



Regular Council Meeting
Tuesday, June 16, 2026 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Approval of Agenda
6. Action on Minutes
 - a. April 7, 2026
7. Citizen comments on matters not on the agenda
8. Council Committee reports
 - a. **Design Review Board:** 6/9/26 canceled; Next 6/23/26 @ 5:30 pm council chambers
 - b. **Planning & Zoning:** 6/9/26 canceled; Next 6/23/26 @ 6:30 pm council chambers
 - c. **Safety & Service:** 6/16/26; Next 7/21/26 @ 5:00 pm council chambers
 - d. **Finance:** 6/16/26; Next 7/21/26 @ 5:30 pm council chambers
 - e. **Rules:** Next TBD
 - f. Greater Johnstown Park & Rec District updates
9. Director Reports
 - a. Service Departments: Water, Sewer, Street
 - b. Service Director
 - c. Police Chief
 - d. Finance Director
10. Tabled Legislation
 - a. **RESOLUTION 2026-19** A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT WITH AMERICAN LEGION POST 254. *Introduction/Tabled March 3, 2026*
11. Public Hearings of Legislation
 - a. **ORDINANCE 06-2026** AN ORDINANCE TO AMEND CHAPTER 1141 OF THE CITY'S CODIFIED ORDINANCES *Introduction and Public Hearing. Vote on July 21, 2026*
 - b. **ORDINANCE 07-2026** AN ORDINANCE TO AMEND CHAPTER 1165 OF THE CITY'S CODIFIED ORDINANCES *Introduction and Public Hearing. Vote on July 21, 2026*
12. Introduction of Legislation - None
13. Other Business
14. Adjourn

Next Council Meeting July 21, 2026



Regular Council
Tuesday, April 7, 2026 - 6:30 PM
MINUTES

1. Call to Order

Mayor Tiffany Hollis called to Order the City of Johnstown Regular Council Meeting for April 7, 2026 at 6:37 PM.

2. Roll Call

Present - Mayor Tiffany Hollis, Ryan Green, Donald Barnard, Matthew Huggins, Kyle Cook, Jeff Barr, Nicole Shook
Absent - None

Staff present - Dave Delande - Acting City Manager/Finance Director, Jeff Sheridan, Jack Liggett - Service Director, Rusty Smart - Chief of Police, Trevor Traphagen - City Planner, Teresa Monroe - Clerk of Council

Public present - Brian Kinzelman, Kris Almendinger, Jill Tangeman, Mark Van Buren, Ashley Solether, John Newergall, Terri Fetters, Joshua Bauman, John and Shellie Kessler, Dick Roggenkamp, Deven Draper, Barbara Almendinger Harper, Rachel Ritchie, Erich Almendinger, David Dunn

3. Invocation

Ms. Shook offered the invocation.

4. Pledge of Allegiance

5. Approval of Agenda

Mr. Barnard said he would like to ask for a change, to add item 13, an executive session to consider employment, and move item 10 after that. Mr. Green said he was fine if they moved 10 but does not think they need an executive session. Mayor Hollis asked if there was a second to the motion; Ms. Shook seconded and they vote was as follows:

Barnard - Y, Green - N, Hollis - N, Cook - N, Barr - N, Shook - Y, Huggins - N; Motion failed 5-2.

Mayor Hollis asked for a motion to approve the agenda as written.

ACTION: Kyle Cook moved to approve; Jeff Barr seconded and the vote was as follows:

AYES: Matthew Huggins, Tiffany Hollis, Ryan Green, Jeff Barr, Kyle Cook

NOES: Donald Barnard, Nicole Shook

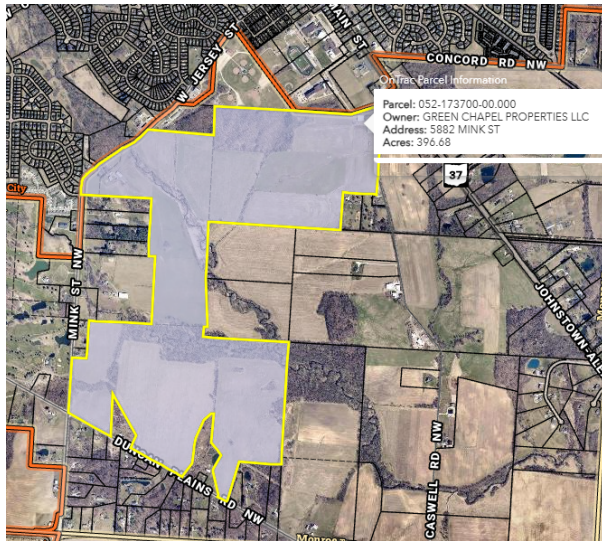
ABSTAIN: None

Passed 5 – 2

6. Presentation - Green Chapel Properties Project Preview

Mayor Hollis asked that questions be held until after the presentation.

David Dunn said that he and his family own Green Chapel Properties which consists of about nine hundred acres, four hundred of them are in Monroe Township, the other in Jersey Township. Tonight he said they will present their plan for the northern four hundred acres of their property. Brian Kinzelman with MKSK presented their concept for Green Chapel Properties, he said it is at a very conceptual level. The four hundred acres is contiguous to the City of Johnstown at Caswell Road.



Mr. Kinzelman said this piece of property is just down the street from downtown, a fourteen-minute walk. They are looking to expand the City of Johnstown, to augment downtown commercial development, not to replace downtown development. Referencing the city's Comprehensive Plan, he pointed out civic uses and the potential for school expansion into current Green Chapel Property land that is contiguous to the school campus. They propose a planned neighborhood with commercial, with support facilities, not just houses, apartments and residential properties, and then south from the city would be residential property. He noted connections to the city via Mink Road, Duncan Plains and Caswell Road. He expanded on the potential mixed-use areas, retail properties, restaurants, neighborhood conveniences like a dry cleaner, second-story offices for dentists, orthodontists, accountants etc.; attached single-family or town homes for people who don't want to mow lawns and who want to be in walking distance to retail and restaurants. Additionally, some senior living options, for people who want to stay in Johnstown through their entire life cycle, patio homes and maybe assisted living or even critical care facilities. Neighborhood lots would be conventional housing stock for young families and kids, two or three car garages, two-story bedrooms for kids, with basements. Mr. Kinzelman said that 25% of the entire site is open space, 40% for single family residential and 10% for commercial space, he said this isn't a subdivision, this is a community. He said there would be a number of homebuilders and developers involved over time but everyone will be "playing from the same song sheet" to ensure quality of the goods at the end of it all. They want to come in with a planned development so everybody can see what the long-term vision is going to be. The city code says that for planned development zoning, it has to be a minimum of 350 acres, this is just over 400 and the property would need to annex into the City of Johnstown.

Mayor Hollis opened the floor to questions.

Mr. Barnard asked when they would like to break ground. Mr. Dunn said he is unsure how long it will take to get through the administrative work, they are probably looking at next spring. Mr. Barnard asked how many households they would expect to bring. Mr. Dunn said it could be anywhere from 800-1200 units depending on how the pieces are put together, they are open to discussion on calculations, they can be flexible. Mr. Barnard said one of his concerns is that currently the city of Johnstown has 1,200–1600 households, but when you take that and divide it by its general fund, our expenses right now, it's coming out to about \$1,200 per household. And the median household in Johnstown is about \$90,000 so at a 1% income tax rate, we're bringing in \$900 and it cost \$1,200 to service a household. So we're already underwater, and that's part of the reason why we've tried to bring up the tax in the past, to fix that. Mr. Barnard asked what value of homes they were looking for. Mr. Dunn said there would be a certain number of commercial coming in also, that offers a slightly different addition to the tax base, he thinks it would behoove all of them to get together with their calculators and figure out what the math tells them is the right mix.

Mr. Huggins asked about the green space surrounded by residential, would it be deeded to city to care for, or would it be cared for by an HOA. Mr. Kinzelman said probably a combination but he is not certain, they would want to ensure green space is preserved and usable by humankind for play and recreation space. Mr. Barr asked if they envisioned any of the acreage and green space being twenty acre plus sections for ball diamonds or rectangular fields for lacrosse and soccer, because when he sees the water corridors running through there, that doesn't go together, so was it fair to say this will be more of a passive green space than active green space. Mr. Barr said that is something he would delve into at great length.

