes, approves, or, as a result of the licensee's negligent failure to supervise the licensed premises or the sexually oriented business establishment, allows a sexually oriented business establishment employee, a sexually oriented business establishment patron, or any other person to:
 - a. Violate any of the provisions or requirements of this Article or of the provisions or requirements of the sexually oriented business establishment license issued pursuant hereto, or
 - b. Commit any felony or specified criminal act on the licensed premises. The licensee, or any person identified in this Article becomes disqualified for the issuance of a sexually oriented business establishment license at any time during the term of the license at issue.

36.16.02 - Procedure

A sexually oriented business establishment license may be suspended for not more than thirty (30) days or revoked pursuant to the terms and conditions set forth in this subsection.

- A. Notice. Upon determining that one or more of the grounds for suspension or revocation under subsection (a)(1) hereof may exist, the Sexually Oriented Business Use Commissioner shall serve a written notice on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. The written notice shall, at a minimum:
- State that the Sexually Oriented Business Use Commissioner has determined that the sexually oriented business establishment license may be subject to suspension or revocation pursuant to this Article;
 - Identify the specific grounds for the commissioner's determination; and
 - Set a date for a hearing regarding the commissioner's determination as to the possibility of suspension or revocation of the sexually oriented business establishment license.
- B. Hearing. The Sexually Oriented Business Use Commissioner shall conduct the hearing. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the Sexually Oriented Business Use Commissioner for suspending or revoking the license and the Village and any other persons may submit evidence to sustain such grounds.
- The date of the hearing shall be no less than five (5) days after service of the Commissioner's notice, unless the licensee and the Sexually Oriented Business Use Commissioner agree on an earlier or later date.
 - The administrative record compiled on the sexually oriented business establishment pursuant to this Article shall be made part of the hearing record. Within three (3) days after the close of the hearing, the Sexually Oriented Business Use Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Sexually Oriented Business Use Commissioner shall be final and shall be subject to judicial review.
- C. Notice and effective date of suspension or revocation. The Sexually Oriented Business Use Commissioner's written decision shall be served on the licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Sexually Oriented Business Use Commissioner's written decision is delivered in person or three (3) days after it is placed in the U.S. mail as provided in this subsection.
- D. Surrender of license. Upon the suspension or revocation of sexually oriented business establishment license pursuant to this Article, the Sexually Oriented Business Use Commissioner shall take custody of the suspended or revoked license.

36.16.03 - Appeal Rights

Any denial, suspension, or revocation of a new or renewal license under this Article may be appealed to the Village Council by written notice within ten (10) days of such denial, suspension, or revocation. Unless the applicant requests a longer period, the Village Council shall hold a hearing on the appeal within thirty (30) days and shall issue a decision affirming or reversing the denial, suspension, or revocation within seven (7) days after the hearing.

- Any decision by the Village Council shall be a final appealable order, and the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.
- In the event that an applicant or licensee seeks judicial review of a decision issued pursuant to this Article, the applicant or licensee shall provide written notice of such

- appeal to the Village of Johnstown in advance of or at the time of the filing of the appeal. Within ten (10) days of receiving such written notice of appeal, or within such shorter time as may be ordered by the court, the Village shall transmit to the court in which appeal was sought a copy of the full administrative record for the matter, including a complete transcript of all the original papers, testimony and evidence offered, heard, and taken into consideration in issuing the final order.
- C. Subject to the provisions of subsection (c)(6) hereof, any licensee lawfully operating a Sexually Oriented Business prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this Article to the Village Council or to a court.
 - D. Subject to the provisions of subsection (c)(6) hereof, any licensee lawfully acting as an employee in a Sexually Oriented Business prior to the denial of a license renewal application, or the suspension or revocation of a licensee may continue to serve in such capacity during the pendency of an appeal of a decision rendered under this Article to the Village Council or to a court.
 - E. In the event that an applicant for a new Sexually Oriented Business license or a new Sexually Oriented Business employee license seeks judicial review of the denial of a new license, and such review does not result in a final judicial decision within thirty (30) days of the date the appeal was filed, the Village will issue such applicant a provisional sexually oriented business license or Sexually Oriented Business Employee license upon request of the applicant. The provisional license:
 - a. Will allow an applicant for a Sexually Oriented Business license to operate the Sexually Oriented Business named in the license application under the same terms as a normal Sexually Oriented Business license issued pursuant to this Article for the period of time specified in subsection (c)(6) hereof; and
 - b. Will allow an applicant for a Sexually Oriented Business employee license to act as an employee on the premises of a Sexually Oriented Business under the same terms as a normal Sexually Oriented Business employee license issued pursuant to this Article for the period of time specified in subsection (c)(7) hereof; and
 - c. Will be subject to the same requirements as a normal Sexually Oriented Business license or Sexually Oriented Business employee license issued under this Article.
 - F. A provisional license will expire on whichever of the following three (3) dates is earliest:
 - a. The date that a judicial decision is issued upholding the license denial;
 - b. The date on which a non-provisional Sexually Oriented Business license or Sexually Oriented Business employee license is issued to the applicant pursuant to a judicial decision overturning the license denial; or
 - c. The date one year from the issuance of the provisional license.
 - G. In the event that judicial review of the denial of a new license application is still pending thirty (30) days before the expiration date of a provisional license, the provisional licensee may file a renewal license application with the Sexually Oriented Business Use Commissioner. The Sexually Oriented Business Use Commissioner shall grant an application for renewal of a provisional license unless it is determined that new grounds exist for denial of a license application, which did not exist at the time of the original license application. In the event that an application for renewal of a provisional license is denied and the applicant seeks judicial review of that denial; the Village has the right to consolidate such review with the pending judicial appeal of the previous license denial.

Section 36.17 – Administrative Record

The Sexually Oriented Business Use Commissioner shall cause to be kept in the Commissioner's office an accurate record of every sexually oriented business establishment license application received and acted on, together with all relevant information and material pertaining to such application, any sexually oriented business establishment license issued pursuant thereto, and any sexually oriented business establishment operated pursuant to such sexually oriented business establishment license.

Section 36.18 – Record Keeping by Licensee

The licensee of every sexually oriented business establishment shall maintain a register of all its sexually oriented business establishment employees. For each such employee, the register shall include the following information:

- A. Legal name.
- B. Any and all aliases.
- C. Date of birth.
- D. Gender.
- E. Social security number.
- F. Date of commencement of employment.
- G. Date of employment termination, if applicable.
- H. Specific job or employment duties.

The register shall be maintained for all current employees and all employees employed at any time during the preceding thirty-six (36) months. The licensee shall make the register of its sexually oriented business establishment employees available for inspection by the Village immediately upon demand at all reasonable times.

Section 36.19 – Penalty

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this Article or of any of the provisions or requirements of any sexually oriented business establishment license, shall be fined not more than five hundred dollars (\$500.00) for each such violation. Each day such violation continues shall constitute a separate offense. The Sexually Oriented Business Use Commissioner shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application.

Section 36.20 – Nuisance Declared

Any sexually oriented business establishment established, operated, or maintained in violation of any of the provisions or requirements of this Article or of any sexually oriented business establishment license shall be, and the same is, declared to be unlawful and a public nuisance. The Village may, in addition to or in lieu of any other remedies set forth in this Article, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining a sexually oriented business establishment contrary to the provisions of this Article.

Section 36.21 – Computation of Time

Unless otherwise specifically set forth in this Article, the time within which any act required by this Article is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a Federal or State of Ohio holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.

PART FIVE – SUBDIVISION DEVELOPMENT REQUIREMENTS

ARTICLE XXXVII – OBLIGATIONS OF OWNER/DEVELOPER AND VILLAGE

Section 37.01 - Required Improvements

The Owner/Developer who desires to subdivide or develop any land subject to this Ordinance shall provide and pay the entire cost of improvements to such land as follows:

- A. Streets and parking areas, graded full width and paved, including drainage structures, bridges, sidewalks (including provisions for handicapped access as may be required by ADA), curbs and other improvements as may be required by these regulations and/or the *Village of Johnstown Design Criteria*.
- B. Sanitary sewers, including manholes, services and all appurtenances.
- C. Water distribution system including mains, services, valves, fire hydrants and all appurtenances.
- D. Storm drainage improvements, including both enclosed and non-enclosed systems, as well as all appurtenances to such systems.
- E. Monuments, stakes and property pins.
- F. Street signs designating the name of each street at each intersection within the development and other traffic control signage as determined necessary by the Village Manager.
- G. Street lighting including poles, underground conduits and appurtenances; Reference recently adopted lighting standards – Jan 2019
- H. Utilities, including but not limited to electric, telephone and cable television services.
- I. All other improvements shown on the plans as approved by the Village.
- J. Fiber optic conduit

The Owner/Developer shall provide for the future extension of streets and water, sanitary sewer and storm drainage lines from his/her site to adjacent property as deemed necessary by the Planning and Zoning Commission.

