



Planning & Zoning Commission Meeting
Tuesday, May 26, 2026 - 5:00 PM
AGENDA

1. Call to Order/Roll Call
2. Public Comment on items not on the agenda
3. TABLED; Chapter 1165 Planned Development (PD) text amendment (Recommendation to Council needs to be made within 30 days/by June 11th; Public hearing held May 12th)
 - a. Council Initiation; Exhibit Chapter 1165
4. Application # 5-15-26 Lot Split/Subdivision of parcel; 337 N Main Street
 - a. Application & Staff review
5. Application # 5-16-26 Lot Split/Subdivision of parcel; Green Chapel Road
 - a. Application & Staff report
6. Application # 5-19-26 Home Occupation Permit; 54 N Oregon Street
 - a. Application
7. Other Business
8. Adjourn



RESOLUTION 2026-32

**A RESOLUTION TO INITIATE AN AMENDMENT TO CHAPTER 1165 OF THE CITY'S
CODIFIED ORDINANCES**

WHEREAS, The City of Johnstown has identified a need and opportunity to amend Chapter 1165 of the Codified Ordinances, which governs Planned Development PD Districts; and

WHEREAS, The proposed changes include changes to the substance and process for making additions to an existing Planned Development District as well as a new term to create the opportunity for a housing bank and process for a replacement Planned Development District; and

WHEREAS, The City Council hereby seeks to initiate these proposed changes under Section 1137.02(b) of the Codified Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF JOHNSTOWN, STATE OF OHIO, AND THE MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING THAT:

Section One: The City of Johnstown Council hereby initiates the proposed changes to the Zoning Ordinance consistent with the attached Exhibit A.

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

Date of Introduction/Public Hearing/Passed: April 21, 2026

By: Huggins

Mayor Tiffany Hollis

ATTEST TO:

Teresa Monroe, Clerk of Council

APPROVED AS TO FORM:

Yazan Ashrawi, Law Director

Exhibit A

CHAPTER 1165

Planned Development PD District

- 1165.01 Purpose and application.
- 1165.02 Establishment of Planned Development District.
- 1165.03 Permitted and conditional uses.
- 1165.04 Standards - generally.
- 1165.05 Project phasing.
- 1165.06 Procedures.
- 1165.07 Plan approval criteria.
- 1165.08 Submission requirements.
- 1165.09 Special PD requirements for parkland and privately owned open space.

CROSS REFERENCES

Conditional uses - see P. & Z. Ch. 1131

Amendments - see P & Z. Ch. 1137

1165.01 PURPOSE AND APPLICATION.

(a) Purpose. The Planned Development (PD) District regulations are intended to provide flexibility and creativity in terms of the types of uses and improvements that may be developed and operated within a particular area. The purposes of the PD District regulations are to:

- (1) Facilitate master planning to provide for cohesive development across multiple properties;
- (2) Provide an opportunity for a mix of land uses otherwise not permitted within standard municipal zoning district classifications to facilitate the development and operation of uses in a manner that reflect modern needs, market trends, and preferences.
- (3) Allow for the creation of development standards that respect the unique characteristics and qualities of a property and the immediate vicinity and protect the community's natural resources.
- (4) Enable more specific reviews of certain design characteristics to ensure that a development project is properly integrated into its surroundings and is compatible with or complimentary to adjacent development.

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(5) Assure compatibility between proposed land uses within and around the Planned Development District through appropriate development controls.

(6) Pursue the goals of the City as defined in the city's major policies and plans like the comprehensive land use plan. .

(7) Promote economical and efficient use of land and reduce infrastructure extension and long-term maintenance costs through unified development.

(8) Provide for supporting community amenities such as (but not limited to) parkland, paths, open spaces, and tree preservation areas.

(9) Establish objective criteria for development plan review that ensure conformity to community and district standards and allow for consistent treatment throughout.

(10) Encourage proper relationships between buildings, other developments, structures, and land, and develop in an orderly, coordinated, and comprehensive manner.

(11) Encourage unified development projects that exhibit creative, holistic, and superior planning and design in ways that cannot be achieved through a standard zoning district.

(12) Implement predictable and timely review procedures applicable to Planned Development Districts.

(b) Application. The Planned Development District regulations assist in accomplishing the above purposes by establishing review steps that combine the request for a zoning of real property with the development plan review process and, when applicable, the subdivision process.

(1) Separate Districts. Each Planned Development District shall be considered a separate and unique zoning district wherein a preliminary development plan (a "Preliminary Development Plan"), including (but not limited to) an associated written text providing the specific development standards applicable to the PD District (a "Zoning Text"), is adopted. The Preliminary Development Plan shall pertain only to the property within the particular PD District to which it applies. The approval of a Preliminary Development Plan application also shall constitute a zoning amendment to a PD zoning designation for the property that is the subject of the application.

(2) PD Supersedes Other Provisions. Planned Development Districts adopted and established in accordance with the provisions of this chapter shall take precedence over any conflicting regulations contained in the City's Planning and Zoning Code and/or Subdivision Regulations.

(c) Ownership/Control. A Planned Development District shall be an integrated, unified development project wherein the entire project area that is the subject of a single application shall be in common or shared ownership and/or control at the time the application for Preliminary Development Plan approval is filed. Any transfer of land within the Planned Development District resulting in ownership within the development by additional or other parties after an application has been filed shall not alter the

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applicability of the regulations contained herein. An approved Preliminary Development Plan shall be binding upon property owners and their successors and assigns.

(d) Eligibility. For property to be eligible to be classified with the PD designation, it must be included within a Preliminary Development Plan application pertaining to a minimum of three hundred fifty (350) acres, which must be contiguous to one another. Properties separated by a public right-of-way shall be contiguous for purposes of this provision.

(e) Additions. At any time after a Preliminary Development Plan application containing a minimum of three hundred fifty (350) acres has been approved so as to apply the PD designation thereto, separate property will be eligible, but not guaranteed, to be zoned as an addition to the same PD, regardless of whether or not it is contiguous to any of the acreage contained within that PD, if any of the following apply: (i) at least 25% of the acreage contained within the separate property is owned or controlled by the same applicant or an affiliated business entity of the same applicant that filed the original PD application; ~~or~~ (ii) the separate property is under common ownership with a portion of other real property that is already zoned with that PD designation; or (iii) the separate property is proposed to receive a transfer of some or all of the residential use and development rights (including, but not limited to, multi-family) from the existing PD while removing them in whole or in part from the existing PD. In addition, non-contiguous separate real property that is not contiguous with a boundary of an existing PD shall be eligible to be added to the existing PD only if any portion of the boundary of the separate property to be added is located within one half two miles of a boundary of the existing PD.

(Ord. -2026. Passed - -2026.)

1165.02 ESTABLISHMENT OF PLANNED DEVELOPMENT DISTRICT.

A Planned Development District shall be established according to the following:

(a) Zoning. A request for zoning land to a Planned Development District classification shall be made according to this Chapter 1165 by filing a Preliminary Development Plan application. All properties with a PD classification shall be designated on the zoning map as "PD" plus initials of the development name. The development name can be assigned by the applicant or can be assigned by the City Manager as a unique identifier for the project through its application and construction phases.

(b) Preliminary Development Plan. A Preliminary Development Plan application shall be reviewed by the Planning and Zoning Commission and City Council in accordance with this Chapter 1165. An action by City Council to approve, approve with conditions, or disapprove a Preliminary Development Plan application shall be deemed to constitute the act of zoning and shall be considered to be a legislative action.

(c) Final Development Plan. Final development plans (each, a "Final Development Plan") shall be reviewed and acted upon for all proposed developments which are not Major Economic Development Projects (such term being defined in Section 1165.06(j)) by the relevant reviewing body in accordance with this Chapter 1165. A Final Development Plan application may include the entirety of the PD District, or it may be submitted for part of

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the PD District in accord with any commitments that were made in the approved Preliminary Development Plan with regard to the phasing of development. All uses and developments within a PD District which are not Major Economic Development Projects shall comply with an approved Final Development Plan. An action by the relevant reviewing body to approve, approve with conditions, or disapprove a Final Development Plan application (or a permitted modification to or amendment thereof) shall be deemed to constitute an administrative action.

(d) Certificate of Development Approval. A certificate of development approval ("CODA") shall be reviewed and acted upon for all Major Economic Development Projects (such term being defined in Section 1165.06(j)) by the Administrative Board of Review (such term being defined in Section 1165.06(k)). Each use and development within a PD District which qualifies as a Major Economic Development Project shall comply with an approved CODA. An action by the Administrative Board of Review to approve, approve with conditions, or disapprove a CODA application (or a permitted modification to or amendment thereof) shall be deemed to constitute an administrative action.

(e) Plats. When a plat is necessary or required it shall be reviewed in accordance with the City's Subdivision Regulations (see Part Eleven - Planning and Zoning Code, Title One. Subdivision Regulations in the City of Johnstown Codified Ordinance). An application for preliminary plat review and approval may be filed at the same time as an application for Preliminary Development Plan review and approval or Final Development Plan review and approval, or may be filed at a later date. An application for final plat review and approval may be filed at the same time as an application for Final Development Plan review and approval or may be filed at a later date.

(f) Expiration of Preliminary Development Plan and Zoning Text. Given the nature of the PD District as providing for a Preliminary Development Plan and Zoning Text having unique features suited to a particular time, the approval of a Preliminary Development Plan and Zoning Text shall expire on the third anniversary of City Council approval of the Preliminary Development Plan and Zoning Text unless construction has commenced on at least the first phase prior to that date. Further, unless construction has commenced on at least seventy percent (70%) of the total acreage of the PD District, the approval of a Preliminary Development Plan and Zoning Text shall expire as to property on which construction has not commenced, on the eighth anniversary of Council approval. At any time prior to expiration, the applicant may request and Council may grant an extension of the Preliminary Development Plan and Zoning Text approval for good cause shown.

Upon expiration of Preliminary Development Plan and Zoning Text approvals, the property will retain its PD District zoning, but no construction or development may proceed upon undeveloped property without approval of a new Preliminary Development Plan and Zoning Text through the legislative process established in this Chapter, or a rezoning to a different zoning district. (Ord. 10-2023. Passed 6-20-23.)

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1165.03 PERMITTED AND CONDITIONAL USES.

A PD District may allow for a single use or any combination of uses when such uses are found to be compatible with one another in the context of a Preliminary Development Plan and in keeping with the intent of the general development criteria of the PD District, provided the proposed location of the uses will not materially adversely affect the public health, safety, and general welfare.

(a) List of Uses. The specific uses to be included in the proposed PD District shall be clearly listed in the Zoning Text. Uses in the Zoning Text need not be listed as permitted uses or conditional uses in any other portion of the City's Planning and Zoning Code, it being the intent that each PD District is unique and may allow for the development and operation of uses which may or may not be permitted in any other zoning district within the City. Listed permitted, conditional, and accessory uses shall be defined by their customary name or identification, except where they are specifically defined or limited in the Planning and Zoning Code or the Zoning Text. Uses that are not listed as permitted, conditional, or accessory uses in the Zoning Text shall be prohibited.

(b) Designations of Uses. Uses shall be identified in the Zoning Text as being permitted uses, conditional uses, or accessory uses. Any listed use may be limited to certain areas delineated in the Preliminary Development Plan. A PD District may include subareas, districts, or similar designations where only certain uses are permitted and where particular development standards may be applied to only a portion of the PD District. Conditional uses shall be required to be reviewed in accordance with Chapter 1131, provided, however, that a decision of the Planning and Zoning Commission to deny a conditional use application may be appealed by the applicant to City Council by filing a notice of the appeal with the City Council Clerk within fifteen (15) days after such the Planning and Zoning Commission action is taken. City Council shall then hold a hearing on the appeal at its next regularly scheduled meeting that is at least fifteen (15) days after the City Council Clerk's receipt of the appeal and shall make an administrative determination of whether or not the denial of the conditional use was illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the record.

(Ord. 10-2023. Passed 6-20-23.)

1165.04 STANDARDS - GENERALLY.

The proposed PD District shall include development standards in the Zoning Text to identify the allowable uses of land, buildings, and other structures; building locations, bulk, layouts, arrangements, designs, and heights; the percentages of lot areas that may be occupied; the setbacks of buildings from public street rights-of-way and property lines; the sizes of yards and other spaces; the density of development; and other matters relevant to the proposed use and development. (Ord. 10-2023. Passed 6-20-23.)

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1165.05 PROJECT PHASING.

If the PD District is to or may be developed in phases, each phase shall have adequate provision for vehicular access, parking, storm water management, utilities, and other public improvements to serve approved development within that phase.

(Ord. 10-2023. Passed 6-20-23.)

1165.06 PROCEDURES.

(a) General Provisions. Review of applications for Planned Development Districts shall be conducted in compliance with the provisions of this Section 1165.06. Each application shall be reviewed for completeness and compliance with applicable submission requirements, unless specific items are determined by City staff to be inapplicable or unnecessary. If the application is deemed insufficient, the City staff shall notify the applicant of the deficiencies. Only complete applications shall be placed on a Planning and Zoning Commission or City Council agenda.

(b) Concept Plan. Prior to submittal of any application for a PD, the applicant shall meet with the appropriate staff of the City for the review of a "Concept Plan" before the applicant files a Preliminary Development Plan application. The Concept Plan is intended to outline the basic scope, character, and nature of a proposed project. The review of the Concept Plan is to provide input in the formative stages of design. The Concept Plan shall include, at a minimum, a proposed general use diagram for property proposed for development, an indication of anticipated proposed uses, and other information which may be relevant to future proposed rezoning and development of the property. The applicant may (but shall not be required to) request review and feedback of a Concept Plan from the City Council prior to preparing a Preliminary Development Plan and filing a related application. If such a review is requested, an application for review of a Concept Plan shall be filed with City staff, which shall then forward it to City Council for review within thirty (30) days of the filing of the application. No discussions, opinions, or suggestions provided on any aspect of the Concept Plan shall bind the applicant or the City.

(c) Zoning Amendment Request. The submittal of a Preliminary Development Plan application to the City shall constitute an application for a zoning amendment to a PD District classification with respect to the property that is the subject of the application. The procedures, timing, and requirements for filing and reviewing a Preliminary Development Plan application as provided in this Chapter 1165 shall apply to the exclusion of the procedures, timing, and requirements for other zoning amendment applications as provided in Chapter 1137. Any amendments to an approved Zoning Text and associated Preliminary Development Plan shall update the original documents, to create a single source of regulations for each PD. Amendments that only reference a previously approved plan will not be accepted until such time as the governing Zoning Text and Development Plan update the original documents accordingly.

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(d) Preliminary Development Plan Review Procedures. An application for a Preliminary Development Plan review and approval, including all submission requirements for Preliminary Development Plans, shall be reviewed and distributed according to the following procedures.

(1) Staff Review. After determining that the application is complete pursuant to the requirements of Section 1165.08(a), the relevant City staff shall forward the application to the appropriate City departments and, if determined necessary, professional consultants, for review and comment. During their review, the staff may meet with the applicant to review the application, and the applicant may revise the application in response to staff's comments.

(2) Planning and Zoning Commission Review. After the application has been deemed by City staff to be complete, the Preliminary Development Plan application shall be placed on the agenda for the next regular meeting of the Planning and Zoning Commission that meets all notice requirements of the PD District. This meeting date cannot be less than twenty (20) days but no more than forty (40) days from the application being deemed complete. The Preliminary Development Plan application and supporting documentation, City staff comments, any other reports prepared and any accompanying documents (such as, but not limited to, letters from residents or maps) shall be transmitted to the Planning and Zoning Commission prior to the meeting. The Planning and Zoning Commission shall review the application at a public hearing to determine if it complies with the approval criteria set forth in this Section 1165.07(a). When reviewing the application the Planning and Zoning Commission shall take into consideration any submitted plans, the Zoning Text, supporting documentation and/or testimony from the applicant or its agents or consultants, the City's Comprehensive Plan and/or other relevant plans and studies, staff reports, staff and/or public comments, and expert opinions.

A. Request for Additional Information/Revisions. In its review of an application, the Planning and Zoning Commission may request additional information deemed reasonably necessary to adequately review and evaluate the proposed development, and/or may request that the applicant revise elements of the application. When this occurs, the Planning and Zoning Commission may table the application. A tabled application will be scheduled for additional review at the next regular meeting of the Planning and Zoning Commission following receipt of the revised materials and schedule of revisions or amendments. The applicant may request additional time to address the information that has been requested by the Planning and Zoning Commission as part of its action to table the case, in which case the Planning and Zoning Commission shall schedule additional review of the application at the next regularly or specially scheduled meeting that allows the applicant adequate time to provide the new information.

B. Action by Planning and Zoning Commission. The Planning and Zoning Commission shall recommend to City Council one of the following after considering the approval criteria set forth in Section 1165.07(a):

(i) That the Preliminary Development Plan and its supporting documentation be approved as submitted;

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(ii) That the Preliminary Development Plan and its supporting documentation be approved with specific conditions set forth by the Planning and Zoning Commission to further improve the proposed development; or

(iii) That the Preliminary Development Plan be disapproved.

C. Transmission to City Council. The Planning and Zoning Commission shall transmit the Preliminary Development Plan application along with all appropriate documentation, including a recommendation to City Council, within seven (7) days of taking action.

(3) Review and Action by City Council. City Council shall review and act on a single proposed ordinance to approve both the zoning of the relevant property to the PD designation and the associated Preliminary Development Plan, including conducting a public hearing, in accordance with City Council procedures. Before holding the public hearing, notice of such hearing shall be given by the City Council Clerk by posting on the website maintained by the City at least seven (7) days before the date of such hearing. This notice shall set forth the time and place of the public hearing, and the nature of the proposed zoning amendment and Preliminary Development Plan as contemplated in the application.

A. In reviewing the ordinance, City Council shall consider the approval criteria set forth in Section 1165.07(a). Approval of the Preliminary Development Plan application shall be required in order for a particular property to be classified with the PD designation. City Council may accept or reject any conditions of approval of the application as recommended by the Planning and Zoning Commission, in whole or in part, or it may add conditions either in addition to or in substitution of conditions recommended by the Planning and Zoning Commission.