Some continued discussion on what the mixed uses could be and also how this could be developed so to not overshadow the existing downtown.

Mr. Barr said this is an informal presentation, but at some point it becomes formal, which is the request to annex, he asked about process. Jill Tangeman, legal counsel for Mr. Dunn, said the next step would be annexation, they previously discussed starting the process with a pre-annexation agreement so that we all get on the same page, that doesn't bind the city to any particular zoning. Typically, it has some language that says the staff is supportive of moving forward with some conceptual plan that will continue to be flushed out. They usually start the process with that so that the city has a chance before an annexation is filed and there is a requirement to react, that they sort of have a baseline of an agreement that they are going to annex and this is what they are looking for. Council cannot be bound to a future vote, but it would be an agreement for a framework to start the process, the agreement would come to council for a formal vote. Mr. Barr asked if there was a timeline for full buildout, Ms. Tangeman said her guess is ten years.

Jack Liggett said with any acceptance of annexation, the city has to agree to supply water and sewer utilities, he asked if they had any thought on the consumption over the five to ten year buildout, and what this development will need. Mr. Kinzelman said they just recently started some engineering behind the plan, those will be future conversations.

Public:

1. Kris Almendinger

- Asked if an agreement would be made to annex before they knew an exact plan of how many homes there would be. Mr. Barnard said no.
- Said the farms on Caswell Road are still suffering from the water runoff of Concord Crossing. This is their biggest concern, they are not against development, but there has to be a better plan, and now that we are a city, we have to abide by the MS4 program, so there has to be water runoff studies prior to any development, and council is legally obligated to abide.

2. John Kessler

- Asked if questions could be asked. Mayor Hollis said yes.
- Asked the presenter if they would formally respond to the storm water management concerns.

Mr. Kinzelman said by law they do have to address the runoff from these fields, they have no idea what has happened in the past, but they will be designing storm water management, quality and quantity of storm water, they cannot increase or decrease the runoff. Each pod of development will have storm water basins, dry/wet basins so storm water is held and released in a controlled fashion.

- Asked if the presenter had examples of another community like Johnstown twenty or thirty years ago, that worked to preserve the character of their downtown area.

Mr. Kinzelman said he would look at Powell or Dublin. It needs to be intentional and thoughtful planning, put things in the right place, make sure the roadways work, the utilities work.

- His sense is there is a lot of revenue coming into the school district. Asked what the school strategy would be to facilitate and enable all of this growth.

Dr. Wagner, Superintendent of Johnstown Monroe School District, said that one of the things that is a myth is that the school has all this money coming in from this commercial development, that's not here yet, it should be once there is payroll tax coming in. But, because of the way the abatements are set up, we get a little bit of money because of real estate transfers, but with Intel, we have an exemption of over \$24 million on that property that we don't see, those things were negotiated beyond the school district, so, that's a lot of property that we're not going to see any kind of money from. Eventually there should be payroll and that's the compensation model they have. As for enabling growth, Dr. Wagner said It does not incentivize the school district to grow, there were just over 1,600 students, we have lost some students because of homes that have been demolished in the school district, but if we become twice that size, there's no advantage to us. But he said our role and responsibility is to be reactive to the community. So, if there needs to be more rooftops, then we will respond accordingly. We have a plan in the school district that we

can nearly triple the size of enrollment and to do that, we would need a new high school, a new elementary school and then we have to reconfigure the whole school district. That would be about \$100 million in capital expenses to do the high school and elementary. The board of education is very conservative, and we have a little bit of construction money available but nowhere near anything like that. So we would have to put a plan together. He said regarding the pre-annexation agreement, they would want to have some discussions, he has been open with the Dunn family, sixteen acres would be wonderful, but it is not enough, they would need closer to thirty in order to put a campus together. He said he does agree with the pre-annexation, it would be very good discussion to start laying out all these things. Dr. Wagner said residential housing, whether it's a single family home or apartments, typically have generated about 0.8 to 1.2 students per household. That data needs to be updated because things have changed, they are watching Leafy Dell with and the 72 to 74 unit apartment complex coming in there at some point, they have some modeling, but will need to know a lot more. Also possible, the 1,200 units at the Gateway project, a possible 60-70 students, because of the way the units were constructed as smaller, targeted for young professionals.

It was stated that if anyone would like a copy of the plan presented, they can email the clerk of council.

3. Eric Almendinger

- Asked how many different price points would there be and where would they be at?

Mr. Kinzelman said he thinks it will be a full range of price points, it could be starter homes, it could be workforce level housing, larger conventional home sites, or apartments as well, he has no idea of the mix at this time.

Mayor Hollis asked if they had a preference, which area would be phase one. Mr. Kinzelman said the top 200 acres. Ms. Shook asked if they would be open to an occupancy rate or limit for residential units, Mr. Kinzelman said yes.

Mayor Hollis called for a five-minute recess before moving on with the agenda.

7. Citizen comments on matters not on the agenda

1. Mark VanBuren

- Running for Licking County Commissioner, attended to introduce himself. He has been a township trustee for over twenty-four years in Harrison Township. In 2008 he was appointed as a county commissioner, then went back as a township trustee. He is on the Western Licking County Joint Fire District Board and the Transportation Improvement District. More information can be found on his website at citizensforvanburen.com or on his Facebook.

8. Council Committee reports

- Design Review Board:** 3/24/26 canceled; Next 4/14/26 @ 5:30 pm council chambers
- Planning & Zoning:** Met 3/25/26; Next 4/14/26 @ 6:30 pm council chambers

Met 3/24/26. The board removed the mural application for El Ray from the agenda, they did not show up again, if they still want the project, they will have to reapply. Approved lot splits for the city and for Granville Milling so they can fulfill their drive-through plans. The board recommended approval of the text amendment for 1159 Light Manufacturing.

- c. **Safety & Service:** 4/7/26; Next 5/6/26 @ 5:30 pm council chambers
Discussed key fobs and entry into the building, received an update on the damaged well, discussed road repairs and future planning, discussed a DORA.
- d. **Facilities Committee:** Schedule as needed
Committee continues to work on the amendment to the lease with the American Legion and hopes to have a final draft that is palatable for both, Mr. Barr said at this point we are waiting on them.

Mr. Green asked if work had begun on the CIC, Dave Delande said that the Law Directors office is working on it now. Mayor Hollis asked if they gave a timeline for completion. Mr. Delande said he would reach out to ask.

- e. **Rules:** Schedule as needed
A meeting was scheduled for 5:00 pm on May 6, 2026.
- f. **Greater Johnstown Park & Rec District updates**
Liaison Nicole Shook said they met on the last Thursday of the month, they are bidding for their liability insurance, talked a little about their participation in the fireworks committee, talked about their comprehensive community event planner website committee, that will be discussed more the non-profit organization meeting which meets in April. They are reviewing the community needs survey and look to schedule a work session to figure out their goals, priorities and initiatives.

9. Director Reports

- a. **Service Departments:** Water, Sewer, Street, Service Director
Service Director Jack Liggett reviewed all reports which were included in the packets.

10. Tabled Legislation

- a. **RESOLUTION 2026-26** RESOLUTION TO APPROVE A TEMPORARY EMPLOYMENT AGREEMENT AND TO APPOINT INTERIM CITY MANAGER
ACTION: Kyle Cook moved to take from the table; Jeff Barr seconded and the vote was as follows:
AYES: Kyle Cook, Jeff Barr, Nicole Shook, Matthew Huggins, Don Barnard, Ryan Green, Mayor Hollis
NOES: None
ABSTAIN: None

Passed 7 - 0

Mayor Hollis said that originally Mr. Sheridan was hired under Management Advisory Group (MAG) as a consultant, but upon legal advice, it is better to hire him as an

employee of the city, as an Interim City Manager while they continue the search. She said the temporary employment agreement attached did go through legal review. Mr. Barnard asked if they should specify a date range that would be like a handoff period when the new city manager is picked. Mr. Green said the agreement does note that Mr. Sheridan is a temporary employee of the city, intended to serve until the city's subsequent appointment of a city manager. Some discussion on the pay rate listed in the resolution, nothing was changed.