Section 37.02 - Obligations of Owner/Developer

The Owner/Developer of the land being developed shall be subject to the following obligations:

- A. All construction work and materials used in connection with improvements shall conform to the requirements of the Village and be installed under the general supervision of the Village Manager or designee. The Owner/Developer shall be responsible for the payment of all fees incurred by the Village pertaining to inspection of the improvements.
- B. The Owner/Developer, or his agent, shall give not less than three (3) working days notice to the Village for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection by the Village.
- C. The Owner/Developer shall provide proof of insurance and hold the Village free and harmless from any and all claims for damage of every nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the Village by reason thereof.

D. All improvements and utilities will be satisfactorily installed within one (1) year from the date of approval of the Construction Plans or within such other time schedule as specifically approved by the Village Manager or designee.

E. As an alternative to the construction and approval of the required public improvements prior to recording the final plat, an acceptable performance assurance equal to one-hundred ten percent (110%) of the estimated cost of all required improvements, as approved by the Village Manager, shall be deposited with the Village. Such performance assurance shall consist of one of the following:

- 1.A performance or construction bond equal to one-hundred ten percent (110%) of the estimated construction cost as approved by the Village Manager for the public improvements. Such bond shall be without time limit and shall be on such forms as provided by the Village, or
2. A certified check equal to one hundred ten percent (110%) of the estimated construction cost as approved by the Village Manager for the public improvement.

F. All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements;

G. During construction and prior to acceptance of any public improvement, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the Village that such work is required, and shall be completed to the satisfaction of the Village Manager or designee.

H. All public improvements shall be guaranteed by the Owner/Developer for a period of two (2) years from the date such improvement is accepted, in writing, by the Village. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for ten percent (10%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, sewers, pipe lines, etc., during the one year guarantee period shall be assumed by such Owner/Developer. In the event the Owner/Developer fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the Village, or in the event of an emergency which may endanger life or property, the Village may make or cause to be made, such repairs or replacements from the above guarantee.

I. The Owner/Developer shall execute a development agreement with the Village, specifying the terms and conditions required under this Section of this Ordinance.

J. The Owner/Developer shall furnish to the Village final plats and as-built drawings of all improvements as required by these regulations.

K. No person or owner shall violate any of the regulations established in this Section and, upon violation, the Village shall have the authority to:

- 1.Stop all work on the development site forthwith;
- 2.Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawings and the agreement.

Section 37.03 - Costs to be Shared by the Village

In consideration for the agreement by the Owner/Developer of the land being developed to install utilities and/or streets to sizes and configurations in excess of the needs of the land being developed, as determined by the Village Manager upon recommendation by the Village Engineer and Planning and Zoning

Commission, the Village shall share in the cost of the excess size and configuration of the utilities and/or streets as stipulated herein:

A. A utility or street shall be considered excessive to needs of the land being developed when any of the following conditions exist:

1. The Village specifically requires a greater width, size or configuration of any nonadjacent street for the purpose of meeting the future needs of the Village as provided for a comprehensive or thoroughfare plan, or similar study, as adopted by Village Council;
2. There is additional pavement width and depth and/or additional length of storm sewers and other improvements required for all thoroughfares;
3. The Village requests that a water line be more than twelve inches (12") in diameter, when such size is not required to meet the needs of the land being developed;
4. A sanitary sewer line is more than fifteen inches (15") in diameter, unless this size is required for the land being developed by reason of grade or trench loading requirements of the land being developed, or because of anticipated sewerage flows from the land being developed;
5. Other conditions that warrant cost sharing, provided such conditions are approved by Village Council.

B. The Village shall share in the cost of improvements by:

1. Paying for all the material costs only for the size difference of the waterline, sanitary sewer pipe and the appurtenances thereto between what is required for the land being developed and what is excessive to the needs of the land being developed;
2. Paying for all materials F.O.B. the plant, factory, supply depot or warehouse for such other improvements that are excessive to the land being developed;

C. Nothing in this section shall be interpreted, read or construed to obligate the Village for expenses incurred by the Owner/Developer, contractor, subcontractor or other persons because of:

1. Equipment or labor cost due to the oversizing or increased depth of waterlines or sewers;
2. Equipment, labor or material cost due to improperly and/or unacceptable installed improvements including the removal and replacement thereof; or
3. Any improvements installed prior to the approval of the cost sharing by the Village.

D. Upon approval by Planning and Zoning Commission of the preliminary plat for the land being developed, the following procedure shall be followed:

1. The Village Manager shall identify all improvements eligible for cost sharing, and shall estimate the cost of the Village's portion of such improvements;
2. If applicable, an ordinance shall be submitted to Council for approval, appropriating funds to cover the Village's portion;
3. Upon completion and acceptance of the work and quantities thereof by the Village Manager, the costs shall be certified to the chief fiscal officer of the Village.

E. Failure of the Owner/Developer of the land to provide the Village with copies of billings, invoices, contracts, agreements or such other evidence of construction costs as the Engineer deems necessary within six (6) months of completion and acceptance of the improvements by the Village, shall constitute just cause to declare the Village's agreement to cost share as provided herein null and void and no reimbursement shall be made or monies paid without reapproval by Village Council.

ARTICLE XXXVIII – MINIMUM DESIGN STANDARDS AND REQUIREMENTS

Section 38.01 - Conformity with Requirements

The design standards and requirements of this Article shall apply to all subdivisions of land as defined in Article II of this Ordinance.

A. Conformity with Village Standards

All public improvements undertaken in any subdivision shall conform to the standards of this Article and the *Village of Johnstown Design Criteria*, as may be subsequently amended.

B. Conformity with Zoning and Plans

No final plat of land within the area shall be approved unless it conforms with the existing zoning code. The design of a proposed subdivision, including the character, width and location of all thoroughfares or extensions thereof, shall be in general conformity with adopted land use and/or comprehensive, strategic or master plan(s) prepared by the Village for the area.

Section 38.02 - General Subdivision Design

The design of the subdivision shall be based on an analysis of environmental characteristics of the site. To the maximum extent possible, development shall be located so as to:

- a) preserve the natural features of the site,
- b) avoid areas of environmental sensitivity, and
- c) minimize negative impacts on and alteration of natural features.

The following specific areas should be preserved as undeveloped open space, to the extent consistent with reasonable utilization of the land.

- A. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, subject to field verification by the U.S. Army Corps of Engineers, or other agency authorized to make such determination;
- B. Lands subject to flooding, pursuant to Section 38.03 below;
- C. Slopes in excess of fifteen percent (15%) unless appropriate engineering methods are employed to address erosion, stability and resident safety;
- D. Historically significant structures and/or sites as listed, or eligible for inclusion, on the National Register of Historic Places;

Section 38.03 - Land Not Suited for Development

If the Planning and Zoning Commission finds that land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, inadequate public facilities, and/or other condition that may be detrimental to the general health, safety or welfare of the public, and if it is determined that the land should not be developed for the purpose proposed, the Planning and Zoning Commission shall not approve such subdivision unless adequate methods are proposed by the Owner/Developer for alleviating the problems that would be created by development of the land.

A. Land Subject to Flooding

The subdivision of land or lands within areas subject to flooding as specified in Article XXVII of this Ordinance shall be subject to the standards and regulations of that Article and shall, in addition, be subject to the following requirements:

- 1. No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights or damages.
- 2. No subdivision, or part thereof, shall be approved which would substantially affect the storage capacity of the flood plain.

3. Building sites used or intended to be used for human occupation shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway, subject to the requirements of Article XXVII of this Ordinance.
4. When the Planning and Zoning Commission determines that only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
5. The Planning and Zoning Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees or other similar measures, or flood proofing of structures, as recommended by the Village Manager.
6. No natural drainage course shall be altered and no fill, buildings or structures shall be placed in it unless provisions are made for the flow of water in a manner satisfactory to the Village Engineer. An easement shall be provided on both sides of any existing important surface drainage course adequate for the purpose of protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes.

Section 38.04 - Erosion and Sedimentation Control

The Owner/Developer shall use adequate measures to minimize erosion and its impacts during subdivision construction activity. The Village Manager shall have the authority to require detailed erosion and sedimentation plans be submitted if it is determined that the size and/or scale of the proposed subdivision warrants such action. Generally, such a plan shall be required for, but not limited to, major subdivisions comprising more than five (5) lots or five (5) acres or more, or if the subdivision is located where average slope exceeds five percent (5%). Such plans shall be prepared by a Professional Engineer, and indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same. Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site. Techniques, devices and/or measures used shall be reviewed and approved by the Village Engineer.

The plan shall be developed utilizing current industry standards and effective Best Management Practices (BMPs). As part of the plan, the Owner/Developer shall install, inspect and keep records of inspection, and maintain BMPs throughout the duration of the permit. All erosion and sedimentation control devices shall be in place at the start of construction activity.

The Village Manager, or his/her agent, may inspect the construction site for compliance with the SWP3 and, if found lacking, may issue a permit violation, stop work order, fine or other measure to ensure compliance.

Section 38.05 - Storm Water Management

A. Disclaimer of Liability

Neither submission of a plan under the provisions of this Section, nor compliance with the provisions of this Section shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the Village of Johnstown for damage to any person or property.