B. Disapproval by City Council shall result in the property that is the subject of the zoning/Preliminary Development Plan application retaining the same zoning classification as applied to it prior to the filing of the application.

C. Adoption of the ordinance to approve the Preliminary Development Plan application shall constitute a rezoning of the property to a Planned Development District, and the Preliminary Development Plan and associated commitments then shall be binding on the applicant and relevant property owner(s). The Official Zoning Map shall be amended to reflect the zoning change. In the event City Council approves the Preliminary Development Plan with conditions requiring modifications, the applicant shall incorporate such modifications into the appropriate documents and file the revised Preliminary Development Plan with the City staff for the City's records within sixty (60) days. The adequacy of any such modifications shall be determined by the City Manager or their designee.

(4) Significance of Approved Preliminary Development Plan. Legally effective approval or approval with recommended modifications of the Preliminary Development Plan application by the City Council shall:

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A. Establish the development framework for the particular PD District, including but not limited to use areas and types, densities, building types, recreational facilities, general locations of open space, and street alignments;

B. For proposed developments other than Major Economic Development Projects, permit the applicant to file one or more Final Development Plan applications for some portion or all of the PD District; and

C. For Major Economic Development Projects, permit the applicant to file one or more CODA applications for some portion or all of the PD District, in accordance with any approved phasing commitments as set forth in the Preliminary Development Plan.

(5) Replacement PD District: Housing Bank. Any property contained within a PD District for which a Preliminary Development Plan has been previously approved so as to be legally effective may be rezoned into a replacement PD District by following the same procedures of Chapter 1165 as apply to the creation of a new PD District. Additional property may be added to the replacement PD District if it otherwise meets the eligibility requirements of this Chapter 1165. The replacement PD District may create a "Housing Bank" as part of the Zoning Text for the replacement PD District. The Zoning Text may provide for the deposit of any number of residential housing units (single-family, multi-family, or other) into the Housing Bank which were permitted to be developed in the originally approved PD District if the applicant for the replacement PD District has committed, in the Zoning Text for the replacement PD District, not to develop the units which are being deposited into the Housing Bank within the boundaries of the originally approved PD District that is being replaced (such units being referred to as the "Deposited Units"). Upon the legally effective approval of the replacement PD District, the rights to Deposited Units shall be held by one or more of the applicants for the replacement PD District as designated in the approved Zoning Text. The holder of these rights shall be permitted to transfer all or some of the Deposited Units to a property or properties that are being added to the replacement PD District or to another property or properties which are later added to the replacement PD District pursuant to Section 1165.01(e) if City Council approves the transfer in accordance with applicable procedures. The Zoning Text for the replacement PD District or which applies to properties later added to the replacement PD District may include specific parameters around the future development of all or some of the Deposited Units and may include provisions allowing for the conversion of Deposited Units into other unit types (for example, multi-family units to single-family units) through a formula or some other method. Any Deposited Units which are not transferred to another property shall remain on deposit in the Housing Bank.

(e) Final Development Plans. An application for Final Development Plan review, when required, shall include the submission requirements set forth in Section 1165.08(b) and shall be submitted for review according to the following: A Final Development Plan application may include all or a portion of the PD District. An application for Final Development Plan review and approval shall be required for each portion of the development other than any portion that contains a Major Economic Development Project. Major Economic Development Projects shall be reviewed pursuant to a certificate of appropriateness application as contemplated in Section 1165.08(j).

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A Final Development Plan application shall be reviewed according to the following procedures:

(1) Staff Review. After determining that an application is complete pursuant to the requirements of Section 1165.08(b), the relevant City staff shall forward the application to the appropriate city departments and, if determined necessary, professional consultants, for review and comment. The application shall be reviewed for compliance with the approved Preliminary Development Plan, and the requirements of the Zoning Text, approved preliminary plats, and other relevant provisions of City Code. During the course of their review, City staff may meet with the applicant to review the application, and the applicant may revise the Final Development Plan application in response to staff's comments.

(2) Scheduling: Reviewing Body. After the application has been deemed by City staff to be complete, the Final Development Plan application shall be placed on the agenda for a meeting of City Council that meets all notice requirements of the PD District. The Final Development Plan application and supporting documentation, City staff comments, any other reports prepared and any accompanying documents (such as but not limited to letters from residents or maps) shall be transmitted to City Council prior to the meeting. At the meeting, City Council first shall take action to determine if it will either (A) review the Final Development Plan application so that it will make a decision to approve it, approve it with conditions, or disapprove it, or (B) refer the application to the Planning and Zoning Commission and delegate authority to review and act upon the application to that body. If City Council determines that it will retain the authority to make a decision on the particular application, then immediately following its vote to retain such authority it shall undertake a public review of and hearing on the application. Should City Council determine that it will refer the application to the Planning and Zoning Commission, then the Planning and Zoning Commission will review the application at its first meeting that is at least seven (7) days following the date when City Council took the action to refer the application. Prior to the Planning and Zoning Commission meeting, City staff shall provide the members of the Planning and Zoning Commission with copies of the same documents and materials which were provide to City Council for the same application.

The relevant reviewing body shall review the application to determine if it complies with the approval criteria set forth in Section 1165.07(b). It shall take into consideration any submitted plans, the Zoning Text, supporting documentation and/or testimony from the applicant or its agents or consultants, staff reports, staff and/or public comments, and expert opinions when reviewing the application.

(3) Request for Additional Information/Revisions. In its review of a Final Development Plan application, the reviewing body may request additional information deemed necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the reviewing body may table the application. A tabled application will be scheduled for additional review at the next regular meeting of the reviewing body following receipt of the revised materials and a schedule of revisions or changes, unless the applicant requests additional time to address the information that has been requested, in which case the reviewing body shall

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schedule additional review of the application at the next regularly or specially scheduled meeting that allows the applicant adequate time to provide the new information.

(4) Review Standard. In reviewing the Final Development Plan application, the reviewing body shall determine if the Final Development Plan complies with all specific requirements, purposes, intent, and basic objectives of the Preliminary Development Plan, and any commitments made or conditions agreed to with the adoption of the Preliminary Development Plan, and if determines that there is such compliance, it shall act to approve the application.

(5) Minor Text or Plan Modifications. The reviewing body for a Final Development Plan shall review and approve or disapprove of requests for minor text and/or plan modifications within the PD District, and may, in reviewing that Final Development Plan or a requested modification thereto, approve a minor text modification from one or more provisions of the approved Zoning Text or other elements of the approved Preliminary Development Plan, if it determines that all of the following provisions are satisfied:

A. The proposed modification(s) do not alter the list of permitted, conditional, or accessory uses or cause an increase in permitted density of development;

B. The proposed modification(s) result in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s); and

C. The development, with the modification(s) as proposed on the Final Development Plan, will have no adverse impacts upon the surrounding properties or upon the health, safety, or general welfare of the community.

(f) Action on a Final Development Plan Application. The reviewing body for a particular Final Development Plan application shall take one of the following actions thereon:

(1) Approve the application as submitted, including any requested deviations from the approved Preliminary Development Plan;

(2) Approve the Final Development Plan with modification(s) as agreed to by the applicant and/or with deviations that the required reviewing body approves; or

(3) Disapprove the Final Development Plan when the application does not demonstrate that the required standards have been met. Disapproval of the Final Development Plan shall terminate the process, subject to any applicable administrative appeal rights. The applicant may file a revised Final Development Plan application if it receives a vote of disapproval on a previous application. Such action shall be considered a new application for review and shall contain all the information required for a Final Development Plan.

(g) Permits. Following the approval of a Final Development Plan, the applicant may proceed with the certificate of zoning compliance and building permit process for the property and the development that was the subject thereof, consistent with approval as granted.

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(1) After approval of the Final Development Plan, the applicant shall obtain a zoning certificate pursuant to Chapter 1127 and a building permit prior to commencing construction.

(2) A zoning certificate and building permit shall not be issued until any required final plat has been recorded and the City has accepted any applicable land areas that are to be dedicated to the City for the property that was the subject of the Final Development Plan.

(3) Required covenants, easements, and restrictions (if any) shall be recorded prior to the approval of any building permit in a location where such covenants, easements, or restrictions are intended to apply. The City may require a copy of the recorded document prior to issuing any building permit.

(4) All construction and development under any building permit shall be in accordance with the approved Final Development Plan, as may be amended pursuant to Section 1165.04(i). Any unauthorized departure from such plan shall be cause for revocation of the certificate of zoning compliance.

(h) Appeal of Disapproved Final Development Plan. When a Final Development Plan application (or an application for an amended Final Development Plan, as provided in the immediately following subsection (i)) is disapproved by the Planning and Zoning Commission, an applicant may file an administrative appeal to City Council by filing a notice of the appeal with the City Council Clerk within fifteen (15) days after such disapproval action is taken. City Council shall then hold a hearing on the appeal at its next regularly scheduled meeting that is at least fifteen (15) days after the City Council Clerk's receipt of the appeal and shall make an administrative determination of whether or not the disapproval of the Final Development Plan was illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the record. When a Final Development Plan application (or an application for an amended Final Development Plan, as provided in the immediately following subsection (i)) is disapproved by City Council as the reviewing body or after hearing an appeal of a Planning and Zoning Commission decision to disapprove a Final Development Plan application, an applicant may file an administrative appeal in court in accordance with applicable state law.

(i) Modifications to Approved Final Development Plans. Requested modifications to the approved Final Development Plan(s) shall be reviewed according to the following:

(1) Administrative Approval. The City Manager, or designee, in administering the approved Final Development Plan and Zoning Text, may authorize minor plan modifications to building layouts, parking arrangements, sign locations, lighting, and other site-related improvements that are required to correct any errors or address changes to the site made necessary during construction, provided the modifications remain consistent with the purpose of the approved Final Development Plan and Zoning Text.

(2) No administrative modifications shall be made that increase the permitted density of development or add to the list of permitted or conditional uses.

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(3) Modifications deemed minor ("Minor Modifications") may include such changes as:

A. Minor adjustments in lot lines provided no additional lots are created, adequate buildable space is maintained, and required setbacks are maintained;

B. Minor adjustments in the location of and layout of parking lots provided the required perimeter setbacks, tree island coverage, yards and buffers are maintained;

C. Minor adjustments in building footprints up to three percent (3.0%) in total floor area of the originally approved building, building height(s) or floor plans, that do not alter the character or intensity of the use thereof;

D. Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;

E. Redesigning and/or relocating stormwater management facilities provided that general character and stormwater capacities are maintained;

F. Redesigning and/or relocating landscape mounds, provided that the same level and quality of screening is maintained;

G. Minor modifications to signs and/or lighting not related to design, such as size and aesthetics, and not otherwise in conflict with Chapter 1177 (signs) or to the light pollution standards set forth in Section 1179.06(b)(4)(j) of this Code;

H. Changes required by outside agencies such as the county, state, or federal departments; or

I. Other minor modifications deemed by the City Manager or his/her assigns, that do not alter the basic design or any specific conditions imposed as part of the original approval.

The City Manager, or designee, shall report approved modifications to City Council and the Planning and Zoning Commission.

(4) Amended Final Development Plan. Modifications other than Minor Modifications shall be submitted to the reviewing body that approved the original Final Development Plan as part of an application for an amended Final Development Plan. Modifications as part of an amended Final Development Plan shall be approved provided that the reviewing body finds that the modifications remain consistent with the approved Preliminary Development Plan or warrant any necessary deviation therefrom. The reviewing body for the amended Final Development Plan shall have the right and power to grant such deviations as administrative action. If approved, amendments to the Final Development Plan shall supersede the originally approved Final Development Plan.

(j) Certificate of Development Approval. An application for a certificate of development approval (a "CODA") shall be required for a Major Economic Development Project. The term "Major Economic Development Project" shall mean "a development containing at least 50,000 square feet of gross building floor area one or more of the following land uses:

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administrative or professional office uses; medical office uses; research and development facilities; warehousing and/or distribution facilities; data centers; industrial, manufacturing, assembly, and/or production uses, and other uses which are identified as Major Economic Development Projects in an approved Zoning Text." In no circumstance will retail or restaurant use be eligible for Major Economic Development Project designation unless they are clearly accessory to and contained within the same building as any use that qualifies as a Major Economic Development Project absent the square footage contained within the proposed retail or restaurant use. The intent behind subjecting Major Economic Development Projects to the CODA application review process (rather than the Final Development Plan review process) is to enhance the speed-to-market of "shovel-ready" sites that are attractive to employment-generating uses and developments and/or uses which otherwise will bring significant private investments to the City. Decisions on CODA applications shall be deemed to be administrative in nature.

(k) Administrative Board of Review. An Administrative Board of Review ("ABR") is hereby created to review CODA applications. The ABR shall consist of the Council representative on the Planning and Zoning Commission; and two members of Council, appointed by a majority vote of Council. The members shall elect a Chair from among themselves. In addition, the City Manager and the Planning Director shall be non-voting ex officio members of the ABR who shall have privilege of participating in ABR deliberations. The ABR shall have the duty to review and approve, approve with conditions, or disapprove of CODA applications (and permitted modifications thereof) in accordance with the requirements of the PD District and other applicable provisions of City Code. The ABR shall meet at least twice per calendar month on dates determined by the ABR, provided that meetings may be cancelled by the Chair when no CODA applications are ready for review by the ABR. Special meetings of the ABR may be called by any member of the ABR with at least twenty-four (24) hours' prior written notice being delivered by email or other written means to the other members of the ABR and otherwise in compliance with open meetings laws.

(l) CODA Application Review Process. A CODA application shall be reviewed according to the following procedures:

(1) Staff Review. After determining that an application is complete pursuant to the requirements of Section 1165.08(c), the relevant City staff shall forward the application to the appropriate city departments and, if determined necessary, professional consultants for review and comment. The application shall be reviewed for compliance with the approved Preliminary Development Plan, and the requirements of the Zoning Text and other relevant provisions of City Code. During the course of their review, City staff may meet with the applicant to review the application, and the applicant may revise the CODA application in response to staff's comments.

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(2) ABR Review. After the CODA application has been deemed by City staff to be complete, it shall be forwarded to the ABR for review at its next regularly scheduled meeting that is at least fifteen (15) days and no more than thirty (30) days after the date when the CODA application was unless City staff deemed the filing to be incomplete, in which case the application shall be reviewed by the ABR at its next regularly scheduled

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meeting that is at least fifteen (15) days and no more than thirty (30) days after the date when all deficient CODA application materials have been filed by the applicant with City staff. City staff shall provide to the ABR any comments on the submittal as it deems to be necessary or appropriate as well as copies of the previously approved Preliminary Development Plan application, Zoning Text, and other related documents. At the ABR meeting, the ABR shall review the application to determine if it complies with the approval criteria set forth in Section 1165.07(c). The review of the CODA application is limited to a determination as to whether or not the plans and specifications for development of a site that have been submitted in conjunction with the CODA application comply with the approved Preliminary Development Plan which applies to that site.

(3) Request for Additional Information/Revisions. In its review of a CODA application, the ABR may request additional information deemed necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the ABR may table the application. A tabled application will be scheduled for additional review at the next regular meeting of the ABR unless the applicant requests additional time to address the information that has been requested, in which case the reviewing body shall schedule additional review of the application at the next regularly or specially scheduled meeting that allows the applicant adequate time to provide the new information.

(4) Review Standard. In reviewing the CODA application, the ABR shall determine if the plans and specifications that are part of the application comply with all specific requirements, purposes, intent, and basic objectives of the Preliminary Development Plan, and any commitments made or conditions agreed to with the adoption of the Preliminary Development Plan. If it determines that there is such compliance, it shall act to approve the application, and if it determines that there is no such compliance, it shall table the application and provide written comments to the applicant identifying the items that do not substantially comply with the approved Preliminary Development Plan. The applicant may then revise the CODA application to address the comments, and the ABR shall review the revised submission at its next regularly scheduled meeting that is at least seven (7) days after the revision submission has been filed by the applicant with City staff. If the ABR determines that the revised application substantially complies with the approved Preliminary Development Plan, it shall approve the same, and if it determines that the revised application does not comply, then it may disapprove the revised application.

(5) Minor Text or Plan Modifications. The ABR shall review and approve or disapprove of requests for minor text and/or plan modifications for Major Economic Development Projects, and may, in reviewing a CODA application, approve a minor text modification from one or more provisions of the approved Zoning Text or other elements of the approved Preliminary Development Plan, if it determines that all of the following provisions are satisfied:

A. The proposed modification(s) do not alter the list of permitted, conditional, or accessory uses or cause an increase in permitted density of development;

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B. The proposed modification(s) result in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);

C. The development, with the modification(s) as proposed on the Final Development Plan, will have no adverse impacts upon the surrounding properties or upon the health, safety, or general welfare of the community.

(m) Permits - Major Economic Development Projects. Following the approval of a CODA application, the applicant:

(1) Shall obtain all engineering permits, a zoning certificate pursuant to Chapter 1127, and a building permit prior to commencing construction of improvements on the property that was the subject of the approved CODA application.

(2) A zoning certificate and building permit shall not be issued until any required final plat has been recorded and the City has accepted any applicable land areas that are to be dedicated to the City.

(3) Required covenants, easements, and restrictions (if any) shall be recorded prior to the approval of any building permit in a location where such covenants, easements, or restrictions are intended to apply. The City may require a copy of the recorded document prior to issuing any building permit.

(4) All construction and development under any building permit shall be in accordance with the approved CODA, including any modifications as may be provided in subsection (o). Any unauthorized departure from such plan shall be cause for revocation of the zoning certificate.

(n) Appeal of CODA Application Decision. When a CODA application (or an application for an amended CODA, as provided in the immediately following subsection (o)) is finally approved or disapproved by the ABR, an applicant or aggrieved party may file an administrative appeal to City Council by filing a notice of the appeal with the City Council Clerk within fifteen (15) days after such disapproval action is taken. City Council shall then hold a hearing on the appeal at its next regularly scheduled meeting that is at least fifteen (15) days after the City Council Clerk's receipt of the appeal and shall make an administrative determination of whether or not the decision on the CODA application was illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the record. Appeal of a Council decision shall proceed as provided in state law for court review of political subdivision administrative actions.