ACTION: Matthew Huggins moved to approve Resolution 2026-26 as written; Tiffany Hollis seconded and the vote was as follows:
AYES: Matthew Huggins, Don Barnard, Ryan Green, Mayor Hollis, Kyle Cook, Jeff Barr, Nicole Shook
NOES: None
ABSTAIN: None

Passed 7 - 0

11. Public Hearings of Legislation

a. **RESOLUTION 2026-27** RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MANAGEMENT ADVISORY GROUP LLC

Mayor Hollis said this is the contract for the city manager search, as well as consulting and advisory services. This also went through legal review. Mr. Delande will remain the designated Acting City Manager and Mr. Sheridan will be the Interim City Manager. Mr. Delande asked if Mr. Sheridan would have authority to sign contracts, Mayor Hollis said she believed so, because he would now be an employee of the city, but staff will get clarification. Ms. Shook said to be clear, this is basically like a finder's fee for MAG, for the search firm providing us with the interim manager.

ACTION: Ryan Green moved to approve; Kyle Cook seconded and the vote was as follows:
AYES: Ryan Green, Mayor Hollis, Kyle Cook, Jeff Barr, Nicole Shook, Matthew Huggins, Don Barnard
NOES: None
ABSTAIN: None

Passed 7 - 0

b. **RESOLUTION 2026-28** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION ROAD SALT CONTRACTS AWARDED IN 2026

Mr. Liggett said every year we enter into a contract so the city can bulk buy road salt with Licking County and other state agencies and hopefully get a break on price. He said last year the city used 515 tons of salt, and actually could have used more, but salt was in a shortage last year. He said the city will order 650 tons this year and get our salt temple filled back up.

ACTION: Nicole Shook moved to approve; Kyle Cook seconded and the vote was as follows:

AYES: Nicole Shook, Matthew Huggins, Don Barnard, Ryan Green, Mayor Hollis, Kyle Cook, Jeff Barr
NOES: None
ABSTAIN: None

Passed 7 - 0

c. **ORDINANCE 02-2026** AN ORDINANCE TO AMEND CHAPTER 1187 OF THE CITY'S CODIFIED ORDINANCES Introduction

Planner Trevor Traphagen said in early February council adopted a resolution initiating this change to Chapter 1187, this is all tied to the Design Guidelines update started in 2024. This is the ordinance that will amend the codified ordinances, it will allow the Design Review Board to review the applications they do. At the next meeting there will also be a resolution that contains the actual design guidelines document for passage. His recommendation is to adopt with a delayed effective date, so the guidelines and the accompanying ordinance are effective at the same time. Tonight is the advertised public hearing, Mayor Hollis opened the floor to any questions or comments.

Public Hearing: There were no comments either for or against the legislation.

Council vote on April 21, 2026.

12. Introduction of Legislation

a. **ORDINANCE 03-2026** AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE CITY OF JOHNSTOWN, OHIO TO ACCEPT THE PUBLIC DEDICATION OF RIGHT OF WAY TO THE CITY FROM THE JOHNSTOWN LAND COMPANY II LLC.

Introduction. Dick Roggenkamp with the New Albany Company said what is before council, is two right of way deeds. When Mink Street was widened and there was an extensive and complicated agreement between Johnstown and the City of New Albany that basically made New Albany responsible for the maintenance of Mink Road. He said at the same time, we were going through a bunch of different annexations and zoning. So, this is kind of playing catchup because we could not do this earlier. Both of the right of way segments are east of Clover Valley and west of Mink Road on the north side of Green Chapel.

Second reading and vote will take place on April 21, 2026. Clerk Monroe noted their request for emergency passage to make it effective immediately, they have a closing at the end of the month. Mr. Roggenkamp said the closing is referencing a lot split for Licking Rural Electric for a new substation site, that is what is closing at the end of the month.

13. Other Business

1. Nicole Shook asked about the temporary land use across from Whits, she sees they are setting up camp again. She asked if they had been contacted and suggested that the temporary fencing be made to surround the work site so it doesn't fall down every five minutes. The way it was installed last time did not work. Trevor Traphagen said he would check the code but he did not think anything prevents a condition on the use application to keep the fencing staked into the ground. Mr. Traphagen said that if the city foresees this site getting utilized more over the next five to ten years, we could always adjust the code to change it from a temporary use to a permanent use. And then you could have more

stringent criteria like solid opaque fencing that is permanent, along with landscape requirements.

2. Ms. Shook thanked Chief Smart and Mr. Liggett for getting the backhoe removed from Leafy Dell.

3. Ms. Shook said she was asked if the city manager reports will be added to the agenda in the future. Mr. Green said council has been getting them weekly. Mr. Sheridan said he could do a version for the public.

4. Ms. Shook thinks it is important to discuss Interim Manager and City Council goals for the next ninety days, top five priorities, not sure if it should be a work session or executive session, they should check on how to go about this. Mr. Sheridan said the more clear direction council can provided him, the better.

5. Kyle Cook said he wanted to ask council if everybody thought it would be a good idea to do an NCA in the Light Manufacturing (LM) district, on new development. Mr. Sheridan said it would make sense, he would have the law director look into it. Council direction to have Mr. Sheridan discuss with Yaz.

6. Ryan Green said he agrees with using multiple engineers, he knows the city has had engineers submit for the RFQ. He asked if they should choose one to be the city engineer of record. Mr. Sheridan said he would suggest no, depending on the project area, they could choose one from two or three defaults. Mr. Green asked if they would proceed with interviewing the firms. Mr. Sheridan said he would suggest letting the manager narrow it down to two or three and council either accepts them or not. If they want to meet with two or three to get to know them, that would make sense. He said if he and Jack select a firm, and at some point council is not comfortable working with them, they would just need to let him know and he would find an alternative.

7. Mr. Green said they started a conversation in Safety & Service Committee on creating a DORA; the committee generally seemed to be semi-in favor of having the discussion in a broader scope and bring it to greater council to see how all felt about it. Mr. Barr said he was supportive of developing a DORA. Ms. Shook said she was supportive of it on an event basis. Mr. Cook said he would support looking into it. Mr. Barnard said he would support it on a limited basis for events. Chief Smart said for law enforcement, event basis would be his recommendation. Mayor Hollis said she thinks if they were to talk to the businesses on Main Street, they would disagree. Mr. Cook asked if all businesses with alcohol would participate, that is something to look into. Ms. Shook said maybe they do this at a workshop, do this where the public can come in and make comments, invite the businesses uptown. Businesses that do have alcohol and that don't have alcohol, which ones would allow them to come into their shop with alcohol, she said she doesn't know if the ice cream place is going to want people coming in with alcohol, she is not speaking for them, but they don't even know that would be allowed under this. Mr. Barnard said one thing they should look at is how harmful this could be to DJI (Downtown Johnstown Inc.), they get a lot of their revenue from alcohol, he believes. Mr. Green said there is opportunity to make sure they are made whole. Mr. Barr said generally speaking, it sounds like most of council is willing to develop some kind of DORA they could all be supportive of. Mr. Green said this has been vetted pretty thoroughly the last few years and he has this about three quarters of the way written out. After further discussion, council direction to send the discussion back to Safety & Service committee.

14. Adjourn

ACTION: With no further discussion, Nicole Shook moved to adjourn; Kyle Cook seconded and all were in favor.

AYES: Mayor Hollis, Kyle Cook, Jeff Barr, Nicole Shook, Matthew Huggins, Don Barnard, Ryan Green
NOES: None
ABSTAIN: None

Passed 7 - 0

The meeting adjourned at 9:00 pm.