B. Construction Site Runoff Control

In addition to the requirements of Section 38.04 above, the Village Manager shall have the authority to require a Storm Water Pollution Prevention Plan (SWP3) in conjunction with State and Local Construction Site Storm Water General Permit. The plan shall be prepared by a Professional Engineer or other certified professional.

C. Post Construction Runoff Control

Post construction runoff control shall be addressed in the design phase of proposed subdivisions. If applicable, the use of riparian setbacks, green space preservation, water quality swales and grass filter strips is encouraged. Redevelopment sites may be inspected for compliance and, if found lacking, the Village Manager may issue a permit violation, stop work order, or fine to ensure compliance. Fines as defined by separate ordinance may be levied by the Village as soon as one (1) week after notification of violation.

D. Storm Water Drainage

1. General

No subdivision plan or plat shall be approved that does not make adequate provision for storm water runoff and flood waters. The Planning and Zoning Commission shall have the authority to deny subdivision approval for areas of extremely poor drainage, including subdivisions in areas dominated by hydric soils. In any subdivision, the storm drainage system shall be separate and independent of any sanitary sewer system.

2. Preservation of Natural Drainage Courses

The flow of all existing drainage courses, including underground drainage systems, shall not be impeded. Such underground systems, including farm field tile systems, shall be identified and mapped as part of the preliminary plan.

No natural drainage course shall be altered and no fill, buildings or structures shall be located unless provision is made for the flow of storm runoff and/or surface water. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plans and Plat, including the volume and page number of the recorded easement.

3. Outlets

No subdivision plan or plat shall be approved by the Planning and Zoning Commission unless an adequate outlet for storm water, as shown on the plan or plat, is approved by the Village Manager. Generally, it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows.

4. Submittal Data

Storm water conveyance systems shall be designed so as to adequately address the five (5) year storm and the hydraulic grade line (HGL) check for a ten (10) year storm under residential streets. Systems under collector and arterial streets shall be designed to adequately address the twenty-five (25) year storm and the HCL check for a fifty (50) year storm. The Owner/ Developer shall pay for any analysis of the existing storm water system to determine how best to connect the proposed development to the existing system or any required improvements downstream so as not to overload the system. The post development runoff rate may not exceed the predevelopment runoff rate as determined by the 100-year storm event.

E. Culverts

All culverts utilized in subdivisions shall have the appropriate headwalls and/or other structures and improvements to protect the facility.

F. Open Drainage Channels

The determination as to whether a specific drainage course shall be enclosed or open shall be made by the Planning and Zoning Commission, upon recommendation by the Village Engineer.

The cross section and profile of any open channel and its banks shall be approved by the Village Engineer.

G. Detention/Retention Basins

If it is determined by the Planning and Zoning Commission that one or more detention/retention basins is required, the design, construction and maintenance of such structures shall be consistent with the *Village of Johnstown Design Criteria*. The area of such detention and/or retention basins shall not be counted or considered as open space to meet the requirements of Section 38.13 of this Article.

Section 38.06 - Streets

A. General

No major subdivision shall be approved unless the area to be subdivided has direct frontage on and/or access from an existing public roadway. The Owner/Developer shall provide within the boundaries of the subdivision plat the necessary right-of-way for widening, continuance and or alignment of such streets in conformance with any adopted Village comprehensive and/or thoroughfare plans. All streets shall be properly integrated with the existing and proposed system as established by any adopted Village comprehensive and/or thoroughfare plans.

B. Street Design

All streets shall be designed with appropriate regard for topography, streams, wooded areas, soils, geologic limitations and natural features. Roadways shall further be designed to permit efficient drainage and utility systems layouts while providing safe and convenient access to property.

C. Classification, Street Widths and Street Grades

The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan. For streets not indicated on the Thoroughfare Plan, the arrangement shall provide for appropriate extensions of existing streets. The Planning and Zoning Commission shall make the final determination as to the classification of any new street, based on the potential development of the site, and its potential traffic volume, expressed in ADT (Average Daily Traffic), the character of the surrounding area, and the Thoroughfare Plan. Rights-of-way, pavement widths, street grades and construction standards shall be as specified in **APPENDIX B** and the *Village of Johnstown Design Criteria*.

D. Alignment

1. The efficient and effective integration and connectivity of new subdivisions into the existing Village is encouraged. Proposed street patterns shall make provision for the continuance of streets into adjoining areas and for the connection to existing rights-of-way in adjacent areas.
2. If a subdivision adjoins or contains an existing or proposed arterial or major collector street, direct access points to such street shall be minimized.
3. If a subdivision adjoins an existing or proposed arterial or major collector street, the Planning and Zoning Commission may require drainage improvements and the construction of separate turn lanes and/or traffic signals on such streets into the proposed subdivision.
4. Local streets shall be laid out so as to discourage use by through traffic.
5. Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than seventy-five (75) degrees. The intersecting street must remain within these degree parameters for a distance of not less 100 feet from the intersection.
6. Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
7. The maximum length of a cul-de-sac shall be 600 feet, measured from the centerline of the intersecting street to the middle of the turnaround. A public street ending in a dead end cul-de-sac circle shall have a minimum pavement width as approved by the Planning

and Zoning Commission to assure access to the area for fire equipment and to facilitate the turning of vehicular traffic. In approving such minimum pavement widths, the Planning and Zoning Commission shall consider whether such cul-de-sac or turn-around will be used for parking vehicles.

8. Half width streets shall be prohibited.

E. Dedication

The necessary rights-of-way for widening or extension of all thoroughfares, as delineated in the Thoroughfare Plan, shall be dedicated to public use. When a subdivision fronts on an existing Village street, or County or township road, dedication shall be made to the proper authority so as to meet the requirements of the table in **APPENDIX A**

F. Blocks

Blocks shall not exceed 1,000 feet in length except where specific topographic conditions require a greater length.

G. Street Names

The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets. All new roadways shall be named according to the following manner:

DIRECTION	OVER 1000'	UNDER 1000'
North/South	Street	Place
East/West	Avenue	Court
Diagonal	Road	Way
Curving	Drive	Circle

H. Curbs, Gutters and Sidewalks

Curbs, gutters and sidewalks shall be required in all subdivisions. All sidewalks along Village streets shall be located within the roadway right-of-way and all sidewalks along state roadways shall be located outside the roadway right-of-way. Sidewalks shall be ADA compliant and shall comply with the *Village of Johnstown Design Criteria*. In no case shall a certificate of zoning compliance be granted for a building within a new subdivision where sidewalks are required until such sidewalks are constructed on the lot(s) and approved.

I. Driveways

1. All driveways shall be at least three (3) feet from the side lot line.
2. No driveway shall be approved providing direct access from a single or two family residential lot to a street designated as an arterial or major collector street, except where no alternative access is available.

Section 38.07 - Lots

- A. All lots shall have the required frontage on an improved public street or an approved private street.
- B. Lots in subdivisions located within the Village of Johnstown shall meet the dimension and area requirements of the zoning district in which such subdivision is located. All lots shall also meet the following requirements:
 1. All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of three (3) times their width, except where extra depth is necessary due to topography and/or natural conditions, or to meet other requirements of this Ordinance.
 2. Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement shall be provided along the rear lot line across which there shall be no vehicular access.

3. Whenever possible, residential subdivisions shall be designed so that corner lots have a larger area than interior lots
4. Whenever possible, side lot lines should be at right angles or radial to street lines.
5. When necessary, easements shall be provided alongside and rear lot lines for utility lines. Easements shall be provided on both sides of any open drainage course, for the purposes of widening, deepening or general maintenance. Such easements shall comply with the requirements of Section 38.08 below. In no case shall a fence or any other obstruction be constructed on this easement. Notwithstanding the above, the removal of any existing obstruction within such easement shall be the responsibility of the owner of the property at the time such action is required.

Section 38.08 - Easements

A. Utility Easements

Easements shall be required for poles, wire, cable, conduits, storm and sanitary sewers, water lines, gas lines and/or other utility lines. Generally, such easements shall be a minimum of ten feet (10') in width and be located along front, rear and/or side lot lines. Easements of greater width may be required in particular cases, upon determination of the Village Manager.

B. Watercourse Easements and Riparian Setbacks

When any stream or surface drainage course is located within a proposed subdivision, the Owner/Developer shall provide an easement along each side of such stream or water course for the purpose of widening, deepening, relocating or other maintenance. The width of such easement shall be determined by the Village Manager. Provisions shall be made by the Owner/Developer for perpetual maintenance of all watercourse easements.

C. General Requirements

Structures and fill are not permitted in any easement unless approved in writing by the Village Manager. All easements shall be shown on the Final Plat.

Section 38.09 - Sanitary Sewers

- A. Sanitary sewers should be designed to maintain a minimum velocity of two (2) feet per second. The design of the overall sewer system shall be in conformance with the requirements of the *Village of Johnstown Design Criteria*, the Ohio Environmental Protection Agency (OEPA), the Ohio Department of Health and the *Ten State Standards - Recommended Standards for Wastewater Facilities* (Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers:1990) as may be subsequently updated or amended.
- B. Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by Village Manager.
- C. Only under circumstances of extreme hardship shall sewage lift stations, sewage grinder pumps or individual household sewage disposal systems be permitted in subdivisions established after the effective date of this Ordinance. Such systems shall only be permitted with the approval of the Planning and Zoning Commission. The Owner/ Developer shall be responsible for all costs associated with any lift station until such time that eighty percent (80%) of the lots in the subdivision are developed.
- D. Minimum line size shall be eight inches (8"). Downstream sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the Planning and Zoning Commission. If larger pipe sizes are required to accommodate future growth, the Village may participate in the costs associated with the larger sizes, in accordance with Article XXXVII of this Ordinance.