(o) Modifications to Approved CODA. Requested modifications to approved CODAs shall be reviewed according to the following:

(1) Administrative Approval. The City Manager, or designee, in administering an approved CODA and Zoning Text, may authorize minor plan modifications to building layouts, parking arrangements, sign locations, lighting, and other site-related

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improvements that are required to correct any errors or address changes to the site made necessary during construction, provided the modifications remain consistent with the purpose of the approved CODA and Zoning Text. The City Manager may also authorize other Minor Modifications in accordance with the same requirements as apply to Minor Modifications of Final Development Plans. The City Manager, or designee, shall report approved modifications to City Council.

(2) Amended CODA. Modifications other than Minor Modifications shall be submitted to City Council as part of an application for an amended CODA. Modifications as part of an amended CODA shall be approved provided that City Council finds that the modifications remain consistent with the approved CODA or warrant any deviation therefrom. If approved, amendments to the CODA shall supersede the originally approved CODA.

(Ord. 10-2023. Passed 6-20-23.)

1165.07 PLAN APPROVAL CRITERIA.

(a) Preliminary Development Plan. In the review of a proposed Preliminary Development Plan, the Planning and Zoning Commission and City Council shall determine whether or not the proposed Preliminary Development Plan complies with the following criteria. In the event that either the Planning and Zoning Commission or City Council determines that the proposed zoning amendment and Preliminary Development Plan do not comply with a preponderance of these criteria, then in the case of the Planning and Zoning Commission it may recommend disapproval of the application and in the case of City Council it may disapprove the application. Should the Planning and Zoning Commission determine that the proposed Preliminary Development Plan does comply with a preponderance of these criteria, it shall recommend approval of the application. City Council then shall make the final determination as to approval, approval with conditions, or disapproval of the application in accordance with these criteria. The review criteria are as follows:

- (1) The proposed development is consistent with the purpose, intent and applicable standards of this Chapter 1165.
- (2) The proposed development furthers the goals and recommendations of the City's Comprehensive Plan or other planning document(s) applicable to the area that is the subject of the Preliminary Development Plan.
- (3) The proposed development shall participate in the Johnstown Community Authority. This will encourage a well-planned and orderly development which embodies a diversified and economically sound new community.
- (4) The proposed development advances the general welfare of the City and will not impede the normal and orderly development and improvement of the surrounding areas.
- (5) The proposed uses are appropriately located in the City.

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(6) Adequate utilities, access roads, stormwater management, and other similar facilities have been or will be provided. Storm water management may include use of regional storm water management facilities approved as part of another approved Final Development Plan or, on a temporary basis, in areas outside the boundaries of the proposed Final Development Plan but within the PD District and consistent with the approved Preliminary Development Plan.

(7) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets, maintain public safety, and to accommodate adequate pedestrian and bicycle circulation systems so that the proposed development provides for a safe circulation system for motorists and pedestrians.

(8) The density of uses, lot coverage, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open spaces and parking areas, traffic accessibility and other elements contribute to the orderly development of land within the City;

(9) Proposed building, streetscape, and open space characters and designs shall further the City's goal of establishing memorable, attractive places and will utilize high-quality, enduring materials and arrangements.

(10) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area.

(11) On balance, the proposed development is expected to have a positive economic impact on the City.

(12) Internal Compatibility and Design:

A. The streetscape pattern shall provide for pedestrian and bicycle pathways, and include attractive corridors with street trees, sidewalk treatments, and appropriate lighting.

B. The overall development shall make use of existing natural features and interesting topography.

C. A variety of designs and typologies shall be included for detached residential structures, and the land use mix should be designed to be compatible and complimentary.

D. Building designs and arrangements shall provide for architectural styles that meet and further the goals of the City and create an easily identifiable Johnstown image.

E. Open spaces shall be linked and integrated in meaningful ways. Open spaces shall provide for quality recreational amenities including playgrounds, plazas, pocket parks, seating, lighting; and passive recreational amenities such as multi-use trails and nature preserves.

(13) External Compatibility and Design:

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A. The proposed development shall not significantly, negatively, and materially impact any adjacent uses.

B. The proposed development shall not negatively impact any adjacent conservation lands.

C. The proposed development shall provide bikeway and trails and connect to existing trails where opportunities exist or are planned.

D. Access and street patterns of the development shall complement and be compatible with the existing street system of the surrounding development.

E. Commercial and industrial uses within the development shall be adequately buffered from any adjacent residential uses.

(b) Final Development Plan. In the review of a Final Development Plan or a permitted amendment thereof, the reviewing body shall determine whether or not the proposed development, as depicted on the Final Development Plan, complies with the following:

(1) It substantially conforms in all pertinent respects to the approved Preliminary Development Plan, provided, however, that the reviewing body may authorize deviations or variances from such plans as provided in Section 1165.06(e)(2)(C).

(2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;

(3) The development has adequate public services;

(4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code, the Zoning Text, and the Preliminary Development Plan;

(5) The architecture, style, arrangement, and materials of the proposed buildings, structures, streets, and open spaces meets or exceeds that provided for in the Preliminary Development Plan and Zoning Text;

(6) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;

(7) Proposed signs are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located to maintain safe and orderly pedestrian and vehicular circulation (see Title Seven - Zoning Standards and Special Provisions, Chapter 1177 Signs in the City's Codified Ordinances);

(8) The landscape plan will adequately enhance the principal building(s) and site; buffer adjacent incompatible uses; break up large expanses of pavement with natural material and plantings; and provide appropriate plant materials for the buildings, site, and climate; and

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(9) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this code and any other design criteria established by the city or any other governmental entity which may have jurisdiction over such matters (see Part Eleven Title 13 Storm Water Management Program in the City's Codified Ordinances).

(c) Certificate of Development Approval. In the review of a CODA or a permitted amendment thereof, the ABR shall determine whether or not the proposed development, as depicted in the plans provided as part of the CODA application, complies with the following:

(1) The project that is the subject of the application qualifies as a Major Economic Development Project;

(2) It substantially conforms in all pertinent respects to the approved Preliminary Development Plan;

(3) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;

(4) The development has adequate public services;

(5) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code, the Zoning Text, and the Preliminary Development Plan;

(6) The architecture, style, arrangement, and materials of the proposed buildings, structures, streets, and open spaces meets or exceeds that provided for in the Preliminary Development Plan and Zoning Text;

(7) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;

(8) Proposed signs are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;

(9) The landscape plan will adequately enhance the principal building(s) and site; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate; and

(10) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this code and any other design criteria established by the city or any other governmental entity which may have jurisdiction over such matters.

(Ord. 10-2023. Passed 6-20-23.)

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1165.08 SUBMISSION REQUIREMENTS.

(a) Contents of Preliminary Development Plan. A Preliminary Development Plan application shall provide the following:

(1) A completed application, on a form provided by the City, which also shall serve as an application for a zoning amendment. If the application is signed by a person other than the owner of the property, a notarized consent by the owner shall be attached.

(2) A Zoning Text with the following content and organization.

A. DESCRIPTION OF THE PROPOSAL

B. LEGAL DESCRIPTION OF THE REAL PROPERTY THAT IS SUBJECT TO THE APPLICATION (and of any subareas or subdistricts that are being proposed within the PD District)

C. REFERENCE TO A PRELIMINARY DEVELOPMENT PLAN

D. LIST OR TABLE OF PROPOSED PERMITTED, CONDITIONAL, AND ACCESSORY USES

E. DENSITY/INTENSITY MINIMUMS AND MAXIMUMS (expressed as a number of units or units per acre, total square footage or square footage per acre, impervious lot coverage ratios, or some combination thereto)

F. CRITICAL DESIGN FEATURES (Such as, but not necessarily limited to, architectural styles, allowable building materials, building arrangements and relationships, landscape and buffer standards)

G. ARCHITECTURAL STANDARDS (detailed written architectural standards and general character images for buildings to establish building typologies within the PD District for structures from which Major Economic Development Projects may operate, and detailed architectural standards for any project that does not meet the definition of a Major Economic Development Project)

H. LAND USE ALLOCATION SUMMARY OR TABLE (Including designated park space if relevant)

I. AREA, HEIGHT, BULK & OPEN SPACE REQUIREMENTS (prescribe standards for all development areas and include acreages)

J. GENERAL REQUIREMENTS FOR ROADWAY DESIGN/TRAFFIC CIRCULATION (specific details for new street improvements or modifications to existing street improvements will be reviewed as part of a platting process)

K. IDENTIFICATION OF SIGNIFICANT NATURAL FEATURES (and description of how such features will be preserved or modified)

L. BUFFERING/SCREENING (specify typologies, locations, key considerations)

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M. PROCEDURES (Describe procedures to be followed for implementation of the standards and requirements in the Zoning Text, which shall not be contrary to the procedures set forth in this Chapter 1165)

N. SUBAREAS (Description of the subareas proposed within the PD District and details concerning the use and development commitments and requirements that will be applicable to each, along with a general summary of the projected phasing of development within the PD District, which may provide for flexibility in recognition of the large amount of acreage required for a PD District)

O. UTILITIES (A statement that the applicant will enter into an agreement with the City concerning construction and funding of utilities which are required in order to facilitate development within the PD District, on terms that are mutually acceptable to the applicant and the City)

P. OTHER STANDARDS AND REQUIREMENTS (Standards and requirements that are relevant to the orderly development of the PD District and which are not otherwise included in any of the foregoing content requirements)

(3) A plan showing general or specific locations of uses, sizes of areas of uses, and indicating densities, unit types, the total number of dwelling units allowed in each area of the proposed PD District, and the density of non-residential uses in each area of the proposed PD District.

(4) A plan demonstrating, to the extent they are to be provided, locations for open areas and public parkland areas with the suggested ownership of such areas. In the alternative, provisions for these items may be included in the Zoning Text and their specific locations then shall be identified in one or more Final Development Plans.

(5) A general plan (in plan and/or text forms) for the provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.

(6) A plan illustrating the traffic circulation patterns, including public and private streets, private alleys and drives, and parking areas. In the alternative, provisions for these items may be included in the Zoning Text and their specific locations shall be identified in a Final Development Plan.

(7) A metes and bounds boundary legal description of the proposed PD District and of each subarea or subdistrict of land within the district, as well as associated scalable maps depicting the same.

(8) A list of property owners within the proposed PD District and of property owners contiguous to and/or directly across a street from the proposed PD District and their addresses as appearing on the Licking County Auditor's current tax list.

(9) Illustrations and/or depictions of the planned architectural character for structures in the PD district. Actual architectural designs of buildings and structures may, but shall not be required to be, filed with the Preliminary Development Plan. The Zoning

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Text shall provide standards for permitted exterior facade materials and building heights, and other commitments, standards, or requirements for architectural designs of buildings and structures that are particular to the PD District.

(10) Identification of locations and dimensions of existing environmental features within the proposed PD District, such as streams, creeks, wetlands, lakes, ponds, and treed areas together with an indication of whether such features will be preserved or impacted as part of the proposed development.

(11) A traffic study or traffic impact analysis of traffic volumes and impacts generated by the proposed development shall be completed by a traffic engineer in accordance with parameters agreed upon in writing by the applicant's traffic engineer and the City Manager, or designee, and any impacts and their proposed mitigation methods shall be defined by the applicant.

(12) A utility impact analysis and utility service plan including (but not limited to) estimated demands for potable water and sanitary sewer services.

(13) A fiscal impact statement describing, methodology to arrive at assumption, timeframe of the study,

(14) A map of existing conditions and features drawn to scale, with accurate boundaries of the entire PD District and a north arrow, including the property proposed for development, all adjacent right-of-way, and 100 feet of property immediately adjacent thereto, indicating:

- A. Existing public improvements, permanent facilities, easements and property boundaries;
- B. General indication of existing structures on the site and abutting properties;
- C. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
- D. General topography;
- E. Existing zoning district boundaries and jurisdictional boundaries;
- F. Surface drainage and areas subject to flooding;
- G. Existing public and private utility systems; and,
- H. Regional transportation system.

(15) A regional context map indicating the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas.

(b) Contents of Final Development Plan. Following approval of the Preliminary Development Plan, a Final Development Plan application may be submitted for all or any part of the property that was the subject of an approved Preliminary Development Plan.

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Final Development Plans are intended to be more detailed representations of the approved Preliminary Development Plan. Contents of the Final Development Plan shall include:

- (1) A completed application, on a form provided by the City.
- (2) A metes and bounds boundary legal description of the portion of the PD district that is the subject of the Final Development Plan, as well as associated scalable maps depicting the same.
- (3) A plan demonstrating, to the extent they are to be provided, the dimensions and locations of proposed structures, buildings, streets, parking areas, yards, open spaces and other public or private facilities. This provision shall not apply to those areas of the Final Development Plan indicated for development of detached single-family homes. However, all lots intended to be so developed shall have building setback lines indicated thereon.
- (4) A detailed plan or statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density and building intensity.
- (5) Detailed engineering plans for the provision of all streets and utilities including provisions for off-site connections and facilities necessary to serve the areas which are the subject of the Final Development Plan.
- (6) Detailed engineering site grading plans including proposed finished grades. This provision shall not apply to those areas of the Final Development Plan indicated for development of single-family homes.
- (7) Proposed drainage facilities.
- (8) Detailed landscaping plans. This provision shall not apply to individual lots within those areas of the Final Development Plan indicated for development of single-family homes, except that detailed landscaping shall be provided as to all residential entry features and common areas.
- (9) Scalable depictions of architectural elevations demonstrating the design and character of proposed structures and buildings, specifications of exterior materials and colors, and the physical relationship of all elements thereof. For areas designated for the development of single-family homes, this is intended to demonstrate the exterior design character and general elements of home designs and is not intended to require a detailed representation by the applicant, as such details shall be required as part of a certificate of zoning compliance application and building permit application.
- (10) A tabulation showing the exact area of each lot, reserve, or other parcel shown on the plan (other than streets and alleys).
- (11) Detailed water and sewer engineering plans.
- (12) Locations and character of all signs, unless otherwise provided in the approved Zoning Text.

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(13) A list of property owners within the proposed Final Development Plan and of property owners contiguous to and/or directly across a street from the property which is included in the proposed Final Development Plan and their addresses as appearing on the Licking County Auditor's current tax list.

(14) Identification of locations and dimensions of existing environmental features within the property which is included in the proposed Final Development Plan.

(c) Contents of CODA Application. Following approval of the Preliminary Development Plan, a CODA application may be submitted for all or any part of the property that was the subject of an approved Preliminary Development Plan and which proposes the development of a Major Economic Development Project. Plans to be reviewed as part of a CODA application are intended to be more detailed representations of the approved Preliminary Development Plan. However, the CODA application review process is not intended to address final engineering for an eligible development, as those details are to be reviewed as part of other relevant and required permit applications as required by City Code. Contents of the CODA application shall include:

- (1) A completed application, on a form provided by the City.
- (2) A metes and bounds boundary legal description of the portion of the PD district that is the subject of the CODA application, as well as associated scalable maps depicting the same.
- (3) A plan demonstrating, to the extent they are to be provided, the dimensions and locations of proposed structures, buildings, streets, parking areas, yards, open spaces and other public or private facilities.
- (4) A detailed plan or statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density and building intensity.
- (5) Detailed site grading plans including proposed finished grades.
- (6) Detailed landscaping plans showing locations, sizes, and species of new plant materials to be installed, areas where existing vegetation is to remain, and illustrating locations of hardscape materials and fencing.
- (7) Scalable depictions of architectural elevations demonstrating the design and character of proposed structures and buildings, specifications of exterior materials and colors, and the physical relationship of all elements thereof.
- (8) A tabulation showing the exact area of each lot, reserve, or other parcel shown on the plan (other than streets and alleys).
- (9) Locations, sizes, and character of all signs.

(Ord. 10-2023. Passed 6-20-23.)

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1165.09 SPECIAL PD REQUIREMENTS FOR PARKLAND AND PRIVATELY OWNED OPEN SPACE.

(a) Applicability. Except as set forth in Section 1165.09(c), for each residential unit that is to be constructed within a PD, the applicant or property owner shall be required to dedicate to the City, or its designee, at no charge, 1,500 square feet of land area to be used and/or preserved as publicly owned parkland. A Preliminary Development Plan and/or Zoning Text shall make commitments to providing certain sizes and locations of parkland, but in all circumstances the actual locations and sizes of parkland shall be provided in Final Development Plan applications or CODA applications for review and approval. Notwithstanding the foregoing, parkland need not be located on the property but must be inside the city's municipal comprehensive planning area and which is the subject of a Final Development Plan application or a CODA application.

In order to ensure that reasonable amounts of common areas and green space are provided for within the PD District, common areas and green space areas shall be established and evaluated separately from the parkland requirement.

The Zoning Text, Preliminary Development Plan, and/or Final Development Plan shall provide details as to any proposed improvements within the privately owned open spaces, green spaces and common areas, whether such spaces shall be open to public use or are to be privately used, and the manner in which the proposed improvements shall be maintained

(b) Sizes and Specifications. No single dedication of parkland to the City shall be less than one acre in size. Wet and dry stormwater basins (existing or proposed by the applicant) shall not be considered to be parkland. Property that is dedicated to the City as parkland shall have frontage on an existing or platted public street, or shall be accessible from an existing or planned public street and sidewalk by vehicles and pedestrians by and through a permanent easement through other property or adjacent parkland. Parkland shall meet one or more of the following criteria:

- (1) It shall contain significant tree stands, forested areas, watercourses, or other natural features which may be preserved by coming under public ownership;
- (2) It shall provide adequate areas for the development and operation of active or passive recreational activities such as, but not limited to, playgrounds, leisure or other pedestrian trails, hiking, ballfields, and fishing; and/or
- (3) It shall contain historical, archeological, or special geographical features which may be preserved by coming under public ownership.