Next Council Meeting April 21, 2026



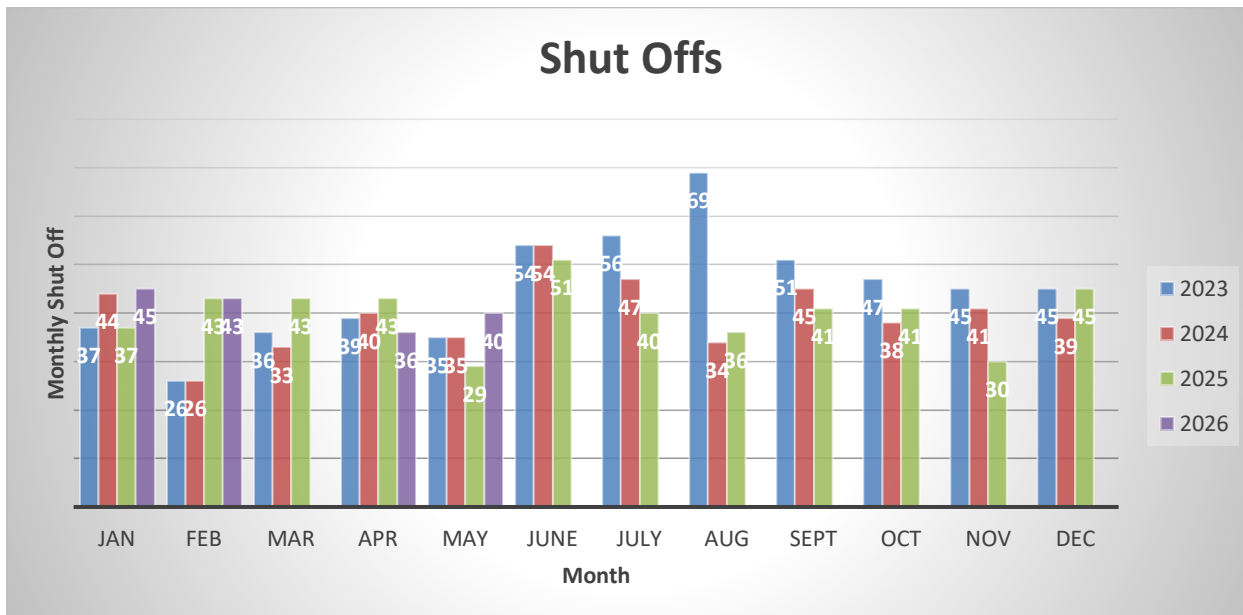
May 2026 Water Council Report



Water Plant May 2026

- 1) As of May 29th, the flow is 19.561 MG.
- 2) There were 40 shut offs.
- 3) Worked on locates.
- 4) Worked on work orders.
- 5) The Water Department had 24 hours of training.
- 6) Tim Perry worked 25 hours for the Street Department.
- 7) On 5/07/2026, EPA conducted a Lab Certification renewal on Plant personal.
- 8) I attended progress meeting with Bowen the Water Plant Expansion Project.
- 9) Worked on and submitted monthly EPA reports.
- 10) Worked on 2025 CCR for EPA.
- 11) Worked with Bowen daily on the Water Plant Expansion Project.
- 12) On 5/5/2026, Patrick Sweeney from 540 Technologies trained employees on the water leak program.
- 13) Worked on the feed pump on #1lime feeder.
- 14) Trained new employee.
- 15) On 5/27/2026, I attended a Zoom meeting with Jacob's concerning Asset Management.