Section 38.10 - Water Lines

- A. Water lines shall be designed, sized and constructed so as to be in conformance with the requirements of the *Village of Johnstown Design Criteria*, the Ohio Environmental Protection Agency (OEPA), the Ohio Department of Health and the *Ten State Standards - Recommended Standards for Wastewater Facilities* (Great Lakes - Upper Mississippi River Board of State Public

Health and Environmental Managers:1990) as may be subsequently updated or amended. Fire hydrants shall be located, so that adequate fire flow to each structure, based on the current guidelines of the Insurance Services Office (ISO) can be met, but, no case shall be more than 350 feet, or as required by the fire department having primary jurisdiction in the Village.

- B. Water lines should be located within the street right-of-way, except under special circumstances, when this requirement may be waived by the Planning and Zoning Commission.
- C. The standard minimum size of water mains shall be six inches (6"). If larger line sizes are required to accommodate future growth, or to provide for fire flows in excess of those required for the proposed development, the Village may participate in costs for the size increase, in accordance with the procedures of Article XXXVII of this Ordinance.
- D. Minimum cover for water lines shall be forty-eight inches (48") and the maximum cover shall not exceed sixty-six inches (66"). Water mains shall be laid so that at least ten feet (10') of horizontal distance and eighteen inches (18") vertical distance is maintained between the water main and sanitary and/or storm sewer lines. In cases where ten (10) feet of horizontal distance cannot be maintained, such as a crossing, the vertical distance shall be maintained and such sewer lines shall be constructed of water line material. At crossings, one full length of water pipe should be used so both joints will be as far away from the sewer line as possible.

Section 38.11 - Underground Utilities and Street Lighting

- A. Underground utilities shall be required for all subdivisions within the Village of Johnstown. All utility boxes shall be located in side or rear yards unless specific approval is granted by the Planning and Zoning Commission
- B. Street lights shall be required for all subdivisions within the Village of Johnstown. Streetlights and all appurtenances shall be installed by the Owner/Developer, and shall be of a type subject to approval by the Village. Reference Lighting standards
- C. Illumination for streetlights shall be uniform and shall follow the recommendations of the current Illuminating Engineering Society (IES) Handbook. Generally, streetlights shall be located not less than 200 feet nor more than 350 feet apart. Lights shall be placed within 200 feet from the closed end of each cul-de-sac, and at each street intersection. Reference lighting standards
- D. The location of all streetlights shall be shown on the street construction plans. The Owner/Developer shall develop a structure for assessing the future costs of street lighting to property owners in the subdivision.
- E. All electric bills for the street lights shall be paid by the Homeowners Association.

Section 38.12 - Street Trees

The planting of street trees for new subdivisions shall be subject to the requirements of Article XXXIII of this Ordinance.

Section 38.13 - Public Sites and Open Space

- A. Required Dedication or Reservation

Where a proposed park or school site, as shown on a comprehensive plan as adopted by Village Council, is located in whole or in part within a proposed subdivision, the Planning and Zoning Commission may require the following:

- 1. The dedication to the public of part or all of the proposed site and/or
- 2. Reservation of the site for a period of up to three (3) years to enable acquisition by the appropriate agency or entity.

- B. Minimum Dedication Requirements

In all subdivisions or developments which result in additional dwelling units within the Village, the Owner/Developer shall be required to dedicate land to public sites and open space without compensation or to pay an amount equal to the value as defined in Section 38.13 D below, of such land to the Village for the specific purpose of developing public sites and open space. The amount

of land to be dedicated by the Owner/Developer shall be determined according to the following formula:

$$\text{Acres of Land for Dedication} = \text{Total Population} \times .01$$

The total population of any subdivision will be determined by:

1. determination of a population factor for each dwelling unit in the subdivision
2. summation of all population factors for each dwelling unit in the subdivision

The population for each dwelling unit shall be as follows:

Single-Family Dwelling	3.0
One Bedroom Multiple Family	1.5
Two Bedroom Multiple Family	2.0
Three Bedroom Multiple Family	3.0

C. Provisions of Private Recreation Facilities.

If the resulting land dedication is determined to be of insufficient size or inappropriately located, or if public ownership and operation of such public sites and open spaces is not feasible, the municipality may request that an applicant plan for the provision of privately financed and owned recreational facilities. Such private sites and open spaces shall be not less than 65% of the land area otherwise required under Section 38.13(B) above, provided that such areas shall be privately developed for recreational uses. The applicant shall be required to indicate:

1. The proposed size and location of the recreation site or open space.
2. The proposed recreational facilities and site improvements to be made in the area.
3. A schedule indicating how actual construction of the proposed recreational facilities and improvements are to be phased in relationship to overall project phasing.
4. How both ownership and maintenance of such areas and improvements is to be undertaken.

D. Modifications to Requirements

The Planning and Zoning Commission may modify the requirements as specified above when the Owner/Developer has shown that at least one of the following conditions exist:

1. The development will house a population substantially lower than that established above.
2. The development will have a documented lower need for parks and recreation services.
3. The unique or special characteristics of the project that justify modification of these requirements can be reasonably expected to continue for the life of the project.

E. Fee in Lieu of Dedication

The Planning and Zoning Commission shall determine if land proposed for public sites and/or open space is suitable and desirable for such purpose. If it is determined that the land is not suitable for such purposes, the Owner/Developer shall pay a fee-in-lieu of land dedication to the Village for the purposes of developing other sites or open spaces.

The amount of such fee shall be \$700 for each dwelling unit within the subdivision.

F. Private Recreational Areas

In lieu of the requirements of Section 38.13 B and D above, the Owner/Developer may devote not less than the acreage required in 38.13B to a private recreation area for use by the occupants of the subdivision. The recreation area must be of suitable size for recreational purposes, as determined by the Planning and Zoning Commission. The Owner/Developer must present a plan for development and perpetual maintenance of the site proposed, and such plan must be reviewed and

Commented [BK13]: An example of how other municipalities calculate this: The basic land dedication requirement shall be that 2% of the total gross site area, plus .03 acres per dwelling unit proposed, shall be set aside as open space except that in no case shall the open space requirement exceed 25% of total gross site area. Such area shall constitute ground suitable for public parks and playground facilities as reviewed and approved by the Planning and Zoning Commission.

Our calculation works as well, just something to consider or an addition to what we have already.

Commented [BK14]: Added by Yaz to address private recreation facilities

approved by the Planning and Zoning Commission. The Owner/Developer shall also provide security to ensure development and maintenance of the site in the form of a bond, deposit of funds or other form satisfactory to the Planning and Zoning Commission.

Section 38.14 - Monuments

A. General Requirements

All research, investigation, monumentation, measurement specifications, plats of survey, descriptions, and subdivision plats shall conform to the Minimum Standards for Boundary Surveys in the State of Ohio, Section 4733-37-03 (Administrative Code) Ohio Revised Code. These standards are intended as a minimum requirement, and where the surveying profession requires or recommends a higher level of standards, the higher or most restrictive of such standards shall apply. Additional standards for monumentation may be found in the Village of Johnstown Design Criteria.

B. Location

Monuments shall be placed at all angle points on the outside boundary of the subdivision. Iron pins shall be placed at all corners of all lots, intersections of the centerlines of streets, and at the Points of Curvatures (PC) and Points of Tangents (PT) of each curved street section centerline. In those cases where sanitary sewer manholes prevent the setting of monuments, such monuments shall be offset five (5) feet in each direction along the street centerline (radially if into a curve). Monuments are to be tied to existing Village of Johnstown monumentation and datum.

C. When Monuments are to be Set

Monuments in the street centerlines shall be placed upon the completion of paving of the streets. All other monuments are to be set upon completion of the street, water, sanitary sewer improvements, franchise utilities, and over lot grading and before acceptance of improvements by the Village of Johnstown. Iron pins designating lots shall be set after grading of lots, but prior to pouring of sidewalks.

D. Materials

Centerline monuments shall be of 5/8" rebar by 36" in length, set with brass or plastic identification cap, bearing the Surveyors name and PS Number. The centerline monument location shall be core drilled, with the monument set and grouted in place. Right of way, lot and perimeter corners shall be 5/8" rebar by 30" in length with a plastic identification cap bearing the Surveyors name and PS Number. Iron pins shall be as per the standards cited above in Section 38.13A.

E. Flood Plains

When all or part of a proposed subdivision is located within land subject to flooding, as defined in Article II, the Owner/Developer shall direct and cause the surveyor to place at least one benchmark tied to USGS elevation data.

F. Reference to State Plane Coordinate System

The Owner/Developer shall direct and cause the surveyor to tie the development with two geodetic monuments and establish State Plane Coordinates (SPC) on at least two corners of the development.