(c) Fees In-Lieu of Parkland Dedication. Parkland dedications may be waived when City Council has adopted a resolution, for a particular applicant, to accept payment-in-lieu fees instead of accepting land dedication. Upon the request of an applicant, City Council may accept the payment-in-lieu fees if it determines that one of the following criteria have been met:

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(1) The features of available parkland within the PD District are less desirable than other possible parkland acquisitions elsewhere within or near the City;

(2) The use of payment-in-lieu fees will serve a broader public purpose than dedication of parkland within the PD District by being available to acquire parkland in other locations should such opportunities arise;

Payment-in-lieu fees shall be placed into a designated City fund for future parkland acquisitions to benefit current and future residents. These fees shall be calculated by taking the product of (i) forty-five thousand dollars (\$45,000.00) and (ii) the number of acres of parkland dedication that is to be offset by the payment. The dollar value in the immediately preceding subsection (i) automatically shall increase by seven percent (7.0%) over the then-effective value on the third (3rd) anniversary of the effective date of the original adoption of this Chapter 1165 and on each third (3rd) anniversary thereafter.

(d) Timing of Dedication(s). No zoning certificate shall be issued by the City for a residential unit until such time as the applicant has met the parkland dedication requirements or made payments-in-lieu of parkland dedication as required under this Section 1165.09.

(e) Operations and Maintenance.

(1) All parkland shall be preserved for its intended purpose as expressed in a Preliminary Development Plan, Final Development Plan, or in plans approved as part of a CODA application. No conservation area shall be cleared, graded, filled, or subject to construction.

(2) Dedication of parkland to the City is subject to formal acceptance by City Council. City Council may, but shall not be required to, accept undivided parkland provided:

A. Such land is accessible to all residents of the City; and

B. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and

C. The City agrees to and has access to maintain such lands. Where the City accepts dedication of parkland that contains improvements, the City may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

(3) The developer or owner of land within a PD District shall cause privately owned open space, green space, and common areas to be maintained by:

A. Establishing an association or nonprofit corporation of all individuals or corporations owning property within a designated area to ensure ongoing maintenance; and/or

B. Retaining ownership, control and maintenance .

Exhibit A

(4) Land designated as parkland will be restricted by an appropriate legal instrument satisfactory to the City Attorney as parkland perpetually, or for a period of not less than ninety-nine (99) years. Such instrument shall be binding upon and enforceable by the City and the developer, and their respective successors and assigns, and shall constitute a covenant running with the land. Such instrument shall be in recordable form.

(5) All recreational facilities and amenities within privately owned open spaces, green spaces, and common areas shall be specifically included in the development schedule and shall be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures, or the development order will be in default.

(f) Ownership Standards. Should the developer elect to maintain privately owned open space, green space, and/or common areas through an association or nonprofit corporation, said organization shall conform to the following requirements:

(1) The developer must establish the association or nonprofit corporation prior to the sale of any lots or parcels that are governed thereby.

(2) The developer shall provide a description of the association, including the bylaws and methods for maintaining the privately owned open space, green space, and/or common areas, prior to the issuance of a building permit for the first development that is to be subject to the association or nonprofit corporation.

(3) Membership in the association or nonprofit corporation shall be mandatory for all property owners within the relevant development.

(4) The association or nonprofit corporation shall manage all recreational and cultural facilities and amenities that are not dedicated to the public, shall provide for the maintenance, administration and operation of said land, and shall secure adequate liability insurance on the land.

(5) The association or nonprofit corporation shall be responsible for maintenance of liability insurance and the payment of real property taxes relating to open space, green space, and common areas.

(6) The members of the association shall share equitably the costs of maintaining the open space, green space, and common areas.

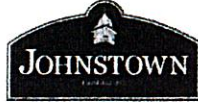
(g) Maintenance Standards.

(1) In the event that the association, nonprofit corporation or any successor organization shall, at any time after establishment of a development containing privately owned open space, green space, and/or common areas, fail to maintain the same in reasonable order and condition in accordance with the development plan, the City may serve written notice of the failure upon the owner of record, setting forth the manner in which the owner of record.

(2) Failure to adequately maintain open space, green space, and/or common areas in reasonable condition constitutes a violation of this chapter.

Exhibit A

(Ord. 10-2023. Passed 6-20-23.)



Preliminary Plat, Final Plat, Re-Plat, Lot Split Application

Application Number: 5-15-26

PAID
MAY 15 2026

The undersigned is applying for an approval for the following identified ~~as~~ ^{CITY OF JOHNSTOWN} approval to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct.

1. Applicant Name (print): Jennifer Erick
2. Phone: _____
3. E-mail address: _____
4. Property Owner (if different from applicant): E-Squared Ventures LLC
5. Property Address: 337 N. Main St, Johnstown Johnstown, Ohio
6. Zoning District: UR-1
7. Name of Subdivision (only for plats): _____
8. Size of Subdivision (only for plats): _____
9. Number of Proposed Lots: 2

10. Application for:	
<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Re-Plat	<input checked="" type="checkbox"/> Lot Split

The following section only required for lot split applications:

To be completed by surveyor Date of survey: ___/___/___
Parcel information: Township: _____ Area of parcel: _____
Street name: _____ Frontage: _____ Depth: _____

Is any part of the parcel in a flood hazard zone? Yes: ___ No: ___
Distance of nearest driveway from. North: _____ East property line: _____
Distance of nearest driveway from. South: _____ West property line: _____

Surveyor, print name: _____ Signature: _____

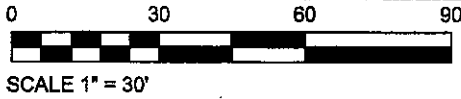
I certify the information contained in this application and attachments is true and accurate.

Applicant's signature: Jennifer Erick Date: 5 / 14 / 2026

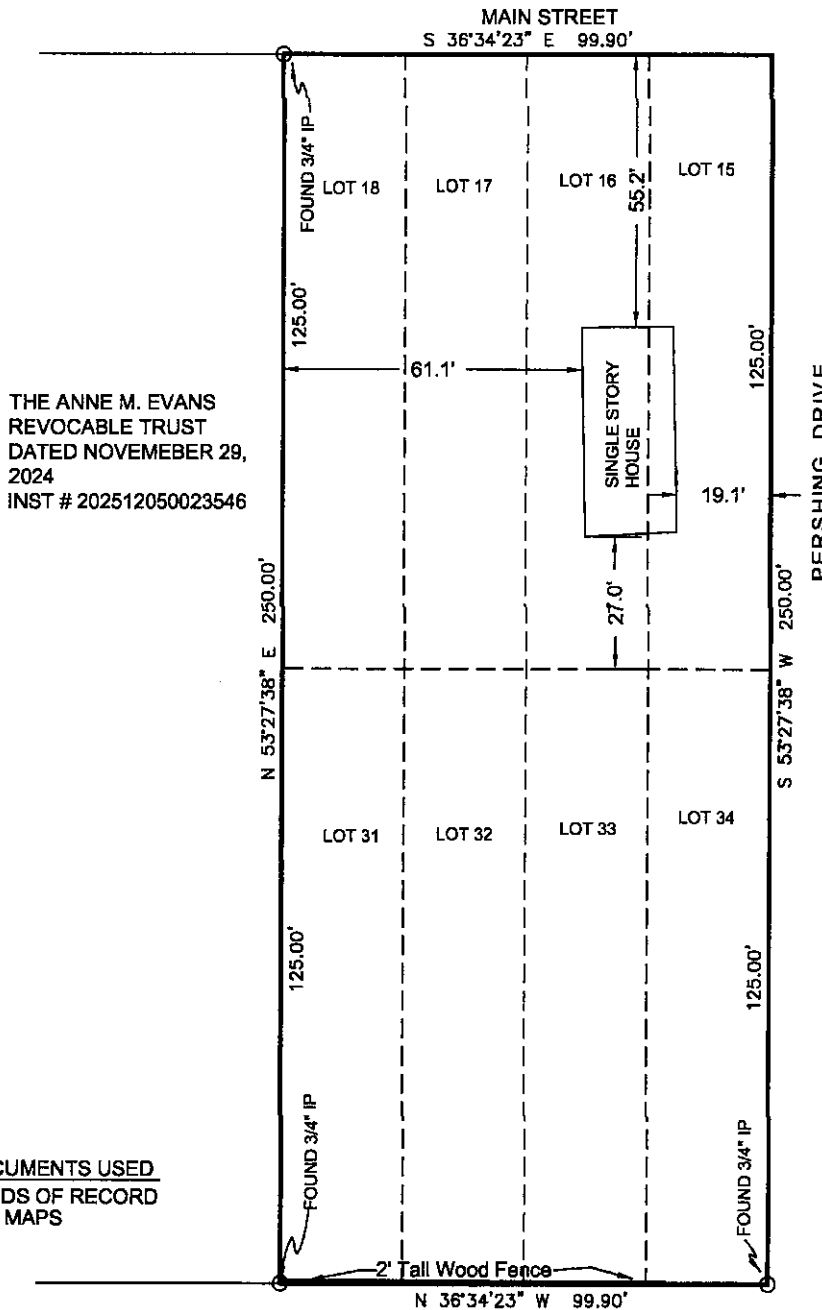
Office use only	
Date application received: <u>5 / 15 / 26</u>	By: <u>Sashbrook</u>
Fees Due: <u>Check/Cash: \$2378</u>	Date paid: <u>5 / 15 / 26</u>
Date of P&Z Commission Hearing: <u>5 / 26 / 26</u>	
Date Permit approved or denied: <u> / / </u>	
Commission Chairperson Signature: _____	
Additional Comments: _____	

Fees

Preliminary Plat:	\$1,500 + \$100 per lot for single family \$750 + \$50 per acre or partial acre for non-single family
Final Plat:	\$2,000 + \$100 per lot for single family \$1,000 + \$50 per acre or partial acre for non-single-family
Re-Plat:	\$300 plus cost of postage and advertising
Lot Split:	\$100 plus \$50 per new lot created by lot split



BASIS OF BEARINGS
 BEARINGS ARE BASED UPON STATE
 PLANE COORDINATE GRID (OHIO SOUTH
 1983) DERIVED FROM GPS OBSERVATION.



THE ANNE M. EVANS
 REVOCABLE TRUST
 DATED NOVEMBER 29,
 2024
 INST # 202512050023546

DOCUMENTS USED
 DEEDS OF RECORD
 TAX MAPS

LEROY E. THACKER
 MARTHA JEAN THACKER
 INST # 200604260011632

SUBJECT TO ALL LEGAL EASEMENTS,
 RESTRICTIONS, AND RIGHT-OF-WAYS
 OF RECORD AND THOSE THAT MAY BE
 IMPLIED

I hereby certify that this plat was prepared from an actual field survey performed by
 me in April, 2026.

 Jason M. Peck, Ohio Surveyor No. 8324
 April 26, 2026

Location Survey 337 North Main St Johnstown OH

Situated in State of Ohio, County of Licking, City of Johnstown, being all of Lots 15,16,
 17,18,31,32,33, and 34 of In Victory Park Addition subdivision (Plat Vol 4, Page 59) as
 conveyed in Instrument #202602250003436 to E-Squared Ventures, LLC.



Hi Teresa,

Thank you for providing these materials. Based on the application provided, the two proposed lots meet the requirements of the UR-1 zoning district. A brief review of the required standards for the UR-1 zoning district is below:

Sec. 1147.04 – Additional District Development Standards

- | | | |
|-------------------------|------------------------------|--|
| (a)(1) – Lot Area: | Minimum: 9,500 SF, | Proposed: 12,487SF each |
| (a)(2) – Minimum Width: | Minimum: 70’, | Proposed: 99’, and 125’ |
| (a)(3) – Front Setback: | Minimum 35’, | Existing Structure: 55’ (future construction will be reviewed at the time of permit application submittal) |
| (a)(4) – Rear Setback: | Minimum 25’, | Existing Structure: 27’ (future construction will be reviewed at the time of permit application submittal) |
| (a)(5) – Side Setback: | Minimum 7.5’ min, 16’ total, | Existing Structure: 19’ (future construction will be reviewed at the time of permit application submittal) |
| (a)(6) – Lot Coverage: | Maximum 30%, | Existing Structure: 6% (based on proposed lot dimensions) |

Hopefully, that addresses any outstanding questions. If not, let me know and we will find answers!

Thanks,

Trevor

1103.02 APPROVAL OF SUBDIVISION WITHOUT PLAT.

Notwithstanding any other provisions of the Subdivision Regulations, a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the Planning and Zoning Commission for approval without plat. If the Planning and Zoning Commission, acting through a properly designated representative thereof, is satisfied that the proposed division is not contrary to applicable platting, subdividing or zoning regulations, it shall, within seven working days after submission, approve the proposed subdivision, and, on presentation of a conveyance of the parcel, shall stamp the same "Approved by the Planning and Zoning Commission; No Plat Required", and have it signed by its secretary or other official as may be designated by it. The Planning and Zoning Commission may require the submission of a sketch and such other information as is pertinent to its determination herein.

PAID
MAY 15 2026

CITY OF JOHNSTOWN



Johnstown Ohio Application for Lot Splits: Chapter 1103

Application number: 5-16-26 Date received: 5/15/26

Fee: \$100 plus \$50 per new lot created by the lot split. Paid on: 5/15/26
Cash: _____ Check number: 1018 Zoning District: _____

Provide seven copies of the survey required with the legal description

Property Owner: The Johnstown Land Company II LLC Phone: (_____) _____

Applicant: The Johnstown Land Company II LLC Cell phone: _____

Mailing Address: 8000 Walton Pkwy # 200, New Albany, OH 43054 City: New Albany

Applicant Email address: _____ Cell phone: _____

Lot location address: _____ Johnstown, Ohio

Check one, for contact person: property owner: applicant: _____ other: _____

To be completed by surveyor Date of survey: 05 / 05 / 26

Parcel information: Township: Monroe Area of parcel: 15.707 acres

Street name: Green Chapel Road Frontage: 96.61' Depth: 1,224.4'

Is any part of the parcel in a flood hazard zone? Yes: _____ No:

Distance of nearest driveway from. North: _____ East property line: _____

Distance of nearest driveway from. South: _____ West property line: 800'

Surveyor, print name: Matthew Kirk Signature: Matthew A. Kirk Digitally signed by Matthew A. Kirk
Date: 2026.05.07 09:44:03 -0400

Planning & Zoning office use

Date: ___/___/___ Variance required: Yes: ___ No: ___ Minimum frontage/acreage:

_____ Water and Sewer service available: Yes: ___ No: ___ P&Z hearing date:

___/___/___

Approved: ___ Disapproved: ___ Comments: _____

Johnstown Planning and Zoning chairman signature: _____

ALTA/NSPS LAND TITLE SURVEY

SECTION 23, TOWNSHIP 3 AND LOTS 6 AND 7 (FIRST RANGE OF LOTS) QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

DESCRIPTION FROM TITLE COMMITMENT No. 9178:

Situated in the State of Ohio, County of Licking, City of Johnstown, in Lots 6 and 7 (First Range of Lots), Quarter Township 4, and Section 23, Quarter Township 3, Township 3, Range 15, United States Military District, being part of that 242.921 acre tract conveyed to The Johnstown Land Company II LLC by deed of record in Instrument Number 202602020001917 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a P.K. nail found at the westerly centerline intersection of Clover Valley Road (County Road 26) and Green Chapel Road (Township Road 63);

Thence South 87° 05' 27" East, with the centerline of said Green Chapel Road, (passing a 5/8 inch iron rebar found at a distance of 67.60 feet), a total distance of 1324.06 feet to a point;

Thence North 02° 54' 33" East, crossing said Green Chapel Road, a distance of 50.00 feet to an iron pin set in the northerly right of way line of said Green Chapel Road, the TRUE POINT OF BEGINNING for this description;

Thence North 07° 10' 01" West, crossing said 242.921 acre tract, a distance of 219.61 feet to an iron pin set at the southeasterly corner of that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525;

Thence North 01° 44' 39" West, with the easterly line of said 8.112 acre tract and the easterly line of that 9.248 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751, (passing a 5/8 inch rebar found (0.096' west) at a distance of 293.23 feet), a total distance of 319.71 feet to a 5/8 inch rebar found;

Thence North 03° 27' 29" East, with the easterly line of said 9.248 acre tract and the easterly line of that 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751, a distance of 783.86 feet to a 5/8 inch rebar found in the southerly line of that 151.481 acre tract conveyed to Cologix Johnstown, LLC by deed of record in Instrument Number 202409270016986;

Thence South 86° 47' 50" East, with said southerly line, a distance of 1466.29 feet to a 5/8 inch rebar found at the southeasterly corner of said 151.481 acre tract;

Thence North 03° 11' 58" East, with the easterly line of said 151.481 acre tract, a distance of 1145.54 feet to a 5/8 inch rebar found at the southwesterly corner of that 2.099 acre tract conveyed to Michael G. Rush and Corinna M. Rush by deed of record in Instrument Number 200506280019429;

Thence South 87° 06' 30" East, with the southerly line of said 2.099 acre tract, and the southerly line of that 8.816 acre tract conveyed to Michael G. Rush and Corinna M. Rush by deed of record in Instrument Number 200105300018833, (passing a 5/8 inch rebar found at 200.05 feet), a total distance of 561.47 feet to an iron pin set;

Thence crossing said 242.921 acre tract the following courses and distances:

South 02° 48' 29" West, a distance of 628.07 feet to an iron pin set;

North 86° 54' 47" West, a distance of 471.53 feet to an iron pin set;

South 02° 48' 04" West, a distance of 619.60 feet to an iron pin set;

North 86° 47' 50" West, a distance of 1465.26 feet to an iron pin set;

South 03° 27' 29" West, a distance of 679.76 feet to an iron pin set;

South 01° 44' 39" East, a distance of 310.43 feet to an iron pin set; and

South 07° 10' 01" East, a distance of 255.09 feet to an iron pin set in the northerly right of way line of said Green Chapel Road;

Thence with said northerly right of way line the following courses and distances:

North 87° 01' 38" West, a distance of 96.61 feet to an iron pin set;