Thank you,
 Terry Nichols
 Chief Water Operator
 City of Johnstown

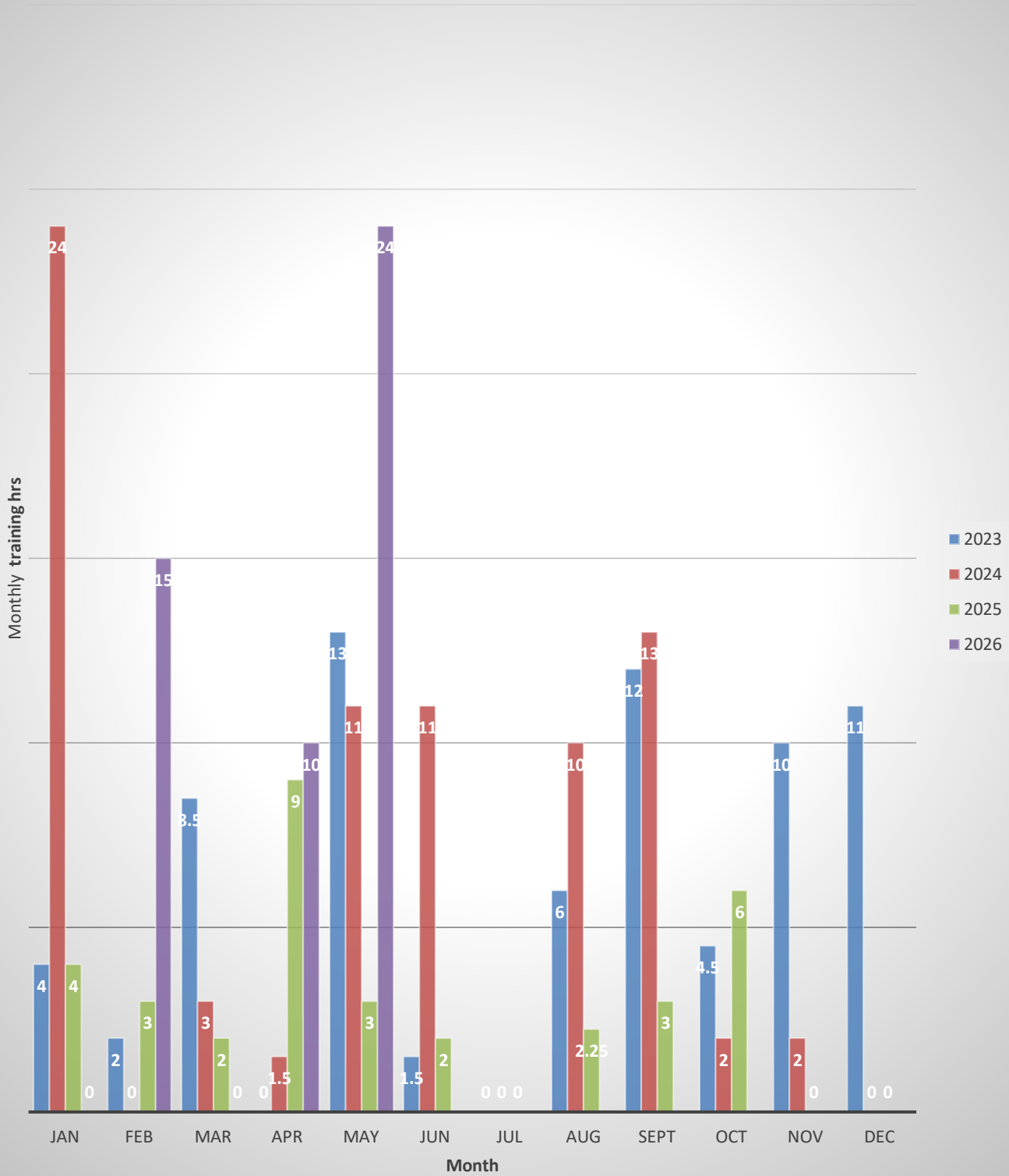


Daily Plant Tap Test Results

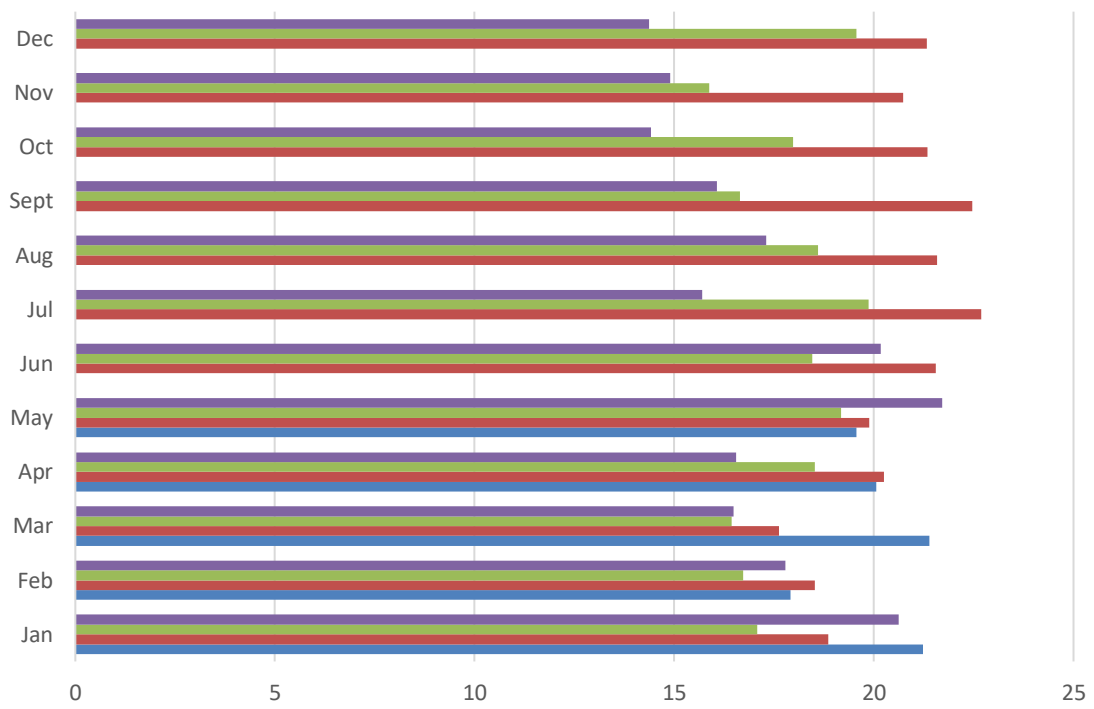
Date	PH	Phenol	Total	Total	Plant Tap Cl2		
		Alkalinity	Alkalinity	Hardness	Free	Total	Combined
May-01	8.06	0	56	150	1.13	1.17	0.08
May-02	7.90	0	52	156	1.08	1.16	0.08
May-03	7.82	0	51	150	1.26	1.29	0.03
May-04	8.06	0	53	147	1.04	1.08	0.04
May-05	8.01	0	55	154	0.98	1.01	0.03
May-06	7.93	0	55	152	1.06	1.11	0.05
May-07	7.96	0	57	153	1.13	1.18	0.05
May-08	7.96	0	54	151	1.03	1.08	0.05
May-09	7.76	0	54	163	1.21	1.26	0.05
May-10	7.88	0	52	145	1.11	1.18	0.07
May-11	8.04	0	52	148	1.03	1.07	0.03
May-12	7.86	0	55	152	1.09	1.12	0.03
May-13	8.10	0	52	148	1.02	1.05	0.03
May-14	7.85	0	53	150	1.10	1.16	0.06
May-15	8.01	0	54	148	1.01	1.11	0.10
May-16	7.65	0	55	162	1.20	1.25	0.05
May-17	7.57	1	48	144	1.18	1.22	0.04
May-18	7.87	0	51	145	1.15	1.21	0.06
May-19	7.91	0	50	145	1.14	1.20	0.06
May-20	8.00	0	50	146	1.14	1.19	0.05
May-21	7.78	0	53	147	1.19	1.24	0.02
May-22	7.97	0	52	150	1.19	1.21	0.02
May-23	7.80	0	54	160	1.18	1.22	0.04
May-24	8.13	0	52	146	1.15	1.22	0.07
May-25	7.92	0	54	148	1.25	1.31	0.06
May-26	7.97	0	55	151	1.15	1.22	0.07
May-27	8.00	0	82	180	1.14	1.18	0.04
May-28	7.96	0	55	145	1.04	1.16	0.12
May-29	7.80	0	54	151	1.04	1.08	0.04
May-30							
May-31							
Average	7.91	0.03	54	151	1.12	1.17	0.05

Total Alkalinity:35-55 mg/L, Phenol Alkalinity: 0-2 mg/L Hardness: 135 – 150 mg/L (Higher hardness is due to running # 2 L.S. well pulling water from deeper part of the aquifer)
Free Chlorine: 0.85-1.10 mg/L

Training Hours



Monthly Influent MG



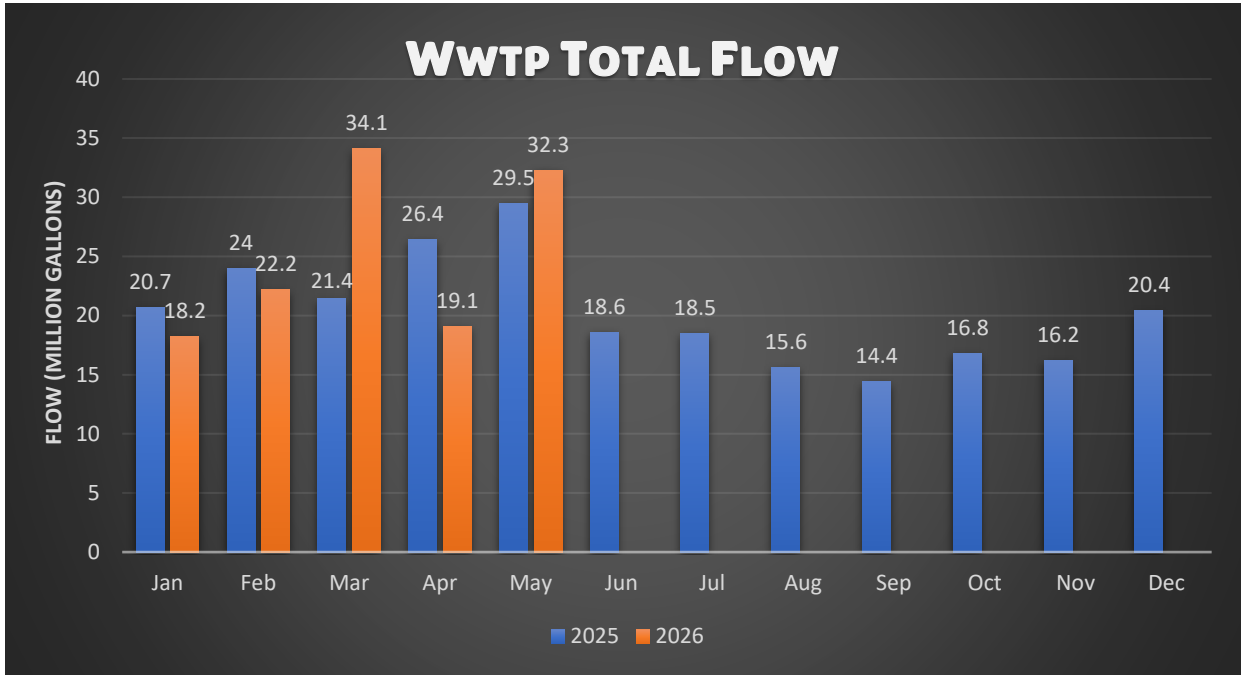
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
■ 2023	20.616	17.786	16.492	16.556	21.719	20.176	15.698	17.307	16.061	14.42	14.898	14.362
■ 2024	17.074	16.725	16.431	18.526	19.174	18.464	19.866	18.609	16.641	17.976	15.872	19.571
■ 2025	18.851	18.526	17.622	20.25	19.881	21.544	22.689	21.584	22.472	21.35	20.729	21.319
■ 2026	21.228	17.912	21.383	20.06	19.561							