ARTICLE XXXIX – SITE IMPROVEMENTS

Section 39.01 - General

The improvements required by these subdivision regulations shall conform to the *Village of Johnstown Design Criteria* and other applicable portions of the Codified Ordinances of the Village, as may be subsequently amended. All site improvements shall be designed, furnished and installed by the Owner/Developer of the subdivision. The Owner/Developer shall be responsible for the costs of all tests required by the Village Manager to establish that the materials and methods utilized in construction of the improvements meets the specifications. Subdivisions shall be provided with the same improvements whether the streets are public or private, except in special situations as approved by the Planning and Zoning Commission.

Section 39.02 - Streets

A. Street Grading

No street grading shall be permitted until the final construction plans have been approved by the Village Engineer and inspection fees have been paid. No street grading shall be commenced without a forty-eight (48) working hour notice to the Village Manager.

B. Street Subgrade

All streets shall be graded to their full width, including side slopes. No obstructions shall be placed or allowed to remain in the street right-of-way. The subgrade shall be free of sod and/or vegetative or organic matter. Soft clay and other unsuitable material shall be cleared to a depth as determined by the Village Manager. The subgrade shall be shaped and compacted subject to the requirements of the Village Manager, and no fill shall be placed until said subgrade has been inspected and approved.

C. Pavement Application

No pavement shall be placed until the prepared subgrade and any subsequently installed aggregate base has been inspected and approved. After such subgrade and aggregate bases have been approved, intermediate asphalt pavement may be installed. The finish pavement course shall not be placed over the base and intermediate courses until a period of time, as specified by the Village Manager, has elapsed. All failures in the base and intermediate courses must be repaired prior to installation of the finish course.

D. Street Signs

The Owner/Developer shall provide all traffic control, street name and parking signs at intersections and other locations as designated by the Village Manager. Such signs shall be purchased from the Village. The Village shall be responsible for the installations and maintenance of all such signs.

Section 39.03 - Sanitary Sewers

A. Concrete Encasement

Concrete encasement shall be used when required for the sanitary sewer to withstand trench loadings, when rock is encountered in the trench bottom, when the cover is less than two-and-one-half (2 1/2) feet, or when such sewer line crosses a stream with year-round flow.

B. Testing

Leakage tests are required for all sanitary sewers except building sewers. Leakage tests shall be performed in compliance with the *Village of Johnstown Design Criteria*.

C. Private Sanitary Sewers

All private sanitary sewer laterals shall be six inches (6") minimum diameter PVC plastic conforming to ASTM D-3034 SDR 35 with flexible gaskets conforming to ASTM D-3212, unless otherwise specifically approved by the Village Manager. Before any building sewer is constructed, a tap permit must be obtained from the Village. Installation of building sewers shall

conform to applicable regulations of the Village. An "S" shall be stamped into the face of the curb at the location of any building sewer tap.

Section 39.04 - Water Systems

A. Water Service Lines

Water service lines shall be installed consistent with *Ten State Standards* and the *Village of Johnstown Design Criteria*. All water service lines shall be Type K copper. All water service lines shall be protected from freezing and frost penetration, but in no case shall be installed less than forty-eight inches (48") below the ground or pavement surface. Services shall be constructed after the street is rough graded and prior to the installation of paved surfaces and curbs.

B. Curb Boxes and Meter Pits

Curb boxes and meter pits shall be installed consistent with *Ten State Standards* and the *Village of Johnstown Design Criteria*. Curb boxes shall be located within the tree lawn not less than two feet (2') behind the back of the curb. All curb boxes shall be adjusted to the finished ground surface. The Village-Manager may require an alternative location of curb stops and/or meter pits. A "W" shall be stamped into the face of the curb at the location of any water service.

Section 39.05 - Certification of Improvements

Upon the completion of construction, and prior to acceptance by the Village, the Owner/Developer shall provide the Village with a letter which certifies that the construction is in conformance with the *Village of Johnstown Design Criteria* and approved Construction Plans.

Section 39.06 - Responsibility and Liability During Construction

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Until such time as improvements have been approved and accepted, the Owner/Developer shall assume full responsibility and liability for all areas dedicated to the public, and improvements thereon. The Owner/Developer shall agree to indemnify and hold harmless the Village of Johnstown until such time as the improvements are accepted.

ARTICLE XXXX – NONRESIDENTIAL SUBDIVISIONS

Section 40.01 - General

If a proposed subdivision or development includes land that is zoned for commercial or industrial uses, the proposed subdivision or development shall be subject to the submittal and approval of a separate site development plan by the Planning and Zoning Commission. In reviewing such site development plan, the Planning and Zoning Commission shall have the authority to modify and/or reduce the requirements of this Ordinance when, on the basis of evidence submitted by the Owner/Developer, it is determined that such modification is warranted.

Section 40.02 - Standards

The Owner/Developer of a commercial and/or industrial subdivision shall provide evidence that the following standards shall be met, and the Planning and Zoning Commission shall consider such evidence in evaluating the site development plan, as required in Section 40.01 above:

- A. The proposed industrial/commercial parcels shall be suitable in area and dimensions to the types of industrial or commercial development proposed.
- B. Street rights-of-way and standards shall be adequate to accommodate the type and volume of traffic anticipated to be generated by the development.
- C. Accommodation shall be made for special requirements for street, curb, gutter and sidewalk design and construction, and installation of public utilities, including water, sewer and storm drainage.
- D. Adverse impacts to any adjacent residential areas are identified, and measures are employed to protect adjacent residential areas from such adverse impacts.
- E. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of existing residential areas, or areas proposed for residential use in any land use or comprehensive plan for the Village, as adopted by Village Council.

ARTICLE XXXXI – RESERVED FOR FUTURE USE

APPENDIX A

LIST OF ACCEPTABLE TREES - URBAN TREES FOR CENTRAL OHIO

Lisa M. Bowers Regional Urban Forester ODNR - Ohio Division of Forestry

SIZES AND DESCRIPTIONS MAY VARY DEPENDING ON SITE PLACEMENT!

Trees listed below are generally acceptable for planting throughout a site.

However, not all trees listed below may be suitable as street trees.

Alternatives to those listed below may be acceptable pending recommendation by a Landscape Architect licensed in the State of Ohio or similar professional, as well as review by the Johnstown Planning Commission.

SMALL TREES - Mature height under 30', suitable under utility wires Adams

Crabapple - Malus 'Adams'

Height: 25'; habit - dense rounded; fall color - orange-red; fruit - red, persistent.

Adirondack Crabapple - Malus 'Adirondack'

Height: 10'; habit - V shaped upright; fruit - orange-red persistent; flowers - red buds, white flowers with red tinge.

Centurion Crabapple - Malus 'Centurion'

Height: 20' - 25'; fruit - cherry-red 1/2"; habit - upright; fall foliage: green; flowers - rose-red.

Excalibur Crabapple - Malus 'Excalibur'

Height: 8'; fruit - tiny golden yellow; habit - upright dwarf; flowers - red buds open to white.

Harvest Gold Crabapple - Malus 'Harvest Gold'

Height: 20' - 25'; fruit - golden, 1/2"; habit - upright; flowers - white; fruit persists into spring.

Madonna Crabapple - Malus 'Madonna'

Height: 16' - 20'; fruit - red; habit - compact, upright; flowers - white, double.

Prairifire Crabapple - Malus 'Prairifire'

Height: 20'; habit - upright spreading, foliage - reddish-green and yellow in the fall; flowers - coral red; fruit - dark red.

Red Jewel Crabapple - Malus 'Red Jewel'

Height: 15'; habit - mounded spreading form; fruit - cherry red 1/2" persist to April, foliage - excellent dark green; flowers - white.

Corneliancherry Dogwood - Cornus mas

Height: 20' - 30'; habit - rounded; flowers - yellow, March.

Thornless Cockspur Hawthorn - Crataegus crusgalli

Height: 15' - 20'; habit - globose, dense branches; flowers - white in clusters; fruit - 1/2" red persistent, used for wildlife; foliage gray green, purple/red in fall.

Winter King Green Hawthorn - Crataegus viridis 'Winter King'

Height: 20' - 25'; habit - rounded, fall color - purple to red; flowers - white cluster; fruit - red and persisting.

Lavalle Hawthorn - *Crataegus x lavallei*

Height: 15' - 30'; habit - oval to round; flowers - white clusters; fall color - bronzy to coppery red; fruit - red that persist into the winter.

Ohio Pioneer Dotted Hawthorn - *Crataegus punctata* var. *inermis* 'Ohio Pioneer'

Height: 20' - 25'; fruit; dark brick-red; habit - rounded; fall foliage - grayish/green; flowers - white clusters; thornless.

Vaughn Hawthorn - *Crataegus phaenopyrum* x *Crataegus crusgalli* 'Vaughn'

Height: 15' - 20'; fruit - glossy, orange-red, 3/8"; habit - rounded; fall foliage - grayish-green; flowers - white.

Washington Hawthorn - *Crataegus phaenopyrum*

Height: 25' - 30'; fruit - bright glossy red; shape - oval rounded; fall foliage - orange to scarlet to purplish, thorns.