North 02° 58' 22" East, a distance of 22.00 feet to an iron pin set; and

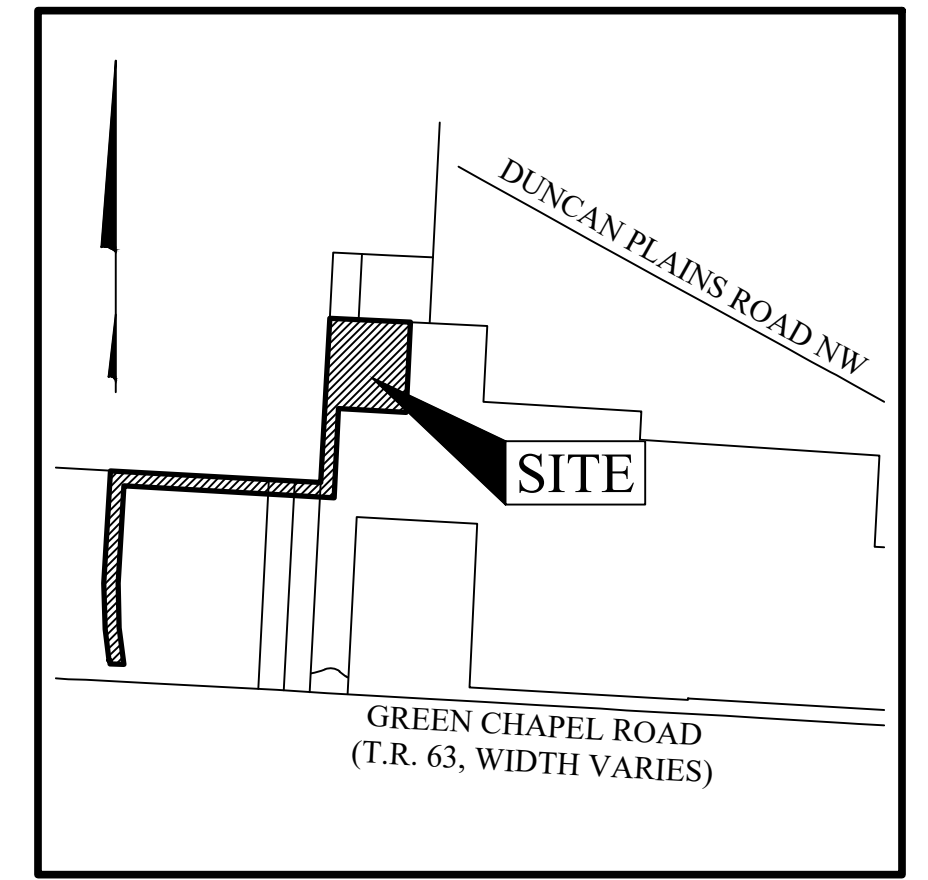
North 87° 05' 27" West, a distance of 8.91 feet to the TRUE POINT OF BEGINNING, containing 15.707 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

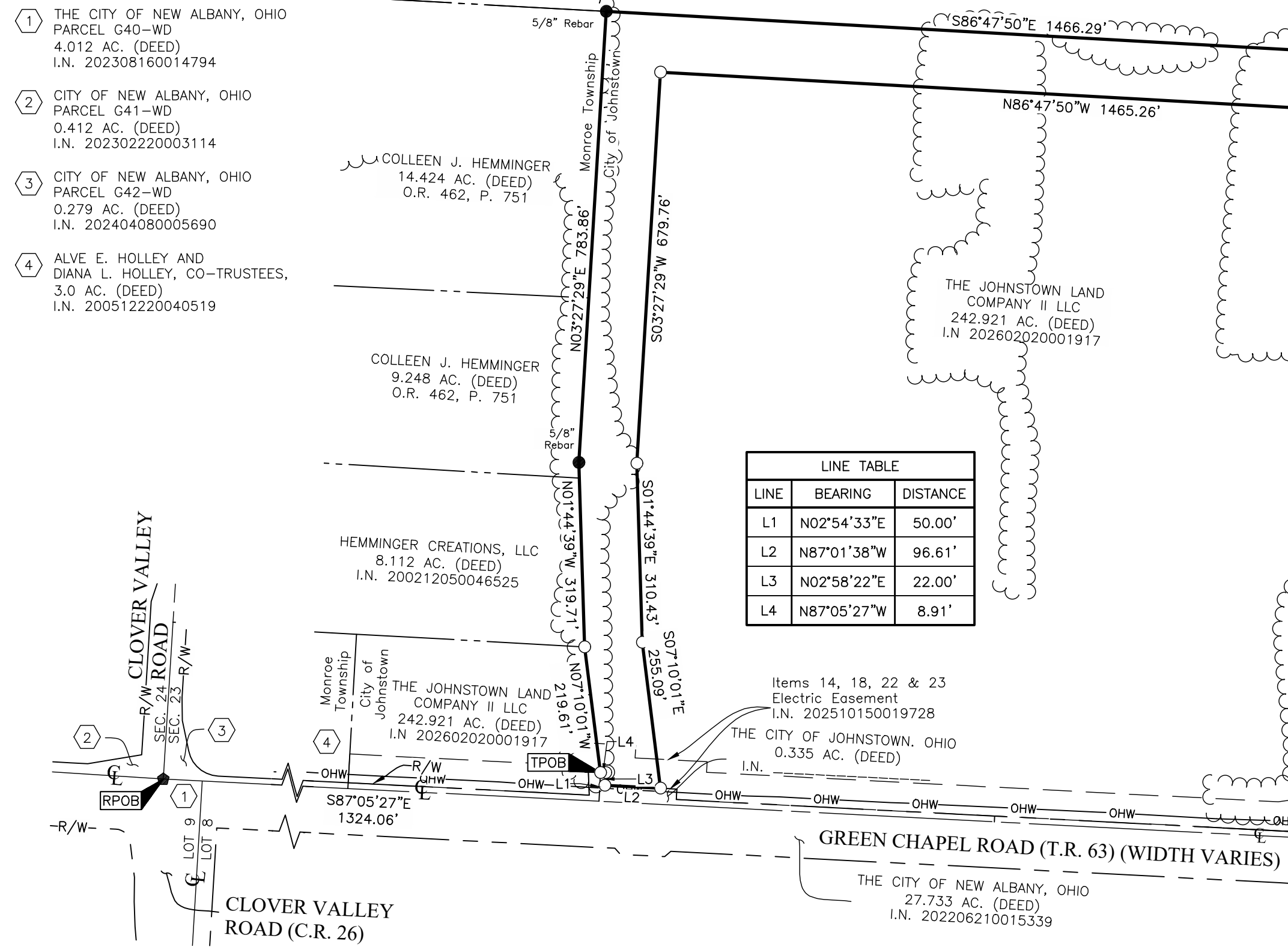
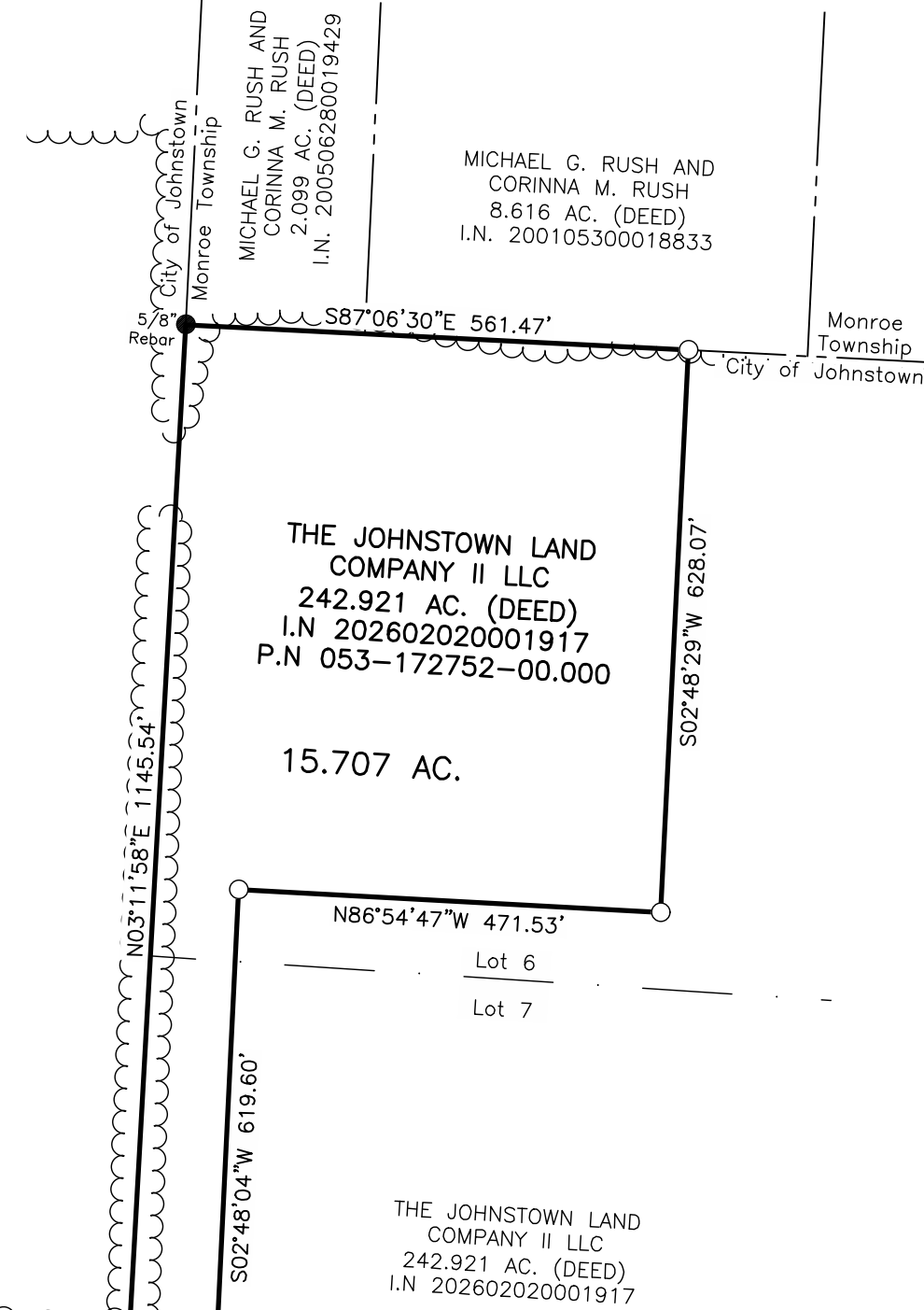
Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Green Chapel Road, having a bearing of South 87° 05' 27" East and monumented as shown hereon, is designated as the "basis of bearings" for this description.

This description is based on an actual field survey performed by or under the direct supervision of Matthew A. Kirk, Professional Surveyor Number 7865, in January of 2023.



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE



LINE	BEARING	DISTANCE
L1	N02°54'33"E	50.00'
L2	N87°01'38"W	96.61'
L3	N02°58'22"E	22.00'
L4	N87°05'27"W	8.91'

LEGEND	
	Septic Tank Lid
	Propane Gas Tank
	Electric Outlet
	Guy Wire & Anchor
	Utility Pole
	Sign
	Mail Box
	Light Pole
	Record Data
	Tree/Bush Line
	Fence Line
	Overhead Wires

Schedule B Items from Title Commitment No. 9178 issued by Stewart Title Guaranty Company with an effective date of February 10, 2026 at 8:00 A.M.:

Items 1-10 NOT SURVEY RELATED ITEMS.

Item 11 Declaration of Covenants, Restrictions and Agreements for the Johnstown New Community Authority in the City of Johnstown, Ohio of record in Instrument 202409230016661; as supplemented in Instrument 202409270016985. Designation of Successor Declarant Community Authority recorded as Instrument No. 202506090010132. THE SUBJECT TRACT IS PARTIALLY LOCATED IN THE AREA DESCRIBED.

Item 12 Terms and provisions of Oil and Gas Lease contained in the instrument recorded as Lease Record 8, Page 465, between Wm. H. Clouse and Charles F. Clouse, Lydia Lockwood and Mary R. Rowe and Addie Clouse, lessors, and The Ohio Fuel Supply Co., lessee. Affidavit of Forfeiture of Oil and Gas Lease of record in Instrument 202210180025112. Notice of Failure to File of record in Instrument 20221120027685. NOTE: Leasehold not examined. THE SUBJECT TRACT IS LOCATED IN THE AREA DESCRIBED.

Item 13 Easement granted to The Ohio Fuel Supply Co, as more fully set forth in the document recorded as Lease Record 8, Page 541; as assigned in Lease Record 55, Page 121. THE SUBJECT TRACT IS PARTIALLY LOCATED IN THE AREA DESCRIBED.

Item 14 Right of Way Easement granted to Licking Rural Electrification, Inc., as more fully set forth in the document recorded as Deed Book 580, Page 18. Partial Release of record in Instrument 202510150019728. THE ELECTRIC EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Item 15 Temporary Easement & Right of Way by and between The Johnstown Land Company II LLC and Licking Rural Electrification, Inc. as fully set forth in the document recorded as Instrument No. 202510230020378. THE EASEMENT AREAS CANNOT BE LOCATED FROM THE DOCUMENT PROVIDED. DOCUMENT NOT LEGIBLE.

Item 16 NOT SURVEY RELATED ITEM.

Item 17 Right of Way Easement granted to Licking Rural Electrification, Inc., as more fully set forth in the document recorded as Official Record 136 Page 550. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

Item 18 Declaration of Covenants, Conditions, Restrictions and Easements for The Johnstown Innovation Park of record in Instrument 202408120013751. Supplemental Declaration of record in Instrument 202409270016984. THE SUBJECT TRACT IS PARTIALLY LOCATED IN THE AREA DESCRIBED. THE 50' EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Item 19 Declaration of Covenants, Restrictions and Agreements for The Johnstown New Community Authority of record in Instrument 202409230016661. Designation of Successor Declarant of Community Authority of record in Instrument 202506090010132. Supplemental Declaration of record in Instrument 202409270016985. SAME AS ITEM 11.

Item 20 Easement granted to Ohio Fuel Supply Company, as more fully set forth in the document recorded as Lease Record 8 Page 540. As assigned in Lease Record 5 Page 121. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

Item 21 Easement granted to Ohio Fuel Supply Company, as more fully set forth in the document recorded as Lease Record 9 Page 532. As assigned in Lease Record 5 Page 121. THE EASEMENT IS NOT LOCATED ON THE SUBJECT TRACT.

Item 22 Right of Way Easement granted to Licking Rural Electrification, Inc., as more fully set forth in the document recorded as Instrument 199903170011137. Partial Release of record in Instrument 200912170027064. Partial Release of record in Instrument 202510150019728. THE ELECTRIC EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Item 23 Easement & Right of Way granted to Licking Rural Electrification, Inc., as more fully set forth in the document recorded as Instrument 201311120027823. Partial Release of record in Instrument 202510150019728. THE ELECTRIC EASEMENT IS LOCATED ON THE SUBJECT TRACT AS SHOWN HEREON.

Item 24 Reservations, restrictions, covenants, limitations, easements, assessments, and/or other conditions of record in Official Record 73 Page 55. Partial Release of record in Instrument 202206280015968. Partial Release of record in Instrument 202310200019306. THE SUBJECT TRACT IS PARTIALLY LOCATED IN THE AREA DESCRIBED.

Items 25-27 NOT SURVEY RELATED ITEMS.

UTILITY STATEMENT:

A Utility Marking and Plans request was submitted to OHIO811 on July 23, 2025. The utilities shown hereon have been located from field survey information. The surveyor makes no guarantee that the utilities shown hereon lie in the area, either in service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible.

FEMA NOTE:

According to the Federal Emergency Management Agency's Flood Insurance Rate Map No. 39089C0139H1 (dated May 2, 2007), the subject tract shown hereon lies within Zone X (areas determined to be outside of the 0.2% annual chance floodplain).

TABLE A OPTIONAL ITEM NOTES:

- No buildings were observed on the subject tract at the time the fieldwork was conducted.
- No parking striping was observed on the subject tract at the time fieldwork was conducted.

BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the easterly line of Section 23, having a bearing of South 03° 01' 04" West and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

CERTIFICATION: Commitment No. 9178

To: The Johnstown Land Company II LLC, Licking Rural Electrification Inc., Stewart Title Guaranty Company, and RET Solutions, LLC:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys", jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9, and 13 of Table A thereof. The fieldwork was completed on August 5, 2025.

By _____ Date _____
Matthew A. Kirk
Professional Surveyor No. 7865
mkirk@emht.com

	Date: February 25, 2026
Evans, Mechwart, Hambleton & Tilton, Inc. Engineers - Surveyors - Planners - Scientists 5500 New Albany Road, Columbus, OH 43054 Phone: 614.775.4500 Fax: 614.775.3448 emht.com	Scale: 1" = 200'
	Job No: 2025-0327
	Sheet: 1 of 1

REVISIONS		
MARK	DATE	DESCRIPTION

- Iron Pin Set
 - Iron Pin Found
 - Stone Found
 - P.K. Nail Found
 - Monument Found
 - Magnetic Nail Set
 - Magnetic Nail Found
 - ▲ Railroad Spike Found
- Iron Pins Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.



PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	
DATE: 5-5-26	

15.707 ACRES

Situated in the State of Ohio, County of Licking, City of Johnstown, in Lots 6 and 7 (First Range of Lots), Quarter Township 4, and Section 23, Quarter Township 3, Township 3, Range 15, United States Military District, being part of that 242.921 acre tract conveyed to The Johnstown Land Company II LLC by deed of record in Instrument Number 202602020001917 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

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Thence North 03° 11' 58" East, with the easterly line of said 151.481 acre tract, a distance of 1145.54 feet to a 5/8 inch rebar found at the southwesterly corner of that 2.099 acre tract conveyed to Michael G. Rush and Corinna M. Rush by deed of record in Instrument Number 200506280019429;

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South 03° 27' 29" West, a distance of 679.76 feet to an iron pin set;

South 01° 44' 39" East, a distance of 310.43 feet to an iron pin set; and

15.707 ACRES

-2-

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Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Green Chapel Road, having a bearing of South 87° 05' 27" East and monumented as shown hereon, is designated as the "basis of bearings" for this description.