MG

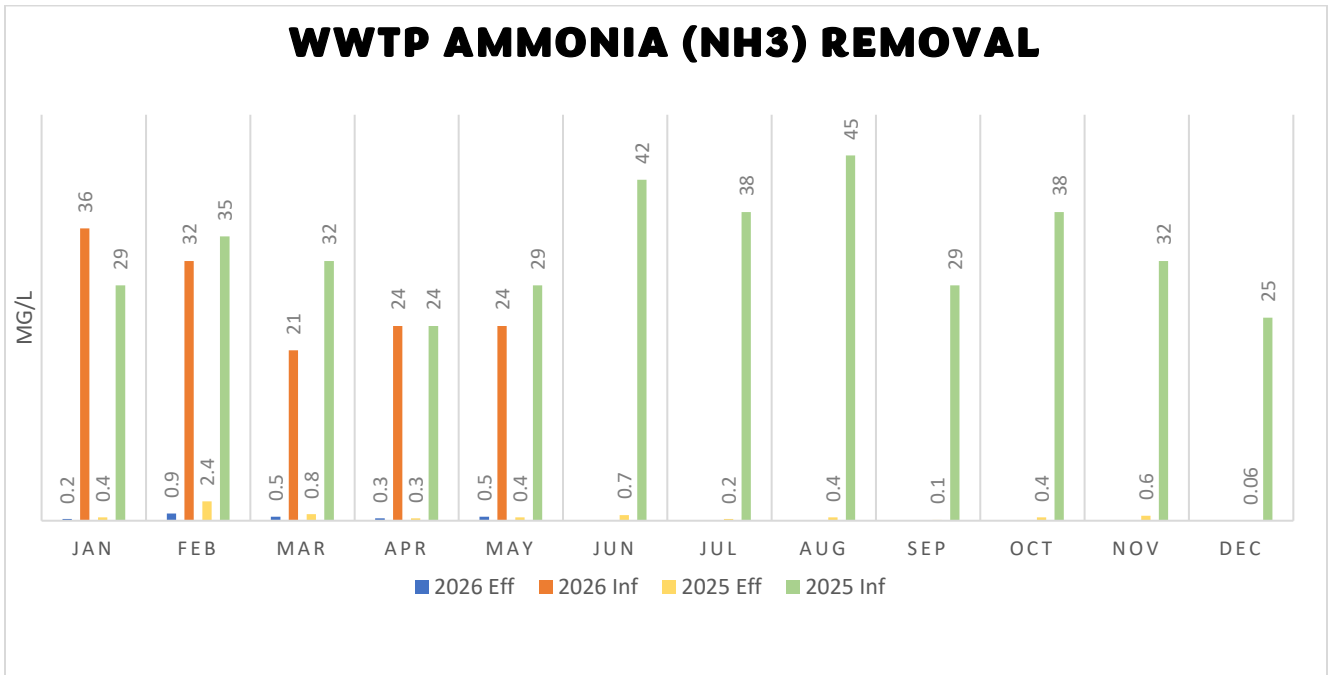


May 2026

SEWER DEPARTMENT REPORT



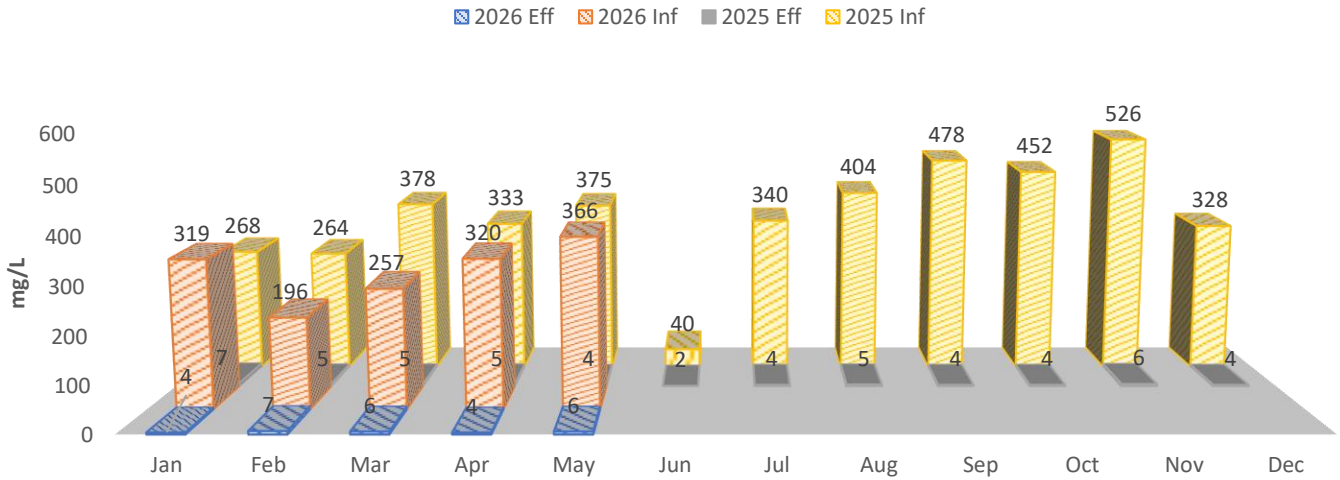
PLANT EFFICIENCY CHARTS



Average % of NH3 removed for the month = **98%**

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

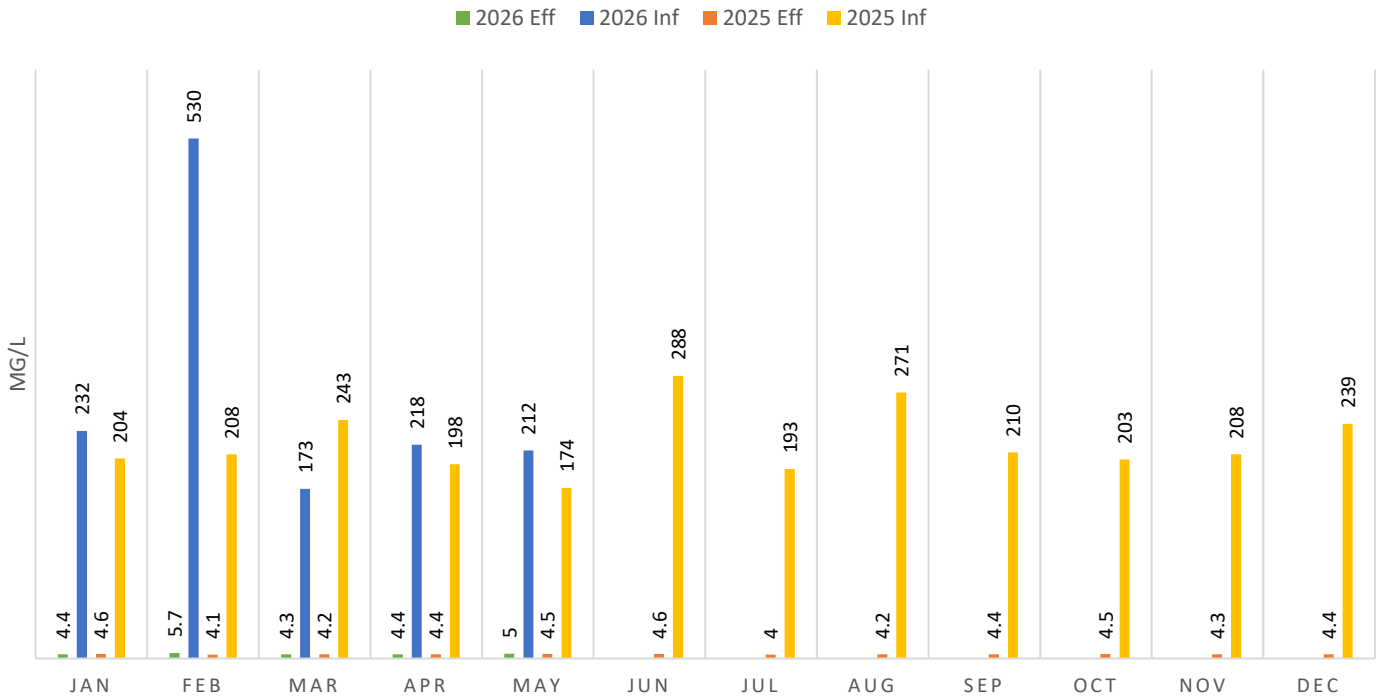
WWTP TOTAL SUSPENDED SOLIDS REMOVAL



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

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

WWTP CBOD REMOVAL



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

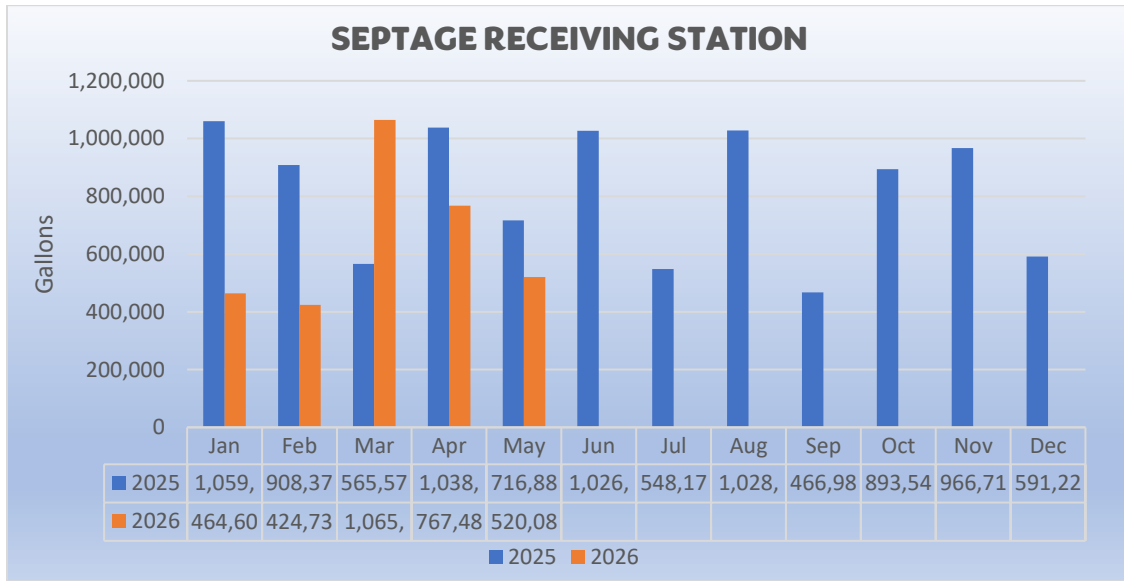
Discharge Limitations	Weekly- 15 mg/L
	Monthly- 10 mg/L