Ivory Silk Tree Lilac - *Syringa reticulata* 'Ivory Silk'

Height: 20' - 30'; shape - rounded; fruit - clusters of capsules; fall foliage - green; flowers - 6-10" white panicles; attractive flowers in early July, flowers at a young age.

Amur Maackia - *Maackia amurensis*

Height: 20' - 30'; shape- rounded, fruit - pod, flower - 4-6" white racemes June - July.

Amur Maple - *Acer ginnala*

Height: 15' - 20'; shape - globose to ovate; foliage - green to red/orange in fall.

Paperbark Maple - *Acer griseum*

Height: 20' - 30'; shape - upright oval to rounded; fall color - russet red to red; exfoliating bark makes this tree interesting.

Tartarian Maple - *Acer tataricum*

Height: 15' - 20' sometimes 30'; shape - rounded; fall color - yellow, red to reddish brown.

Serviceberry species - *Amelanchier* species

Height: 25' - 30'; fruit - red, birds love them; shape - oval, upright; foliage - orange/red in fall; flowers - white clusters.

Red Bud - *Cercis Canadensis*

Height: 20' - 25'; flowers - dark pink, early before foliage, fruit - small pod; shape - irregular; fall color - sometimes yellow. 'Alba' white flower selection. Naturally grows as an understory tree, site carefully.

Blackhaw Viburnum - *Viburnum prunifolium*

Height: 12' - 15'; shape - rounded; flowers - white clusters in May; fruit - blueish black and edible.

Nannyberry Viburnum - *Viburnum lentago*

Height: 18' possibly 30'; shape - upright, open; flowers - white clusters in May; fruit - blueish black, winter food for birds

MEDIUM TREES - Mature size being 30'-60'.

Black Alder - *Alnus glutinosa*

Height - 40' - 60'; shape - pyramidal when young then irregular; fruit - woody strobile; adaptable, does well in wet or dry sites, full sun or partial shade, nitrogen fixer.

Autumnalis Higan Cherry - *Prunus subhirtella* variety *Autumnalis*

Height: 20' - 40'; flowers - semi-double pink; habit - oval upright; Higan cherry are the most cold, heat and stress tolerant of the cherry group.

Jackii Crabapple - *Malus* 'Jackii'

Height: 30' - 40'; fruit - maroon 1/2"; shape - upright and rounded; foliage - glossy green, yellow in the fall.

Lacebark or Chinese Elm - *Ulmus parvifolia*

Height: 50'; fruit - whitish, winged 1/4"; shape - rounded; fall foliage - yellow to wine.

Goldenraintree - *Koelreutaria paniculata*

Height: 25' - 40'; shape - globose; flower - yellow June-July; foliage - blue/green leaflets, yellow in fall; fruit - bladder like papery green capsules turning brown.

American Hornbeam - *Ostrya virginiana*

Height: 30' - 40'; shape conical to globose with age; foliage - green, yellow in fall; flowers - catkins; fruit nutlets in bunches, Prefers some protection, understory tree.

European Hornbeam - *Carpinus betulus*

Height: 35' - 40'; shape - conical becoming ovate, wide spreading; foliage - green-yellow in fall; flowers - catkins with bracts; fruit - leafy cluster with nutlets.

Upright European Hornbeam - *Carpinus betulus* 'Fastigiata'

Height: 30' - 40'; shape - upright oval dense; fall color - yellowish. Grown for its dense upright habit.

Red Horsechestnut - *Aesculus x carnea*

Height- 30' - 40'; shape - round to broad-rounded; flowers- rose red 6-8" panicles. 'Briotii' - flowers deeper red and larger.

Crimean Linden - *Tilia x euchlora*

Height - 40' - 60' and half that in spread; fall color - possibly yellow-green.

Legend American Linden - *Tilia americana* 'Wendell'

Height: 50'; shape - broadly conical; foliage - dark green; flowers - pale yellow, attracts bees; fruit - 1/2" nutlets.

Littleleaf Linden - *Tilia cordata*

Height: 45' - 65'; fruit - tan globes 1/4"; shape - compact, pyramid; 'Corinthian', 'Greenspire', 'Glenleven'- cultivars.

Hedge Maple - *Acer campestre*

Height - 25' - 45'; shape - rounded; fall color - yellow; can tolerate alkaline soils.

'Queen Elizabeth'-cultivar Celebration Maple - *Acer x freemanii* 'Celebration'

Height: 45'; fruit - seedless; shape - upright, oval; fall foliage - orange-red; flowers - greenish-yellow.

Norwegian Sunset Maple - *Acer truncatum x Acer platanoides* 'Norwegian Sunset'

Height; 35' - 45'; fruit - winged, 1 1/2"; shape - upright oval; fall foliage - orange-red; flowers - greenish-yellow.

Pacific Sunset Maple - *Acer truncatum x Acer platanoides* 'Pacific Sunset'

Height: 30' - 40'; fruit - winged, 1 1/2"; shape - upright, rounded; fall foliage - red; flowers - greenish yellow.

Sawtooth Oak - *Quercus acutissima*

Height: 40' - 50'; fruit - acorn; shape - rounded.

Hardy Rubber Tree - *Eucommia ulmoides*

Height: 40' - 60'; rounded to broad spreading; foliage - green-yellow/green in fall; flower dioecious - not showy; fruit - 1 1/2" capsule; lustrous dark green foliage, slow grower.

LARGE TREES - Mature size being 60+ feet.

Baldcypress - *Taxodium distichum*

Height: 50' - 70'; habit - pyramidal; foliage - yellow-green in the spring, linear lanceolate, orange to pink to soft brown in the fall; a deciduous conifer that adapts well to wet or dry sites, landscape tree mostly, but also used as street trees.

River Birch - *Betula nigra*

Height: 40' - 70'; habit - oval maturing to rounded; fall color - yellow and has handsome exfoliating bark.

Kentucky Coffeetree - *Gymnocladus dioica*

Height: 55' - 75'; foliage - blue-green leaflets, yellow in fall; flowers - green or yellow-white clusters; fruit - 4" to 10" reddish brown pods on females.

American Elms - Improved - *Ulmus americana*: 'Valley Forge', 'Princeton', 'New Harmony'

Height: 60' - 80'; medium to fast growing; shows tolerance to Dutch Elm disease.

Ginkgo (male only) - *Ginkgo biloba*

Height: 50' - 80'; shape - irregular; foliage - fan shaped yellow in fall; fruit - none on males; wide unless upright selection is chosen distinctive and historical interest. Male cultivars: 'Autumn Gold', 'Fairmont', 'Lakeview', 'Mayfield', 'Palo Alto', 'Princeton Sentry', 'Sinclair'

Honeylocust species (Thornless only) - *Gleditsia triacanthos* var. *inermis*

height: 40' - 70'; shape - ovate; foliage - green/yellow in fall; flowers - inconspicuous; fruit - long brown pods; lacy appearance, casts light shade easy to clean up in fall.

Horsechestnut - *Aesculus hippocastanum*

Height: 50' - 75'+; shape - upright oval to rounded; flowers- yellowish 5-12" terminal panicles; foliage - early to leaf out, yellowish brown in fall; fruit - spiny dehiscent.

Silver Linden - *Tilia tomentosa*

Height: 50' - 70'; shape - conical to ovate; foliage - green with silver underside, yellow in the fall; flowers - yellowish-white, fragrant; fruit - 1/3" nutlet; attractive and tolerates heat and drought better than most lindens. 'Sterling' - cultivar

Cucumbertree Magnolia - *Magnolia acuminata*

Height: 50' - 80'; shape- broad rounded; flower- perfect, greenish yellow- May; native to Ohio.

Black Maple - *Acer nigrum*

Height: 60' - 75'; shape - ovate; fall color - yellow; flowers - yellow/green before leaves appear; fruit - 1" samara.

Sugar Maple species - *Acer saccharum*

Height: 60' - 75'+; fruit - winged, 1-1 3/4"; shape - oval to rounded; fall foliage - orange, red; flowers - yellow green. 'Commemoration', 'Green Mountain' - cultivars.

Bur Oak - *Quercus macrocarpa*

Height: 70' - 90'; shape - ovate; foliage - 5-8" fiddle shape rounded lobes, yellow brown in fall; flowers - inconspicuous; fruit acorns; durable wide range of soils, massive, more tolerant of city conditions than most Oaks.

Chinkapin Oak - *Quercus muehlenbergii*

Height: 50' - 70'+; shape - open rounded crown, wide spreading with age, fall color - yellow to orangish brown; will grow in alkaline soils.

English Oak - *Quercus robur*

Height: 60' - 80'; shape ovate to globose; foliage 3 - 5" lobes, brown in fall; flowers - inconspicuous; tolerant of drought and resistant to some limited root space, upright forms also available. 'Skymaster' - cultivar - height: 50' - 60'; shape - pyramidal; fall foliage - green.

Northern Red Oak - *Quercus rubra*

Height: 60' - 80'; fruit - acorn; shape - ovate, open; fall foliage - bright reddish, golden brown; flowers - inconspicuous.