This description is based on an actual field survey performed in January, 2023.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

S MAY 26

Matthew A. Kirk

Professional Surveyor Number 7865

MAK:mw
15_707 ac 20250327-VS-BNDY-04.docx





PLANNING STAFF REPORT

LOT SPLIT

INTRODUCTION

To: Planning and Zoning Commission & City Council

Reviewer: Johnstown Planning

Applicant: The Johnstown Land Company II LLC (c/o: Jamie McNally)

Request: To conduct a lot split to create a new parcel a with a total area of 15.707 acres within the Planned Development (PD) zoning district..

Recommendation: Consider the lot split request.

PLANNED DEVELOPMENT ZONING DEVELOPMENT STANDARDS

Ordinance 19-2023 establishes the zoning district development standards for the applicable zoning district. The table and sections below note the base zoning district standards of the adopted PD zoning district.

Category	Requirement
(a) Lot Size - Minimum / Maximum	NA
(b) Lot Width – Minimum	NA
(c) Front Setback – Minimum / Maximum	50'
(d) Side Setback – Minimum / Maximum	25'
(e) Rear Setback – Minimum / Maximum	25'
(f) Maximum Lot Coverage	Varies depending on uses.

Reviewer Comment: The standards above reflect the quantifiable metrics of the adopted Planned Development zoning. Please see the comments below regarding these standards.

- (a) Lot Size – no minimum lot size is required as part of Subarea 1 of the PD.
- (b) Lot Width – no minimum lot width is required as part Subarea 1 of the PD.
- (c) Front Setback – A minimum setback from Green Chapel road for pavement is 25' and a building setback of 50'.
- (d) Side Setback – Subarea 1 of the PD requires a minimum of 25'
- (e) Rear Setback – Subarea 1 of the PD requires a minimum of 25'.
- (f) Lot Coverage – Maximum allowable lot coverage depends on the proposed use..

CONCLUSION

The reviewer did not identify any inconsistency between the request and the adopted PD district.



RE: LRE - Split

From Kirk, Matthew <mkirk@emht.com>

Date Fri 5/8/2026 7:10 AM

To Jamie McNally <JMcNally@newalbanycompany.com>; Lucas Novembre <LNovembre@newalbanycompany.com>; Cunningham, Todd <TCunningham@emht.com>

Cc Gold, Rachel <Rgold@keglerbrown.com>

3 attachments (1 MB)

LRE Lot-splits-02032020.pdf; Exhibit F.pdf; 25 1020 Fully Executed Green Chapel ROW and Transfer Agreement City of Johnstown R-35-2025.pdf;

Caution: External (mkirk@emht.com)

Graymail [Details](#)



[Not Graymail](#) [Spam](#) [Phish](#) [More...](#) [FAQ](#) [Protection by INKY](#)

Jamie,

Attached is the updated application. Also attached is the Right of way and Transfer Agreement and an exhibit showing the Green Chapel Road traffic signals and roundabouts. You might want to include these with the lot split application along with a summary that includes the following notes:

1. The existing single family residences and associated driveways located east of the east property line of this parcel are in the process of being removed.
2. Exhibit F of the attached Green Chapel ROW and Transfer Agreement indicates planned locations for access as new development occurs along the north side of Green Chapel Road.

Matt

Matthew A. Kirk, PS

Survey

o: 614.775.4131 | c: 614.940.5130 | mkirk@emht.com



EMH&T Engineers, Surveyors, Planners, Scientists

5500 New Albany Road, Columbus, OH 43054

emht.com | [in](#)

From: Jamie McNally <JMcNally@newalbanycompany.com>

Sent: Wednesday, May 6, 2026 10:42 AM



RESOLUTION 2025-35

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GREEN CHAPEL ROAD RIGHT-OF-WAY AND TRANSFER AGREEMENT

WHEREAS, New Albany is or will be constructing significant improvements to the public street known as Green Chapel Road, generally between and including the intersections of that street with Mink Street on the east and U.S. Route 62 on the west; and

WHEREAS, some portions of the rights-of-way and of the properties are either incorporated within New Albany or Johnstown, while other portions are located within unincorporated areas; and

WHEREAS, the Parties desire to enter into this Agreement to provide methods and procedures for (i) all of the rights-of-way necessary to accommodate the Green Chapel Improvements to eventually be under the ownership of New Albany, (ii) all such rights-of-way in which the Green Chapel Improvements are located to eventually be within the municipal limits of New Albany, and (iii) all of the land north of the rights-of-way in which the Green Chapel Improvements are located to eventually be annexed to, or annexable to, Johnstown; and

WHEREAS, the Parties also desire to enter into this Agreement to provide the means for certain easements to be granted in favor of Johnstown to allow for the future construction of a paved leisure path and/or fencing to the north of and adjacent to the right-of-way of Green Chapel Road; and

NOW, THEREFORE, be it resolved by the City of Johnstown:

SECTION 1. That the City Manager is hereby authorized to enter into the Green Chapel Road Right-of-Way and Transfer Agreement attached.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the CITY OF JOHNSTOWN.

Date of Introduction: September 2, 2025

Date of Public Hearing/Passage: September 16, 2025

By: Selan

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

GREEN CHAPEL ROAD RIGHT-OF-WAY AND TRANSFER AGREEMENT

This GREEN CHAPEL ROAD RIGHT-OF-WAY AND TRANSFER AGREEMENT (this "Agreement") is made and entered into so as to be effective on the last date of signature by a party hereto (the "Effective Date"), by and between the CITY OF NEW ALBANY, a municipal corporation organized and existing under the constitution and the laws of the State of Ohio and its Charter ("New Albany"), the CITY OF JOHNSTOWN, a municipal corporation organized and existing under the constitution and the laws of the State of Ohio and its Charter ("Johnstown"), THE JOHNSTOWN LAND COMPANY II LLC, a Delaware limited liability company ("JLC"), and MBJ HOLDINGS, LLC, a Delaware limited liability company ("MBJ"). New Albany, Johnstown, JLC, and MBJ may hereinafter be referred to individually as a "Party" or collectively as the "Parties".

BACKGROUND

WHEREAS, New Albany is or will be constructing significant improvements to the public street known as Green Chapel Road, generally between and including the intersections of that street with Mink Street on the east and U.S. Route 62 on the west as more specifically defined in Section 2 below as the "Green Chapel Improvements"; and

WHEREAS, on the Effective Date some portions of the rights-of-way for Green Chapel Road and streets intersecting with Green Chapel Road which are impacted by the Green Chapel Improvements are owned by New Albany; and

WHEREAS, on the Effective Date other portions of the rights-of-way for Green Chapel Road and streets intersecting with Green Chapel Road which are impacted by the Green Chapel Improvements are owned by JLC, MBJ, or by other private persons or entities, some of which are burdened with written and recorded easements or rights of entry, or prescriptive easements for improvements to, and the operation, maintenance, repair, and replacement of, a public street; and

WHEREAS, some portions of the aforementioned rights-of-way and of the properties that are burdened by the aforementioned easements are either incorporated within New Albany or Johnstown, while other portions are located within unincorporated areas; and

WHEREAS, the Parties desire to enter into this Agreement to provide methods and procedures for (i) all of the rights-of-way necessary to accommodate the Green Chapel Improvements to eventually be under the ownership of New Albany, (ii) all such rights-of-way in which the Green Chapel Improvements are located to eventually be within the municipal limits of New Albany, and (iii) all of the land north of the rights-of-way in which the Green Chapel Improvements are located to eventually be annexed to, or annexable to, Johnstown; and

WHEREAS, the Parties also desire to enter into this Agreement to provide the means for certain easements to be granted in favor of Johnstown to allow for the future construction of a paved leisure path and/or fencing to the north of and adjacent to the right-of-way of Green Chapel Road; and

WHEREAS, the New Albany City Council, by Resolution No. 20-2022, adopted on May 17, 2022, has authorized and directed its City Manager to execute this Agreement; and

WHEREAS, the Johnstown City Council, by Resolution No. 2025-35, adopted on Sept 16, 2025, has authorized and directed its City Manager to execute this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. Purpose and Intent. With this Agreement, the Parties desire to facilitate and accomplish the following goals over time:

A. Ownership of Green Chapel Right of Way. New Albany will own the rights-of-way for Green Chapel Road, as more specifically defined in Section 2 as the "Green Chapel ROW", and all Green Chapel Improvements constructed or to be constructed therein, and will have the obligation to operate, maintain, repair, and replace all Green Chapel Improvements located within the Green Chapel ROW.

B. Annexation. All of the Green Chapel ROW will be annexed to New Albany and all real property north of the Green Chapel ROW will be annexed to, or annexable to, Johnstown.

C. Adjustment of Municipal Boundaries. The Parties will follow established provisions and procedures to adjust the municipal boundary between New Albany and Johnstown from time to time to accomplish the foregoing.

D. Control of Intersections with Green Chapel Road. Subject to certain limitations provided for herein, each of New Albany and Johnstown shall have the right to determine and control the location, number and configuration of public and private entry points and intersections to, from and with Green Chapel Road which provide access to properties and developments located in their respective jurisdictions.

E. Johnstown Path/Fence Easement. Johnstown will provide for the creation of an easement of not less than ten feet (10') dedicated to Johnstown, running adjacent and parallel to the north side of the Green Chapel ROW within which a shared use path shall be constructed and maintained by Johnstown or such private developer(s) or private property owners' association(s) as Johnstown may designate. JLC, MBI, and any other private owner agree to convey any necessary easements for this shared use path to Johnstown at no cost.

F. Transfer of Excess ROW. The conveyance by New Albany of the Excess ROW, as defined in Section 2, to Johnstown.

2. Definitions. Certain capitalized terms are defined throughout this Agreement for purposes of clarity and convenience. In addition, the capitalized terms set forth in this Section 2 shall have the following meanings:

- A. "Clover Valley Road" means any portion of Clover Valley Road which is within the Project Area and/or is impacted by the Project.
- B. "County Engineer" means the Office of the Engineer of Licking County, Ohio.
- C. "County Recorder" means the Office of the Recorder of Licking County, Ohio.
- D. "Excess ROW" means any real property conveyed to New Albany by deed, easement, right of entry, or similar document located north of the Green Chapel ROW, as defined below. The Excess ROW is generally shown in Exhibit D.
- E. "Green Chapel Road" means existing and future Green Chapel Road between and including its intersections with Mink Street on the east and U.S. Route 62 on the west.
- F. "Green Chapel Improvements" means existing and future improvements to Green Chapel Road as contemplated in the Intergovernmental Agreement, and which include or will include (but will not necessarily be limited to) street pavement, underground and overhead utility lines and related appurtenances, street and traffic signage, traffic signals, street trees, street lights, a paved leisure trail and/or concrete sidewalk on the south side of Green Chapel Road, medians, curbs and gutters, grassed areas, street trees, street lights, and other improvements customarily included as part of a public street and all of which are located within the Green Chapel ROW.
- G. "Green Chapel ROW" means:
- i. For the area between Mink Road on the east to a point approximately 700' west of the intersection of Green Chapel Road and Clover Valley Road, except as provided below, a width of eighty-eight feet (88') with a typical cross-section as generally shown in attached Exhibit A.
 - ii. For the area from the western terminus of the area described in G.i above to the intersection of Green Chapel Road and U.S. Route 62, except as provided below, a width of seventy feet (70'), with its northern boundary being thirty feet (30') north of the Historic GC Centerline and with a typical cross-section as generally shown in attached Exhibit B.
 - iii. Such additional areas beyond the typical cross sections attached as Exhibits A and B necessary to taper from one width or the other or located at intersections or traffic circles as may be necessary to accommodate turning radii as determined by the application of standard engineering practices. Where such areas of Green Chapel Road are not precisely depicted by the typical cross section Exhibits A and B, the northern limit of the Green Chapel ROW will be considered 10' north of the back of curb.
- H. "Historic GC Centerline" means the historic centerline of Green Chapel Road, defined as the shared boundary line between Jersey Township, Licking County, Ohio and Monroe Township, Licking County, Ohio as it existed prior to any annexation of any parcels adjacent to

that boundary line to any municipality.

I. "Intergovernmental Agreement" means that certain Intergovernmental Agreement dated November 21, 2022, by and among New Albany, the Board of County Commissioners of Licking County, Ohio, Jersey Township (Licking County, Ohio), and Monroe Township (Licking County, Ohio), a copy of which is attached as Exhibit C, which provides New Albany with the right and obligation to construct, operate, maintain, repair, and replace the Green Chapel Improvements and other street and related improvements within the Project Area as provided therein.

J. "JLC/MBJ Owned ROW" means any portion of a JLC Parcel, MBJ Parcel that is within the Green Chapel ROW or that is in the future owned by JLC or its successors and assigns in interest .

K. "JLC Property" means any parcel of real property that is now owned by JLC or its successors and assigns in interest, or that is in the future owned by JLC or its successors and assigns in interest.

L. "Johnstown Path/Fence Easement" means any easement created to run in favor of Johnstown which will burden real property located between the northern boundary line of the Green Chapel ROW and a line located (10) feet to the north of and running parallel to the Green Chapel ROW, for the purpose of allowing Johnstown (or private parties, if required by Johnstown) to construct a fence and/or shared use path therein, and to use, operate, repair and replace the same.

M. "MBJ Property" means any parcel of real property that is now owned by MBJ or its successors and assigns in interest, or that is in the future owned by MBJ or its successors and assigns in interest.

N. "Mink Street" means any portion of Mink Street which is within the Project Area and/or is impacted by the Project.

O. "Other Street Improvements" means improvements to Mink Street, Clover Valley Road, and U.S. Route 62 which are within the scope of the Project but do not fall within the definition of the Green Chapel Improvements.

P. "Project" shall have the same meaning as defined in the Intergovernmental Agreement.

Q. "Project Area" shall have the same meaning as defined in the Intergovernmental Agreement.

R. "U.S. Route 62" means any portion of U.S. Route 62 which is within the Project Area and/or is impacted by the Project.

3. Consent to Construction. Being in the public interest, to the extent that New Albany will be constructing the Green Chapel Improvements or the Other Street Improvements within any

portion of the right-of-way that Johnstown owns or will own within an easement in favor of Johnstown for highway or street purposes, or if such rights-of-way or easements are owned or run in favor of a party other than Johnstown but are located within Johnstown's municipal limits, New Albany shall prepare the plans for the Green Chapel Improvements, or Other Street Improvements, contemplated above in consultation with Johnstown. If either the Green Chapel Improvements, or other Street Improvements, deviate in any material respect from the cross sections included in any exhibit attached hereto, as determined by New Albany, such plans shall be provided to Johnstown for its review, comment and approval. Johnstown shall have seven (7) business days to review, comment and approve such plans. If Johnstown fails to provide comment, or approve the plans, within seven (7) business days after the delivery to it by New Albany, Johnstown's approval thereof shall be deemed to have given. Provided the plans to not deviate in any material respect to the cross sections in any exhibit attached hereto; or Johnstown approves, or is deemed to have approved, any plans as outline above, Johnstown provides its consent for New Albany to manage and complete the construction consistent with the plans.

4. Transfers of Rights. In furtherance of the intent described in Section 1.A, the Parties agree to the following transfers of ownership of, and easements over, real property within the Green Chapel ROW.

A. To New Albany. Prior to selling all or any portion of a JLC Parcel or MBJ Parcel to an unaffiliated third party or commencing development on a JLC Parcel or MBJ Parcel, JLC or MBJ (as applicable) shall complete the delivery of one or more duly executed, acknowledged, and recordable right-of-way deeds to New Albany for portions of the JLC/MBJ Owned ROW. Each transfer and conveyance by JLC or MBJ (or their respective successors and assigns) shall be completed at the transferring party's sole cost and expense, subject to any existing compensation agreement between New Albany and JLC, MBJ or any affiliated entity, including, but not limited to, the recording of the deed with the County Recorder. To the extent that the JLC/MBJ Owned ROW is otherwise required to be dedicated to Johnstown as part of a current or future approved zoning for relevant portions of the JLC Property or the MBJ Property, Johnstown consents to deeming the dedication and transfer of such right-of-way to New Albany as a transfer to Johnstown for the purpose of fulfilling such zoning obligation(s). Each transferring party shall be responsible (at its sole cost and expense) for preparing legal descriptions for the real property to be conveyed pursuant to this Section 4.A, and for pursuing and obtaining approvals of the same from the County Engineer as necessary to permit the conveyances.

B. To Johnstown. Prior to selling all or any portion of a JLC Parcel or MBJ Parcel to an unaffiliated third party or commencing development on a JLC Parcel or MBJ Parcel that includes any portion of the Green Chapel ROW or is contiguous thereto, JLC or MBJ (as applicable) shall dedicate a Johnstown Path/Fence Easement to Johnstown over the property to be conveyed or developed. Each dedication of a Johnstown Path/Fence Easement shall be completed by the transferring party at its sole cost and expense including, but not limited to, the recording of a written easement with the County Recorder prepared by the transferring party (and which shall have a form that is acceptable to Johnstown). Each transferring party shall be responsible (at its sole cost and expense) for preparing legal descriptions for the easements to be conveyed pursuant to this Section 4.B.

C. By Non-Contracting Third Parties. As a condition of accepting an annexation of real property which is not a JLC Parcel or MBI Parcel and which contains any portion of the Green Chapel ROW or is contiguous thereto, Johnstown shall require the property owner to dedicate the Green Chapel ROW to New Albany and a Johnstown Path/Fence Easement to Johnstown. Such dedications shall be completed by the property owner in the same manner and with the same timing that applies to JLC and MBI as detailed in Sections 4.A and 4.B above.

5. Annexations. Subject to the provisions of Section 4.C, Johnstown shall be permitted to annex into its municipal limits any real property located within the Green Chapel ROW if, where, and when permitted by applicable Ohio law. New Albany shall be permitted to annex into its municipal limits those portions of the Green Chapel ROW which are under its ownership on, or come under its ownership after, the Effective Date which have not been previously annexed to Johnstown, and Johnstown shall not oppose any such annexation(s).