WORK HIGHLIGHTS

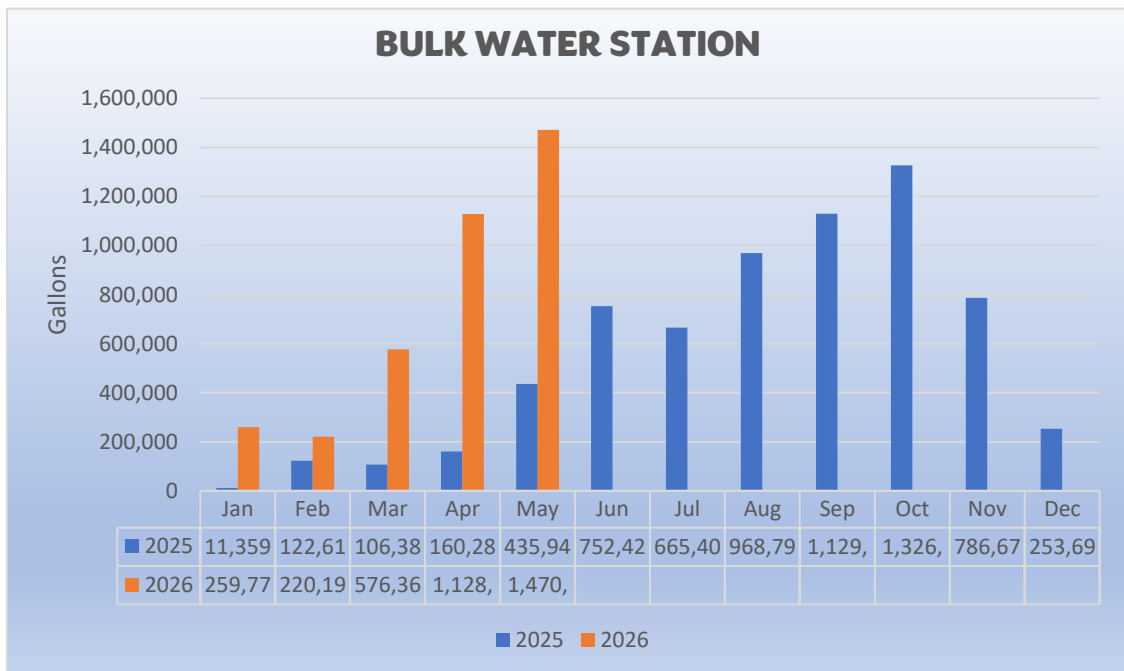
- Amount of sludge pressed (dewatered) – 464,819 gallons
- Routine plant operations and preventative maintenance
- Lift Station Valve Exercising

BULK SEWER & WATER

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



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





Street Department Report

May 2026

CITY OF JOHNSTOWN, OHIO



City of Johnstown

Administrative Offices

599 S. Main Street

Johnstown, Ohio 43031

Telephone: 740-967-3177

Misc.

- Equipment maintenance, cleaning, and repairs
- Greased all the trucks and backhoe
- Removed dead animals from the roadways
- Changed oil on street sweeper both motors.
- Cleaned shop

Street Maintenance

- Used 2 ton of hot mix on Williams st ,W Pratt st, Commerce
- Used 2 tons of hot mix on Edwards, Pershing,Clark and Sportsman club
- Replaced snow removal signs and put up street sweeping signs
- Removed spilled concreat off 62
- Used One ton of hot mix on W Pratt st where water main break happed.
- Used one ton of hot mix on Track St.
- Used street sweeper on Concord East and leafy Dell.
- Put up no parking signs for both events and baracades

Water Maintenance

- Water line repair on W Pratt st
- Water service repair on 246 south main st.
- Water main line repair infront of 361 W coshocton st

Stormwater Maintenance

- Cleaned the major drains before and after each rain
- Cleaned off the street drains before and after each rain
- Used 6" pump for three days to pump water away from the dog park.

Park Maintenance

- Trash pickup (weekly) 2 times a week durning summer months
- Trail head toilet checked and cleaned (weekly)
- Mowing all parks and right-aways
- Spread 100 yards of mulch at both parks
- Cleard sticks around Hannahs memorial park

Sewer Maintenance



Service Directors Report

5/31/2026

- 1) Water Plant Update – Held water plant construction meetings May 6-13-14-21-28. Critical items discussed were how the plant would handle power outages to tie in new electric to well field. Plant outage to install ClariCone check valve. On site meetings with electricians. New power requirements for generator.
- 2) Wastewater Plant Update – EPA has approved PTI.
- 3) Coughlin Apartments – No new information
- 4) Leak Detection – Water service repair was made on 246 South Main. Fire hydrant leak repaired on Middleburn.
- 5) J-2 Well is back in operation. New pump and motor have been installed. J-2 will only be used as a backup at this point
- 6) Vacant Street department position is still open.
- 7) Micro sealing and crack sealing for Concord Rd and Buena Vista Drive has been moved back to mid to late June.
- 8) Initial street grading has been completed and turned into committee.
- 9) Bid set for Leafy Dell and Pershing 90% complete.
- 10) The IAMGIS team has started working with Johnstown team to transfer information.



Patrol Statistics

	2024	2025												2026												
	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Calls for Service	7003	511	296	340	234	226	313	349	328	334	307	423	389	4050	424	318	365	398	360							1865
Officer Initiated Calls	4930	346	150	167	98	77	156	192	202	172	145	274	244	2243	286	192	161	229	194							1062
Dispatched Calls	2071	165	146	153	136	149	157	157	126	162	162	149	145	1807	138	126	204	169	166							803
Case Reports	246	18	25	16	24	13	14	24	15	23	23	21	9	225	15	17	21	33	24							110
Crash Reports	109	13	5	9	8	7	11	13	11	9	9	12	116	11	6	4	10	9								40
Arrests	28	1	0	2	1	1	0	1	1	4	1	2	1	15	0	0	3	0	1							4
Traffic Citations	428	63	36	96	35	16	28	46	34	28	32	40	30	484	40	17	27	46	33							163
Parking Citations	31	1	2	0	2	2	15	10	3	13	4	2	2	56	6	5	0	4	5							20
Business Checks	3002	168	6	6	9	5	10	3	10	5	7	6	6	241	61	53	27	30	17							188
House Checks	280	8	0	0	0	16	34	15	51	31	27	124	107	413	51	1	0	20	13							85
Traffic Crashes	160	14	7	11	13	12	10	13	14	15	14	11	14	148	14	7	8	11	13							53
Traffic Stops	832	119	79	148	57	21	40	67	67	51	54	62	48	813	72	56	56	77	57							318
Theft	73	6	6	6	2	5	9	7	6	3	2	5	4	81	4	4	4	7	5							24
Domestic Violence	58	3	1	1	5	5	1	4	6	9	5	8	5	53	5	2	3	6	9							25
Assault	17	0	1	1	0	2	2	1	0	1	1	0	1	10	0	0	2	2	2							6
OVI	5	0	0	1	0	0	0	0	0	1	0	0	0	2	0	0	1	0	0							1
Vandalism	54	3	4	0	4	1	5	2	2	0	2	1	0	24	6	1	4	2	0							13
Juvenile Complaint	45	4	7	12	5	9	4	2	5	5	3	2	6	64	1	2	8	13	15							39
Trespassing	19	2	2	1	1	1	1	1	4	4	5	3	1	26	0	1	2	0	6							9
Other Agency Assist	169	9	41	32	21	28	19	28	16	21	19	28	27	289	26	32	20	37	28							143
Warrant	17	1	0	1	1	1	0	0	0	1	0	1	1	7	0	0	1	0	1							2
Overdose	4	0	1	0	1	1	0	1	1	0	0	0	0	5	0	0	1	0	0							1
Suicide Threat	23	0	2	2	1	0	1	3	1	1	0	3	0	14	1	1	0	1	0							3
Alarm Drops	171	16	11	15	12	8	17	13	7	17	10	17	25	168	16	12	11	13	11							63
911 Hang Up/Misdial	235	22	19	12	15	11	14	32	15	21	12	10	16	199	17	13	17	13	15							75