Pin Oak - *Quercus palustris*

Height: 55' - 75'; shape - conical to ovate; foliage - 3 - 6' lobes, bronze in fall; flowers - inconspicuous; fruit - acorns.

Scarlet Oak - *Quercus coccinea*

Height: 70' - 75' by 40' - 50' in width, fall color - scarlet to russet red. May develop chlorosis problems in certain sites.

Shingle Oak - *Quercus imbricaria*

Height: 40' - 60'; shape - conical to globose; foliage - 3' - 6" laurel like leaves, green, yellow/brown to russet red in fall; fruit acorns; attractive and tolerant to city conditions, leaves persist into winter and can be used for screening.

Shumard Oak - *Quercus shumardi*

Height: 60' - 80'; fruit - acorn; shape - broad, rounded; fall foliage - reddish-brown; flowers - inconspicuous.

Swamp White Oak - *Quercus bicolor*

Height: 60' - 80'; shape - ovate; foliage - 4" - 8" lobes, yellow brown in fall; flowers - inconspicuous.

Japanese Pagodatree - *Sophora japonica*

Height: 50' - 75'; shape - upright spreading; flowers - creamy white panicles July - August, fruit - pod, fall color - occasional yellow.

London Planetree - *Platanus x acerifolia*

Height: 70' - 100'; shape - pyramidal in youth, open wide spreading with age; bark - olive green to creamy, exfoliating.

Dawn Redwood - *Metasequois glyptostroboides*

Height: 65' - 100'; shape - conical; foliage - deciduous needles, yellow to orange/brown in fall; flowers - inconspicuous; fruit - 1" pendulous cones.

Sweetgum - *Liquidambar styraciflua*

Height: 60' - 75'; fruit - horned balls, 1-1 1/2"; shape - pyramidal; fall foliage - green, yellow, scarlet and purple; star shaped leaves, best if planted in the spring.

Tuliptree - *Liriodendron tulipifera*

Height: 70' - 90'; shape - oval-rounded; foliage - golden yellow to yellow in fall; flowers - tulip like - greenish yellow petal with orangish interior - beautiful flower.

Black Tupelo or Black Gum - *Nyssa sylvatica*

Height: 40' - 70'; shape conical; foliage - glossy dark green, yellow/orange and scarlet in fall; flowers - inconspicuous; fruit - 1/2" blue, eaten by birds and mammals.

APPENDIX B

STREET AND ROADWAY CLASSIFICATION SYSTEM

"**Arterial Street**" means a street connecting Johnstown with outside activity centers and/or serving as the primary routes through and within the Village. US 62 (Coshocton Street) is a prime example. Arterial streets carry the largest volume of traffic (typically in excess of 10,000 ADT) on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.

"**Collector Street (Major)**" means a thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 2,000 - 10,000 vehicles per day ADT.

"**Collector Street (Minor)**" means a thoroughfare which primarily carries vehicular traffic from local streets to major collector and arterial streets, and is designed to accommodate 500-2,000 vehicles per day ADT.

"**Cul-de-sac**" means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.

"**Local Street**" means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.

"**Industrial Street**" means a street on which more than twenty-five percent (25%) of the traffic is comprised of trucks, or where more than fifty percent (50%) of the abutting property is occupied by industrial uses.

STREET CLASS	ADT RANGE	MINIMUM R.O.W. (FT.)	PAVEMENT WIDTH (FT.)	MAXIMUM GRADE	MINIMUM GRADE
Arterial	10,000+	100	(SEE NOTE 3)	6%	.5%
Collector (Major)	2,000-10,000	70	41	6%	.5%
(Minor)	500-2,000	70	36	6%	.5%
Local	under 500	60	30	6%	.5%
Cul-de-Sac	under 500	60	30	6%	.5%
Industrial	NA	60	41	6%	.5%

NOTES:

1. Detailed specifications for new streets and roadways are found in the *Village of Johnstown Design Criteria*.
2. Pavement width is measured from face of curb to face of curb. Required pavement width may be increased if on-street parking is allowed.
3. Pavement width on Arterial Streets to be determined on a case-by-case basis by the Planning and Zoning Commission.

GENERAL COMMENTS

1. Who should hear appeals of P&Z Commission? (Section 7.06)
2. Add notification requirement to place sign in yard of any application before the P&ZC.

Accessory Dwelling Zoning - Examples and Further Comments

Hudson, Ohio

Located in Summit County, Ohio, north of Akron; Population: 22,000

Accessory dwellings are regulated as *Residential Accessory Uses* within their Accessory Use chapter (Ordinance 1206.03)

Ordinance Text

Residential Accessory Uses. Residential uses shall include the following accessory uses, activities, and structures:

1. Accessory dwelling units only in District 4 and District 5 when incidental to a principal single-family detached residential use and subject to the following conditions:
 - A. Accessory dwellings shall consist of living quarters integrated within single-family dwellings, or those located in detached accessory buildings, such as carriage houses or garages, that are located on the same lot as the single family dwelling.
 - B. Accessory dwellings shall be at least 500 square feet in total gross floor area, but no more than 850 square feet in gross floor area, and shall contain at least two rooms and private sanitary facilities with hot and cold running water, and cooking and food storage facilities.
 - C. For the purposes of calculating residential density, each accessory dwelling shall count as one-half dwelling unit.
 - D. There shall not be more than one accessory dwelling on a lot in addition to the principal single-family dwelling.
 - E. A permitted accessory dwelling unit shall comply with all other applicable site and building design, height, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling will be located.

Yellow Springs, Ohio

Located in Greene County, Ohio, east of Dayton; Population: 3,700

Accessory dwellings are regulated under *residential conditional uses* within the Conditional Use chapter (Ordinance 1262.08)

Ordinance Text

Residential

- (1) Accessory dwelling units.
 - A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
 - B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.

- C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
- D. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet of the total living area of the principal dwelling or 800 square feet, whichever is less.
- E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven and/or stove, and sink) and may contain not more than one bedroom.
- F. No more than two adults shall occupy the accessory dwelling unit.
- G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

Temporary Family Health Care Structures - Virginia

1. "Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
2. Any person proposing to install a temporary family health care structure shall first obtain a permit from the local governing body, for which the locality may charge a fee of up to \$100. The locality may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The locality may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
3. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
4. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
5. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.
6. The local governing body, or the zoning administrator on its behalf, may revoke the permit granted pursuant to subsection C if the permit holder violates any provision of this section.

Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

<https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2292.1/>

San Francisco

California regulates ADUs at the state level and then allows local municipalities to regulate more based off of state rules. There is a difference between waiver ADUs and non-waiver ADUs. The memo can be found here: https://default.sfplanning.org/publications_reports/adu_memo_state.pdf. Regulations below are for waiver ADUs.

For existing or new single family properties:

1. One (1) converted ADU is allowed per property. This would convert part of the single-family home or garage into an ADU and/or expand within the buildable area of the lot.
2. One (1) new detached ADU is allowed per property. This is a:
 - a. new, freestanding structure,
 - b. no larger than 800 square feet,
 - c. setback at least 4 feet from the side and rear lot lines, and
 - d. no taller than 16 feet.
 - e. An existing legal structure may be converted into an ADU and would not require 4 foot setbacks.
3. One (1) Junior ADU (JADU) is allowed per property. This would convert no more than 500 square feet of the existing or proposed single-family home or garage into a Junior ADU. This requires owner-occupancy in either the remaining portion of the single-family home or the newly created JADU.

For existing multi-family properties:

1. One (1) converted ADU is allowed per property. In some cases, more than one is allowed, totaling up to 25 percent of the existing number of units, whichever number is greater. For example: An existing building with 16 units can add up to four (4) ADUs, and an existing building with 100 units can add up to 25 ADUs.
 - a. These ADUs must otherwise be Planning-Code compliant, which means they cannot require a waiver, or administrative exception, from Planning Code requirements. These would convert an existing part of the multi-family building that is not currently used as livable space, such as a storage room, garage, or basement, into an ADU and/or an expansion within the buildable area of the lot.
2. Two (2) detached ADUs are allowed per property. These are:
 - a. new, freestanding structures,
 - b. setback at least four 4 feet from the side and rear lot lines, and
 - c. no taller than 16 feet.
 - d. Other City Codes may require separation between buildings. Please contact the Department of Building Inspection (DBI) for further details.

Other Comments

- Current ordinance states that each detached dwelling must have its own tap.