6. Adjustments of Municipal Boundaries. Due to certain annexations to Johnstown or New Albany having been completed prior to the Effective Date, the statutory prohibition against annexing less than the entirety of a tax parcel to a municipality, and the application of Licking County regulations to future annexations, it is contemplated that to achieve the objectives set forth in Sections 1.A and 1.B above, it will be necessary to periodically adjust the boundary between Johnstown and New Albany. Therefore, to achieve such objectives, Johnstown and New Albany agree to pursue boundary adjustments as between them from time-to-time pursuant to Ohio Revised Code ("ORC") Section 709.37 and as detailed in this Section 6. ORC 709.37 allows for adjustments of municipal boundaries to occur in accordance with the procedures and requirements set forth therein with the mutual consent of affected municipalities (see Exhibit E for the language of ORC 709.37 as it exists on the Effective Date).

A. Initial Boundary Adjustment. No later than one hundred eighty (180) days following the Effective Date, New Albany shall prepare one or more legal descriptions and surveys or one or more plats of any portion of the Green Chapel ROW that is within the corporate boundaries of Johnstown (the "Initial Adjustment Properties") at its sole cost and expense and shall deliver the same to Johnstown for the reasonable review and approval of its City Manager and Law Director by no later than the date that is thirty (30) days after receipt thereof. Johnstown and New Albany each shall then introduce an ordinance to their respective City Councils which agrees to a change in the boundaries of their municipalities as they relate to the Initial Adjustment Properties and shall cause its ordinance to be voted upon so that, if it is approved, it will be effective no later than the date that is two hundred forty (240) days following the Effective Date. Within seven (7) days after the later of (i) the date on which the ordinance becomes effective or (ii) the receipt of written notice from JLC that the condition set forth in Section 12 has been satisfied or waived, each of Johnstown and New Albany shall cause certified copies of its approved ordinance to be delivered to the Board of Commissioners of Licking County, Ohio (the "Commissioners") and shall deliver a written request to the Commissioners to take all required actions under ORC 709.37 relating to the boundary adjustment request at the earliest time permitted by law. Once the boundary adjustment is approved by the Commissioners and all transcripts required from the Commissioners have been certified, New Albany shall cause the same to be filed with the Office of the Ohio Secretary of State and to be filed and recorded with the County Recorder at its sole

cost and expense.

B. Subsequent Boundary Adjustments. Unless otherwise agreed by Johnstown and New Albany by and through written consent provided by each of their respective City Managers, adjustments of the municipal boundaries between Johnstown and New Albany may be undertaken at the election of Johnstown or New Albany no more frequently than once in each calendar year concerning portions of the Green Chapel ROW which have been annexed into the corporate boundaries of Johnstown since the immediately preceding boundary adjustment occurred pursuant to this Agreement, as measured from the date of the last Commissioners' action in that regard. Such annual adjustments shall not be required when no such annexation(s) have occurred, and shall no longer be required once all of the Green Chapel ROW has been brought into the municipal limits of New Albany.

In order to elect to undertake a subsequent municipal boundary adjustment, the City Manager of one municipality shall deliver a written notice of this election (a "Subsequent Adjustment Notice") to the City Manager of the other municipality, with said notice also identifying the properties that will be impacted by the adjustment. Within forty-five (45) days after a Subsequent Adjustment Notice has been delivered, New Albany shall cause one or more legal descriptions and surveys of the properties that are identified in the Subsequent Adjustment Notice to be created at its sole cost and expense and shall deliver the same to Johnstown for the reasonable review and approval of its City Manager and Law Director, which shall occur on or before the date that is sixty (60) days after the delivery of the Subsequent Adjustment Notice. Johnstown and New Albany each shall then introduce an ordinance to their respective City Councils which agrees to a change in the boundaries of their municipalities as they relate to the properties identified in the Subsequent Adjustment Notice and shall cause its ordinance to be voted upon so that, if it is approved, it will be effective no later than the date that is one hundred twenty (120) days following the date of delivery of the Subsequent Adjustment Notice. Each of Johnstown and New Albany shall cause certified copies of its approved ordinance to be delivered to the Board of Commissioners of Licking County, Ohio (the "Commissioners") within seven (7) days after the ordinance becomes legally effective and shall deliver a written request to the Commissioners to take all required actions under ORC 709.37 relating to the boundary adjustment request at the earliest time permitted by law. Once the boundary adjustment is approved by the Commissioners and all transcripts required from the Commissioners have been certified, New Albany shall cause the same to be filed with the Office of the Ohio Secretary of State and to be filed and recorded with the County Recorder at its sole cost and expense.

7. Conveyance of Excess ROW. Prior to the Effective Date, MCVGCM Holdings LLC, an affiliate of MBI and JLC, conveyed certain rights-of-way to New Albany by Instrument No. 202206210015339 recorded in the Office of the Recorder, which conveyance included the Excess ROW. Contemporaneously with the Initial Boundary Adjustment provided for in Section 6.A, and subject to (A) the reservation of any reasonable temporary construction easements required for completion of the Green Chapel Improvements, and (B) the execution of an amendment to that certain drainage easement in favor of New Albany recorded as Instrument No. 202404260006917, or the execution of such other instrument as may be necessary, to provide New Albany any necessary access rights over the Excess ROW in order to exercise its rights and obligations under that instrument, New Albany will cause its City Council to transfer the Excess ROW to Johnstown

at no charge. JLC shall be responsible for preparing all legal descriptions and surveys and obtaining all County approvals thereof as may be necessary for the conveyance of the Excess ROW and the municipal boundary adjustment to bring the Excess ROW into the jurisdiction of Johnstown at its sole cost and expense, if the Excess ROW has not otherwise been described in an approved and recorded plat.

Upon its transfer to Johnstown, the Excess ROW shall still be considered to be public street right-of-way, which may be used for any right-of-way-related purpose, including, but not limited to, installing, maintaining, repairing, and replacing landscaping, landscaping entry features, utilities, storm water detention, signage identifying uses and/or users of private property located adjacent to or in the general vicinity of the Excess ROW, and routes of vehicular and pedestrian access. No buildings or occupiable structures shall be permitted to be constructed within the Excess ROW. Johnstown shall be responsible for maintaining any public streets constructed within the Excess ROW. Owners of real property located adjacent to or in the general vicinity of the Excess ROW (or a private owner's association) may be required by Johnstown to install and/or maintain some or all of the permitted improvements within the Excess ROW and all landscaping installed or to be installed therein, provided that such installation and/or maintenance responsibilities shall be memorialized in a written instrument that will be recorded with the Recorder at no cost or expense to New Albany after New Albany has been provided with a copy of the instrument to be recorded for its review and comment at least thirty (30) days prior to the completion of the recording.

8. Maintenance. The Parties agree that maintenance, repair, and replacement of improvements within public street rights-of-way contemplated under this Agreement shall be as follows:

A. Incorporated Areas. The Green Chapel ROW and all Green Chapel Improvements and all Other Street Improvements located within any right-of-way or highway or street easement, excluding the 10' Johnstown Path/Fence Easement described in section 1.E., which is now or in the future within the municipal limits of New Albany or Johnstown shall be maintained, repaired, and replaced by New Albany at its sole cost and expense. Any Other Street Improvements permitted by Johnstown not intended to directly support the Project shall be maintained, repaired, and replaced by Johnstown at its sole cost and expense, or, for convenience, responsibility therefor may be shared subject to a mutually agreeable maintenance agreement, the terms of which shall be determined at the time of permitting.

B. Unincorporated Areas. All Green Chapel Improvements and all Other Street Improvements located within any portion of the Green Chapel ROW that is not within the limits of any municipality shall be maintained, repaired, and replaced by New Albany in accordance with the provisions of the Intergovernmental Agreement and at no cost or expense to Johnstown. Should the Intergovernmental Agreement expire or otherwise terminate, then New Albany shall maintain, repair, and replace all Green Chapel Improvements and all Other Street Improvements at its sole cost and expense in the same manner as it would have otherwise been required if the Intergovernmental Agreement remained effective.

9.

Vehicular Access to Green Chapel. New Albany shall be permitted to allow and provide vehicular access to and from the Green Chapel ROW to real property within its municipal limits that abuts any of those streets, with locations and turn movements that it determines to be appropriate in its sole discretion and without the need for review or approval from Johnstown. Johnstown shall be permitted to allow and provide vehicular access to and from the Green Chapel ROW in the following circumstances, provided that prior to issuing any relevant engineering permits for the construction of such access Johnstown shall share copies of all engineering and construction drawings relating thereto with New Albany, which upon receipt shall have thirty (30) days to review and provide comments on the same to Johnstown, and Johnstown shall require the inclusion of the City Engineer for New Albany as signatory to the plan set:

A. As to that portion of the Green Chapel ROW described in Sec. 2.G.i, the full turn movement access points in the locations which are generally illustrated in Exhibit F; and

B. As to that portion of the Green Chapel ROW described in Sec. 2.G.ii, as identified by New Albany in the process of completing the plans for such portion, provided that New Albany and Johnstown shall consult with respect thereto so as to provide adequate access to land north of the Green Chapel ROW and west of Clover Valley Road in the event such land or portions thereof are eventually annexed to Johnstown.

For the avoidance of doubt, neither New Albany nor Johnstown shall have the right to review or approve any roadway improvements or curb cuts undertaken by the other that do not involve the construction or modification of the Green Chapel ROW in the absence of a further agreement between New Albany and Johnstown on such matters.

10. Future Green Chapel Improvements. The Parties anticipate that as development continues to occur in areas within the general vicinity of Green Chapel Road, there may be circumstances under which improvements to Green Chapel Road which are above and beyond those which are part of the Green Chapel Improvements and which are not governed by Section 9 of this Agreement may be necessary or warranted, such as but not limited to turn lanes, pavement widening, traffic signals, and the installation of less than full movement vehicular access points. Except with respect to the full turn movement access points identified on Exhibit F, each of New Albany and Johnstown may require the preparation of traffic impact analyses, traffic access studies, or similar reviews of anticipated traffic related to new development proposals that may impact Green Chapel Road within their jurisdictions, in accordance with their own local laws and policies. If improvements to Green Chapel Road are necessary as a result of new development within the respective jurisdictions of New Albany or Johnstown, then the municipality in which the development is to occur shall be responsible for constructing or causing the construction of the improvements to Green Chapel Road which are necessitated thereby at no cost or expense to the other municipality. If such improvements result from development that occurs within the corporate limits of New Albany or Johnstown, then before commencing such improvements either New Albany & Johnstown or a private party that is responsible for constructing the improvements shall contact the City Engineer for New Albany and Johnstown before commencing designs and engineering for the improvements to Green Chapel Road in order to receive input from New Albany and Johnstown at an early stage. Once such input is received, the constructing party shall prepare all plans necessary for the design and engineering of the improvement(s) to Green Chapel

Road and shall include the New Albany and Johnstown City Engineers as signatory to the plan set.

11. Further Assurances. The Parties agree that they will cooperate in good faith to facilitate the timely completion of the Project and to undertake all actions contemplated in this Agreement. Each Party shall refrain from taking any unreasonable action which could directly or indirectly delay the Project. Each Party agrees to take all reasonable actions as may be requested by one or more of the Parties from time-to-time in order to further the purposes and intent of this Agreement.

12. MBJ/JLC Contingency. Prior to the Effective Date, portions of MBJ Properties and JLC Properties have been annexed to Johnstown and zoned as the "Johnstown Opportunity Planned District" approved by Johnstown City Council in Ordinance Number 19-2023 (the "Zoning"). The Zoning, based on facts known at the time of passage, requires right-of-way dedications for Green Chapel Road which extend beyond the Green Chapel ROW and the Johnstown Path/Fence Easement as defined in this Agreement. Johnstown agrees and acknowledges that, as of the Effective Date, it does not have the need (as it relates to Green Chapel Road) for any additional right-of-way or easement rights beyond those provided for in this Agreement. Johnstown agrees to accept and timely process any application(s) which are desired or necessary to be filed by JLC and/or MBJ to eliminate the requirement in the approved zoning to dedicate rights-of-way for widths which are in excess of the Green Chapel ROW and the Johnstown Path/Fence Easement. It shall be condition precedent to the respective obligations of JLC and MBJ under this Agreement that such application(s) have been approved by Johnstown and are legally effective.

13. Miscellaneous Provisions.

A. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Ohio. By executing this Agreement, each Party hereto expressly (i) consents and submits to personal jurisdiction consistent with the previous sentence, (ii) agrees that all actions brought pursuant to or under this Agreement shall be filed with the state and/federal courts located in Licking County, Ohio, and (iii) waives, to the fullest extent permitted by law, any claim or defense that such venue is not proper or convenient.

B. Entire Agreement. This Agreement is the entire agreement between the Parties concerning the Project and supersedes any prior agreements relating thereto. No modification hereof or subsequent agreement relative to the subject matter hereof shall be binding on either party unless reduced to writing and signed by both parties to be bound.

C. Survival. Any of the provisions of this Agreement which expressly provide for their survival and any provisions pertaining to a period of time following Closing shall survive Closing and the delivery of a deed and shall not be merged therein.

D. Counterparts. This Agreement may be executed in any number of counterparts and each of such counterparts shall, for all purposes, be deemed to be an original, and all such counterparts shall together constitute but one and the same agreement.

E. Severability. If any provisions of this Agreement applicable to any party or circumstance shall be determined by any court of competent jurisdiction to be invalid and

unenforceable to any extent, the remainder of this Agreement or the application of such provision to such party or circumstance, other than those as to which it is determined invalid or unenforceable, shall not be affected thereby, and each remaining provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

F. Headings. The captions in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit, or describe the scope of this Agreement or the scope or content of any of its provisions.

G. Notices. Any notice to be given pursuant to this Agreement must be in writing and may be served (i) by depositing the same in the United States mail or with a reputable nationwide delivery service, addressed to the Party to be notified, postage prepaid, (ii) by registered or certified mail with return receipt requested, (iii) by delivering the same in person to such party, or (iv) by e-mail. Notice given in accordance with (i) above shall be effective when mailed. Notice given in accordance with (ii) or (iii) above shall be effective upon receipt at the address of the addressee or upon refusal to accept delivery (such refusal being evidenced by advice from the courier company or individual used to make delivery). Notice given in accordance with (iv) above shall be effective if the sending Party has not received e-mail notification of failure of delivery within 12 hours of sending the original e-mailed notice. For purposes of notice, the addresses of the parties shall be as set forth below unless otherwise instructed in a written notice delivered to all Parties:

If to New Albany:
City of New Albany
Attn: Joseph Stefanov, City Manager
99 W. Main Street
New Albany, Ohio 43054
jstefanov@newalbanvohio.org

If to Johnstown:
City of Johnstown
Sean Stanart, City Manager
599 S. Main Street
Johnstown, Ohio 43031
sstanart@johnstownohio.org

with a copy to:
Benjamin Albrecht
Fishel Downey Albrecht & Riepenhoff LLP
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054
balbrecht@fisheldowney.com

with a copy to:
Yazan Ashrawi
Frost Brown Todd LLP
10 W. Broad Street, Suite 2300
Columbus, Ohio 43215
yeshwari@fbtlaw.com

If to JLC or MBJ:
The Johnstown Land Company II LLC/MBJ Holdings, LLC
Attn: Molly Iams, General Counsel
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054
miams@newalbanvcompany.com

with a copy to:
Aaron Underhill
Underhill & Hodge LLC

8000 Walton Parkway, Suite 120
New Albany, Ohio 43054
aaron@uhlfirm.com

H. Assignments. The rights and obligations of JLC and MBJ under this Agreement are directly related to their ownership of the JLC Property and the MBJ Property, respectively. Upon any transfer of all or any portion of the JLC Property or the MBJ Property to a third party, the rights and obligations of the transferring party under this Agreement shall be deemed to be automatically transferred and conveyed along with the real property, and the rights and obligations of JLC or MBJ (as applicable) under this Agreement shall continue to apply to it with respect to any portions of the JLC Property or the MBJ Property which remains under its ownership following said transfer and conveyance. In addition, each of JLC and MBJ shall have the right to assign its rights and obligations in whole or in part to its affiliated business entities, provided that the assigning entity delivers written notice to the other Parties with details of the assignment promptly after the assignment is completed. Except as otherwise expressly set forth in this paragraph, no Party may assign its rights or obligations under this Agreement to any other Party or to a third party without the prior written consent of all of the other Parties hereto.

I. Amendments. No amendments to this Agreement shall be effective unless executed and duly authorized by all Parties hereto and their respective permitted assigns.

J. Term of Agreement. This Agreement shall remain effective until such time as it is terminated in a written instrument that is executed and duly authorized by all Parties hereto and their respective permitted successors and assigns.

K. Incorporation of Exhibits. Each of Exhibits A through F attached hereto are incorporated herein by reference.

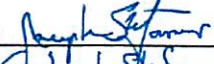
[Signature page and exhibits follow]

EXECUTION PAGE

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates written below.