- The Village has had issues in the past (before current ordinances) with people renting out multiple units in a converted garage and traffic issues related. Requiring one off street parking spot for the unit may be helpful as is shown in the Yellow Springs example (C).
- Village attorney comments on limiting those who live in ADUs to people who are related to the primary owner: *"it is possible, but it can get very tricky. Basically, the Village would need to define "family" in a certain way, then restrict certain residential districts to families and not "unrelated" people. But the fact that we would try to restrict this for ADUs – rather than the primary residential structure – it could get very complicated. And the restriction is not without risk. Local government get sued pretty regularly any time there are these types of restrictions"*
 - o This is something that will be very hard to enforce and if the Village does implement a rule like this, it is not without risk - on both the administrative side and legal side
- Most lenders don't offer ADU mortgages, so payment tends to be with cash or with a home equity line of credit.
- Limiting ADU's by lot size:
 - o San Jose, CA requires minimum lot size of 3,000 square feet, state of California just made new regulations with no minimum lot size (Dec 2019)
 - o Austin, Texas, changed its code in 2015 to reduce the minimum lot size requirements from 7,000 square feet to 5,750 square feet.
 - o One Florida county requires a minimum lot size of 15,000 square feet.
 - o Orlando, FL residential districts require a lot size of a minimum of 5,500 square feet for an ADU of up to 500 square feet and 8,250 square feet minimum for an ADU of up to 1,000 square feet.
- Previous comments from P&Z:
 - o Consider requiring ADU's to have permanent foundation, bathroom, kitchen and ingress/egress
 - o Parking requirements and roof pitches
 - o Owner occupancy requirements - owner must live on lot
 - o Permitting and inspection
 - o Continuing upkeep
 - o Fitting in w/ surrounding environment, architecture and design review

Next Step

Should staff move forward with putting together a draft ordinance for auxiliary dwelling units in the Village? If so, please consider where in the Zoning Code you might like to include these.

VILLAGE OF JOHNSTOWN, OHIO



September 2020 Zoning Inspector Report

September 1, 2020 through September 3, 2020

318 Middleburn issued a deck permit, LCBC a building permit and inspections is required do to the size of the deck.

331 Green Acres inspected and approved the new corner sidewalk and driveway approach.

219 Weeping Willow Run received a complaint about a large motorcycle that is parking on and blocking the public sidewalk, turned over to JPD.

Pulte received a check for \$7,000 for addition inspection fees added to the inspection pass through account.

Met with a resident of Concord Ct to discuss fencing, lot pin locations, a new above ground pool installation and accessory building regulations.

266 S Main issued a Zoning Permit for a 1675 square feet addition, LCBC permitting and inspections are required.

324 Raccoon Ave. issued permits for another new Pulte home value \$290,000.

Issued Final Occupancy permits for:

329 Raccoon Ave.

323 Raccoon Ave.

127 Bigelow Dr.

124 Bigelow Dr.

Concord Crossing East update on Neo Traditional's. The two spec homes have both sold; one new build under construction is a sold house. Three or four more Neo's are in planning and will be dug on Bottecchia, some will have full basements.

Lash Chevrolet received a call from Ridgeview Apartments the resident was complaining about the security lighting around the Lash dealership. She said there are at least 16 pole lights and some of them shine into her bedroom window. I asked her how long she had lived in her apartment she said about 14 months. There have not been any changes to the lot lights in over 10 years. After checking out the area when it was dark I recommended to her that she purchase better quality room darkening window blinds.

90 S Main Dirko's Pizza met with the owner and approved his new window signs.

670 W Coshocton verbally approved a food truck for a wedding at this location on October 10, 2020.

49 Concord Ct. issued a fence permit for a fence on one side of the property, next day inspected and approved the fence posts.

312 Bontrager St issued a fence permit.

Signs: picked up numerous leftover Garage sale yard signs from around the Village, removed them from electric poles.

63 Yardner mailed a certified letter and USPO letter to the property owner about a disabled truck, after leaving a ZVN. Followed up with her later by phone. She committed to having the truck repaired and licensed. Followed up with her a third time she now has till October 15 to get it running, she assured me the truck now has a license.

290 Village Circle received a complaint about several dead trees along the bike trail, inspected the trees there is a plan for the Service department to remove numerous dead trees later in the fall these have been added to the list.

Commerce Bud Corp contacting them for a 3rd time about their unmowed property. It has now been mowed.

Parks Department has brought in their side brush trimming mower to trim back growth along the Village mowing line.

Concord Crossing East received prints for four partials on Fondriest for re-plating. The Commissioners will hear the application on October 13.

75 Westview received a complaint about parking in the front yard, this is a rental, contacted the owner he was very upset, he said he has language in his leases that spell out that it was not allowed. He took care of it.

140 Ridgeview discussed roof repairs with the owner he is waiting on the roofing company he hired to get it done.

Pulte: inspected forms for new sidewalks and approaches and approved.

322 Raccoon Ave

407 Fox Dr

424 Fox Dr

309 Green Acres issued a fence permit and inspected the post holes.

Complaint: received a complaint that several wooden crosses were nailed to electric poles on Meadow Ln, found two crosses and removed them.

Park National Bank I was asked to approved the proposed location for the new monument sign; I inspected the area made one slight adjustment and approved it.

195 Sunset issued a Zoning Permit for a new 500 square feet garage. LCBC permit is required.

39 Concord Ct issued a shed permit.

14-18 W Pratt met with the building owner and he asked to eliminate the 14-18 address numbers and change to one address 10 W Pratt. The apartments are owned by Ghostown Management and they are converting them into one large second floor apartment with two individual hotel style rooms all on the second floor. On the first floor will be one large room, more of a common area for entertainment with a bar counter and kitchen. This room will also have a rollup all glass door. The building exterior will be repaired by infilling the brick exterior. The address change letters have been sent.

60 Douglas inspected post holes for a new corner privacy fence.

502 Golden Pond issued permits for a new Maronda home this will be the first new build on the street value \$316,030.

525 Golden Pond issued permits for another Maronda values \$333,270.

CC East received a call about installing a yard flag pole caller was checking to see if there are restrictions to height.

Raccoon Estates Diyanni Homes is working with several clients with plans to build on Buena Vista. Recently I have several discussions about setbacks and restrictions with Jim Diyanni.

267 North Main the closed nursing home. Recently had two inquiries from interested parties checking to see if their business might be a good fit for the location.

120 Bigelow Dr another new Pulte home permitted, value \$323,919.

331 Green Acres issued a final Occupancy permit for a new Maronda home.

Ohio Pack met with two of their representatives to discuss the construction plans for noise reduction from their RTO machine. The changes should all be completed by the end of this year. Separate letters sent to residents on Tyler Place updating them on the resolution. Ohio Pack has committed \$100,000 for the project to be built in two steps.

313 Bontrager St issues a fence permit.

302 Mandaric St issued permits for another new Schlabach home value \$304,062.

129 Bigelow issued permits for another new Pulte home value at \$287,970.

417 Fox Dr issued permits for another new Pulte home valued at \$320,240.

Final Certificates of Occupancy issued for three new Pulte homes.

322 Raccoon Ave.

118 Bigelow Dr.

433 Fox Dr.

49 E Williams three motorcycles parked in the front yard, contacted the homeowner, she said they would all be moved at the end of the day. Four days later one was still in the yard; I returned to the property and took a picture. Within the same hour the homeowner came into the office and complained that he was being harassed. The motorcycle was relocated to the driveway.

313 Bontrager issued a fence permit for a new privacy fence.

52 N Main and 44 N Main ongoing issues between these two property owners because of a partially blocked entrance to a barn/garage at 44 N Main. At the 52 N Main property there is a fence and shed carport roof that prevents the turn into one side of the barn/garage at 44 N Main. The area is very restrictive even without the fence and shed. The shed and fence at 52 N Main however are setback within the requirements. The problem has existed, my guess for over 100 years prior to the shed and fence increasing the degree of difficulty. The property owners at 52 N Main just built a new garage and are waiting on the garage floor to be installed. Once it is complete the gravel turn around will be blacktopped. They plan to remove part of the fence and remove or reduce the carport roof to allow room for their neighbors to turn into the barn/garage. This is a civil issue but we were asked for help, both parties have been cooperative. Similar issues took place between the two previous owners of the two properties, same issue different owners.

Meadow Ln and W Coshocton received two complaints about large vehicles parked in the K-Cepts Auto repair parking lot close to the corner blocking the view of eastbound traffic on W Coshocton. There is a very large pole as close to the corner as it could be located, between the pole and the vehicles it is very difficult to see around the pole. Contacted the K-Cepts owner and as always they are 100 percent cooperative and said they will monitor the parking.

229 Sunset a trailer is parked in the center of the front yard. This is a rental property, contacted the property owner he said the renter is in the process of moving. Parking in the yard has been an issue at this address in the past.

Picked-up yard signs around the Village.

423 Fox Dr issued a final Occupancy Permit.

Leafy Dell complaint that part of the Coughlin owned vacant property near the Leafy Dell Condos is not being mowed. Pending.

328 Raccoon Ave issued a final Occupancy permit.

100 N Main received another call from this homeowner, she is extremely upset that her neighbors are preparing to replace an existing 70 year plus fence with a new wood privacy fence. We had a good discussion not sure where this is going.

302 Mandaric met on site with James Schlabach, Marvin Miller, Mike from Layton and the homeowner to discuss the curb cut for a new build driveway entrance this is a corner lot. The driveway entrance will be located at the end of the curb radius turning right from Fondriest to Mandaric.

370 Buena Vista issued permits for a new Diyanni built home, value \$420,000.

419 Fox Dr issued permits for another new Pulte home valued at \$309,688.

Received a complaint about a house on W Pratt at the corner of Orgeon. They had a large Trump flag with an obscene message on it. The flag has been removed.

Jim Blair