NEW ALBANY:

CITY OF NEW ALBANY,
an Ohio charter municipality

By: 
Name: Joseph Stefanow
Title: City Manager
Date: Oct 13, 2025

JOHNSTOWN:

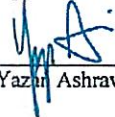
CITY OF JOHNSTOWN,
an Ohio charter municipality

By: 
Name: Sean Stancart
Title: City Manager
Date: 9-18-25

Approved as to form:



Benjamin Albrecht, City Law Director

Approved as to form:


Yazan Ashrawi, City Law Director

JLC:

THE JOHNSTOWN LAND COMPANY II LLC,
a Delaware limited liability company

By: 
Name: Brent B Bradbury
Title: Secretary
Date: 10/20/25

MBJ:

MBJ Holdings, LLC
a Delaware limited liability company

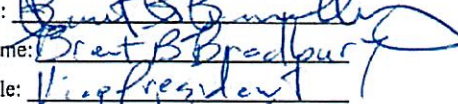
By: 
Name: Brent B Bradbury
Title: Vice President
Date: 10/20/2025

EXHIBIT C
Intergovernmental Agreement
[TO BE ATTACHED TO FINAL FORM]

EXHIBIT D

Depiction of Excess ROW (Draft) – exhibit to be updated in final form

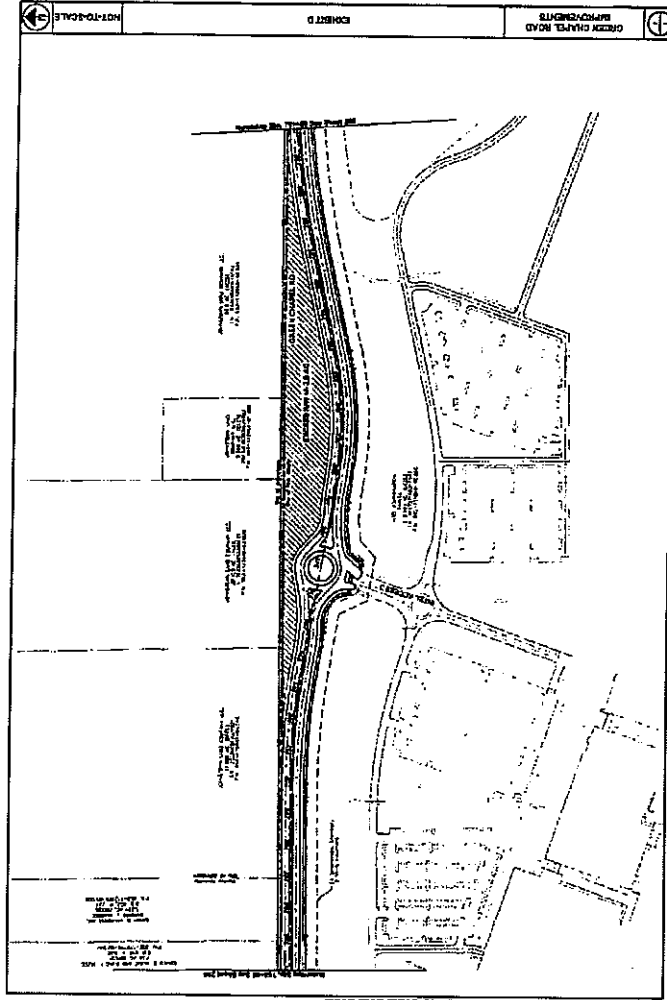


EXHIBIT E
Ohio Revised Code Sec. 709.37



AUTHENTICATED.
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #255307

Ohio Revised Code

Section 709.37 Adjustment of boundaries of adjoining municipal corporations by mutual consent.

Effective: October 1, 1953

Legislation: House Bill 1 - 100th General Assembly

Any two adjoining municipal corporations may, by ordinance of their respective legislative authorities, agree to a change in the boundary line separating such municipal corporations, provided such change does not involve the transfer of territory, inhabited by more than five voters, from one to the other or from each to the other. The ordinances setting forth such agreement shall be certified to the board of county commissioners. Upon receipt of such certified ordinances, the board shall proceed by resolution to approve such change of boundary and to make such adjustment of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the board determines to be proper. Transcripts of the ordinances, agreement, and resolution certified by the board shall be filed in the office of the secretary of state and shall also be filed and recorded in the office of the county recorder. All fees and costs for such filing and recording shall be assumed and paid by such municipal corporations in such proportions as the board determines.

EXHIBIT F - DRAFT
Full Turn Movements Between Clover Valley Road and Mink Street

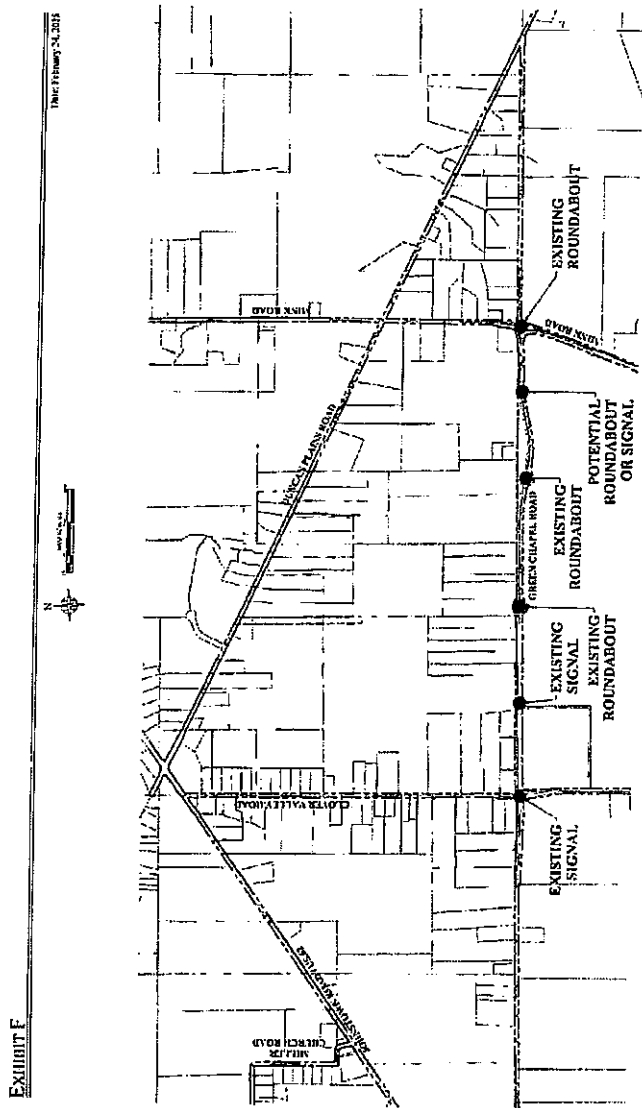
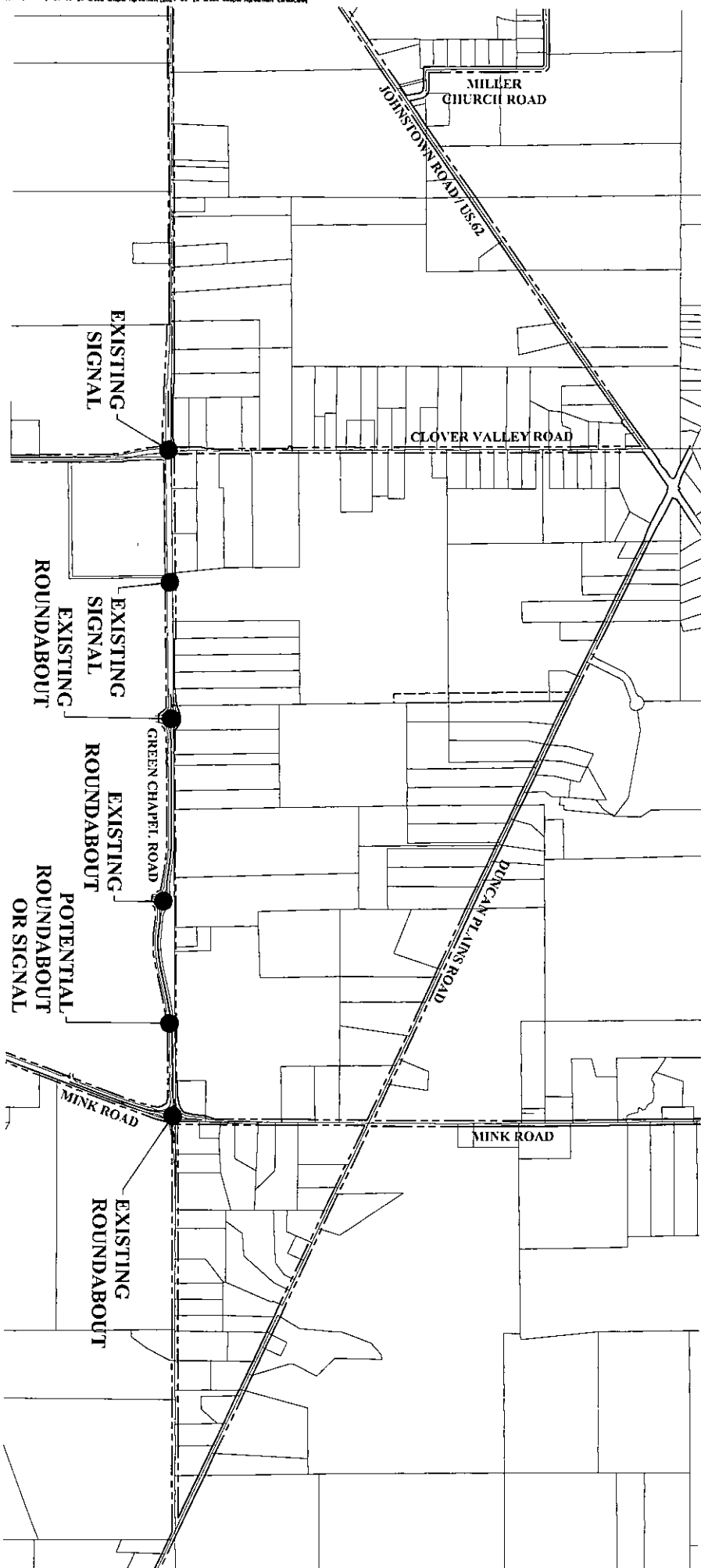
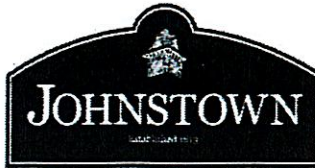


EXHIBIT F



Date: February 24, 2025



HOME OCCUPATION PERMIT APPLICATION

Application Number: 5-19-26 Date: 5 / 19 / 26

FEES:

\$200.00 + Postage & Advertising (Single Family)

Total Amount: \$ 200.00 Paid: Check #: 1757 Cash: \$ _____

(PLEASE PRINT)

1. Applicant: Doug Orr
2. Phone: (____) _____
3. Property Address: 54 N Oregon St Johnstown, OH.
4. E-mail: _____ Zoning District: GCC-1
5. Business Phone: (____) _____
6. Nature of Occupation: Accounting and Tax Preparation
7. Total Square Feet of Dwelling to be used: 352 Percent to Floor Space: 16 %

IN ADDITION, THE FOLLOWING ITEMS MUST ACCOMPANY THIS APPLICATION:

- Applicant must provide a written statement setting forth reasons why, in his/her opinion, the Home Occupation Permit would be in the public interest and would be compatible with the neighborhood.

The undersigned is applying for a Home Occupation Permit for the following use, said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct and agrees to follow all applicable laws in the Johnstown Ordinance #1173.

Applicant's Signature: *Doug Orr* Date: 5 / 19 / 26

OFFICE USE ONLY:

Date Received: 5 / 19 / 26 By: *[Signature]*

Planning & Zoning Meeting Date: 5 / 26 / 26

Approved or Denied: _____ Reason: _____

P & Z Chairman Signature :x _____ Date: ____ / ____ / ____

ORR & ASSOCIATES

ACCOUNTING, PAYROLL, TAX PREPARATION

82 S. MAIN ST, P.O. BOX 244
JOHNSTOWN, OH 43031
PHONE (740) 967-9162
FAX (740) 967-9162

May 19, 2026

To whom it may concern:

Re: Orr & Associates – 54 N Oregon St

I am writing in regards to my Home Occupation Permit Application for 54 N Oregon St.

I operate a small accounting and tax preparation business so for the majority of the year the traffic is minimal and during tax season most appointments are scheduled so I can control the amount of traffic in and out at any one time. With this type of business there is no noise that would disturb anyone.

Being the property is not on a busy street like I am now, I believe it would be more convenient for my Clients when they do come in and they would not have to try to back out on a busy street which at certain times of the day can be a challenge.

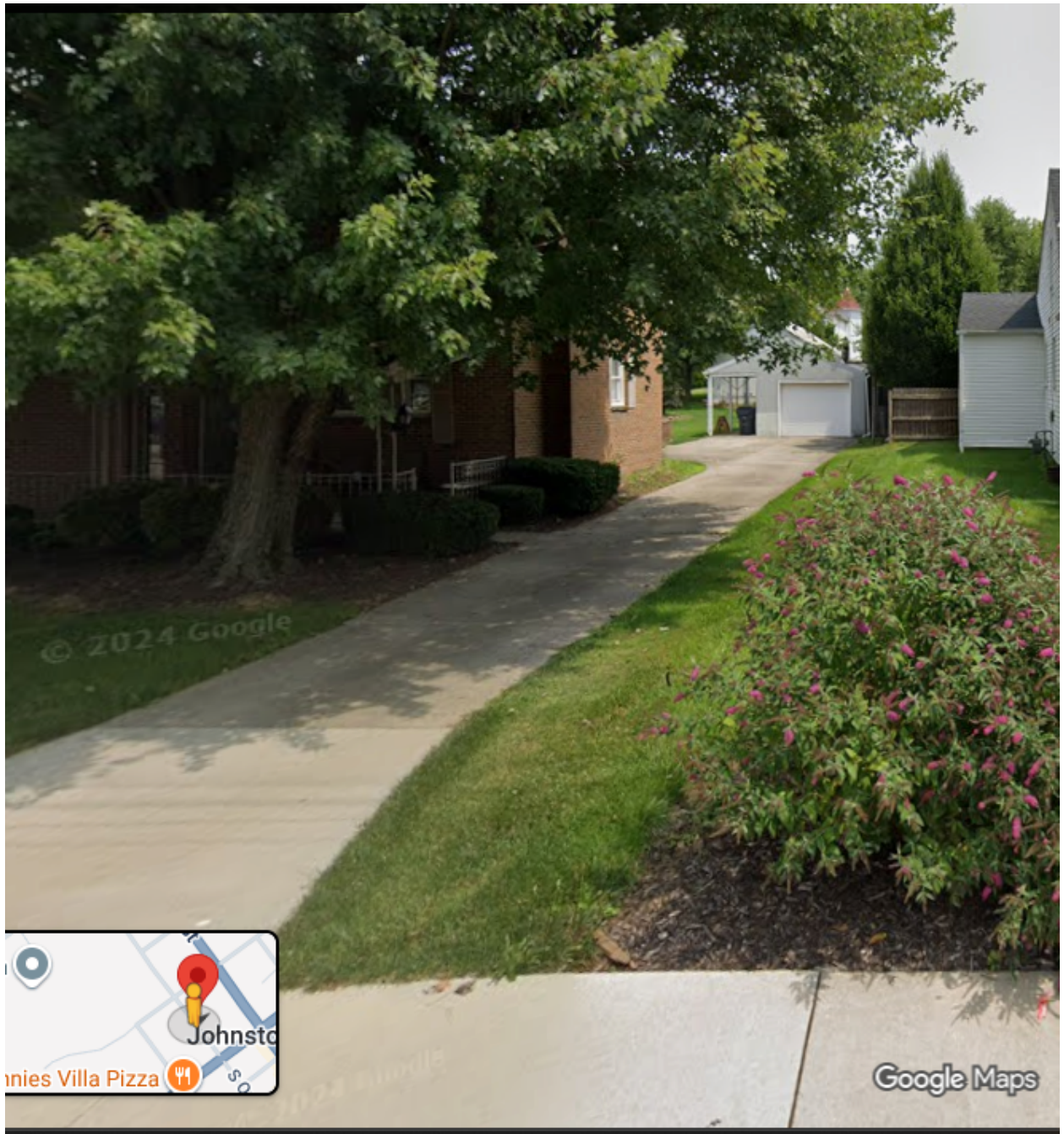
The Property is in a residential neighborhood and it will continue to have a residential feel as there are no changes being made to the exterior of the Home other than normal maintenance and some new landscaping that will improve the exterior of the Home

I appreciate your consideration and please feel to reach out should you have any questions



Sincerely,
Doug Orr





1173.01 PERMIT REQUIRED.

A Home Occupation Permit (HOP) shall be obtained by any person desiring to engage in income producing activities within a dwelling in a Residential District.

1173.02 APPLICATION PROCEDURE .

(a) A written application shall be filed with the Chairperson of the Planning and Zoning Commission or his designee by the person desiring the HOP. The application shall be signed by the applicant attesting to the truth and exactness of all information contained therein. At a minimum the application shall contain the following information:

- (1) Name, address and phone number of applicant;
- (2) Name(s) of all persons to be employed in such occupation;
- (3) Present zoning district;
- (4) Nature of the occupation to be engaged in;
- (5) Total floor space of dwelling to be used;
- (6) Total floor space of dwelling to be used in such home occupation;

(7) A written statement by the applicant setting forth reasons why, in his/her opinion, the home occupation would be in the public interest and would be compatible with the neighborhood scheme.

(b) Upon receipt of an application for a HOP the chairperson shall inform the applicant that such application will be considered at the next Planning and Zoning Commission meeting and inform applicant of the date, time and location therefore.

(c) At the Commission meeting mentioned in subsection (b) hereof the applicant for a HOP shall have the affirmative duty of presenting evidence in support of his application.

(d) The Commission shall either approve, approve with supplementary conditions or disapprove the application as presented. If the application is approved, or approved with supplementary conditions, the Commission shall direct the Zoning Inspector to issue a HOP listing any supplementary conditions specified by the Commission for approval.

1173.03 ADDITIONAL REGULATIONS.

(a) No person other than member of the family residing on the premises shall be engaged in such occupation.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty- five percent (25%) of the floor area of the dwelling shall be used in the conduct of the home occupation.

(c) No home occupation shall be conducted in any accessory building.

(d) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified on this Zoning Ordinance and shall not be located in a required front yard.

(e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference that adversely affect the surrounding residents or property.

(f) No HOP shall be required for the following uses:

(1) Cosmetic, toiletries or household cleaning products sales whose annual gross sales do not exceed two thousand dollars (\$2,000).

(2) Clothing repair or alterations occupations which produce an annual gross income not in excess of two thousand dollars (\$2,000).

(3) Tutoring occupations which do not involve more than ten students per week or four students per day.

(4) General office functions such as typing, answering service, etc., whose annual gross income does not exceed two thousand dollars (\$2,000).