Accident Statistics

	DATE	DAY	TIME	LOCATION	NON INJURY	INJURY	UNOCCUPIED	HIT SKIP	CAD #
1	1/2/2026	FRI	1559	W COSHOCTON ST @ WOODGATE DR	X				2026-0018
2	1/3/2026	SAT	605	W COSHOCTON ST @ N MAIN ST	X				2026-0023
3	1/6/2026	TUE	1100	E COSHOCOTN ST @ N MAIN ST	X				2026-0059
4	1/12/2026	MON	856	W COSHOCTON ST @ CLARK DR		X			2026-0142
5	1/13/2026	TUE	842	N MAIN ST @ 8	X				2026-0160
6	1/14/2026	WED	1755	W COSHOCTON ST @ 659	X				2026-0186
7	1/16/2026	FRI	1310	N MAIN ST @ W COSHOCTON ST	X				2026-0212
8	1/17/2026	SAT	1125	MINK ST @ 4817	X				2026-0221
9	1/19/2026	MON	1502	800 W COSHOCTON ST	X		X	X	2026-0262
10	1/22/2026	THU	940	W COSHOCTON ST @ CLARK DR	X				2026-0308
11	1/30/2026	FRI	1550	JOHNSTOWN UTICA RD @ 11891	X				2026-0413
11					10	1	1	1	

1	2/2/2026	MON	828	151 WOODGATE DR	X		X		2026-0437
2	2/5/2026	THU	1644	W COSHOCTON ST @ N MAIN ST	X				2026-0477
3	2/7/2026	SAT	1608	BIGELOW DR @ COTTONTAIL CT	X				2026-0496
4	2/19/2026	THU	744	N MAIN ST @ 121	X				2026-0623
5	2/22/2026	SUN	2143	W COSHOCTON ST @ 258	X				2026-0665
6	2/23/2026	MON	1623	W COSHOCTON ST @ S MAIN ST	X				2026-0676
6					6	0	1	0	

1	3/8/2026	SUN	0013	EDWARDS RD @ 209		X			2026-0819
2	3/9/2026	MON	1430	W COSHOCTON ST @ N MAIN ST	X				2026-0833
3	3/11/2026	WED	1130	S MAIN ST @ W JERSEY ST		X			2026-0860
4	3/31/2026	TUE	1738	800 W COSHOCTON ST	X		X	X	2026-1102
4					2	2	1	1	



	DATE	DAY	TIME	LOCATION	NON INJURY	INJURY	UNOCUPIED	HIT SKIP	CAD #
1	4/11/2026	SAT	1245	N MAIN ST @ 8	X				2026-1259
2	4/14/2026	TUE	2130	800 W COSHOCTON ST	X				2026-1302
3	4/15/2026	WED	1208	S MAIN ST @ 18	X			X	2026-1313
4	4/17/2026	FRI	1922	W JERSEY ST @ S WILLIAMS ST		X			2026-1347
5	4/19/2026	SUN	1205	W COSHOCTON ST @ MEADOW LN	X				2026-1369
6	4/20/2026	MON	747	N OREGON ST @ EDWARDS RD		X			2026-1380
7	4/20/2026	MON	1645	W COSHOCTON ST @ 186	X				2026-1384
8	4/22/2026	WED	1120	W COSHOCTON ST @ 744	X				2026-1407
9	4/22/2026	WED	1431	W COSHOCTON ST @ 8	X				2026-1408
10	4/30/2026	THU	1656	S MAIN ST @ W COLLEGE AVE		X			2026-1505
10					7	3	0	1	
1	5/1/2026	FRI	835	E COSHOCTON ST @ N MAIN ST	X				2026-1511
2	5/8/2026	FRI	932	E COSHOCTON ST @ 429		X			2026-1589
3	5/11/2026	MON	1221	8 N MAIN ST	X			X	2026-1626
4	5/13/2026	WED	1838	E COSHOCTON ST @ 80	X				2026-1655
5	5/15/2026	FRI	1655	N WILLIAMS ST @ W COSHOCTON ST		X			2026-1678
6	5/20/2026	WED	1707	S MAIN ST @ CONCORD RD		X			2026-1735
7	5/21/2026	THU	653	E COSHOCTON ST @ SPORTSMAN CLUB	X				2026-1742
8	5/21/2026	THU	1347	JOHNSTOWN UTICA RD @ 11891	X				2026-1749
9	5/27/2026	WED	1636	E COSHOCTON ST @ N MAIN ST	X				2026-1818
9					6	3	0	1	
40				2026 TOTALS	25	6	3	3	

Finance Department
2026/2027 Report / Goals / Status

1. **2027 Budget accurately and timely process and preparation. Timeline**
Monitor – Amendments for 2026 Budget
2. Improve bill processing
 - a. Accuracy and timing
 - b. PO preparation, policy and Department monthly reports
3. City wide policies and procedures
 - a. **Employee Handbook**
 - b. **Salary & Wage structure update study**
4. Review Property & Casualty Insurance – review coverage & quote (**Appraisals**)
5. Assist with income tax increase analysis - Income Tax increase (2% - 2.5%)
Monthly / Quarterly income tax analysis with budget and prior YTD
6. Water / Sewer / plant expansions – financial debt, planning and compliance
7. Establish and construct department calendar of timelines, legislate on and duties.
8. Monitor and evaluate the City's debt structure / refunding opportunities for savings.
9. Maintain and continue to improve financial efficiency (UAN improvement – Reports and daily procedures)
10. Department efforts of continued education and training for improvement of respective areas and responsibilities.
11. Maintain timely financials reporting including (**month end closely and Monthly reviews**).
12. **Continue the department's efforts in maintaining the highest standards for asset safeguarding, fiscal responsibility and financial prudence.**
13. **Establish and maintain a strong productive relationship within City wide departments and user friendly atmosphere to continue to build a strong financial internal control City wide.**
14. Review ACH / online payment options to stream line payables
15. Tax incentive monitoring and organizational timeline including **PILOTS** & Distributions of ompliance. (**TIFs, CRAs, Tax incentive programs and NCAs**)
16. Finalized – **monitor AFSCME & Police Union Contract negotiations**
17. **Finalized Audits '20/21 and '22/23**
18. **Audit '24/'25 – Planning status July**
19. Assisted in City's **health/medical insurance review/renewal for 2027**
20. **Community Improvement Corporation (CIC) – update (expires 9/13/2026)**
21. **Lease Agreement – Johnstown Monroe Local School District & City of Johnstown**
Annual lease / CAM / Shared Space / Tab Fees



ORDINANCE 06-2026

AN ORDINANCE TO AMEND CHAPTER 1141 OF THE CITY'S CODIFIED ORDINANCES

WHEREAS, The City of Johnstown identified a need and opportunity to amend Chapter 1141 of the Codified Ordinances, which governs Districts generally; and

WHEREAS, The proposed change adds a new Section 1141.05, which will govern the City's New Community Authority; and

WHEREAS, On April 21, 2026, City Council passed Resolution 2026-33 initiating the proposed changes to the Codified Ordinances; and

WHEREAS, On May 12, 2026, the Planning and Zoning Commission recommended to Council that the amendment be granted as requested; and

NOW, THEREFORE, BE IT ORDAINED 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 accepts the recommendation of the Planning and Zoning Commission to adopt the proposed changes to the Zoning Ordinance to add Section 1141.05 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 Ordinance, 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: June 16, 2026

Vote: July 21, 2026

Effective:

By: _____

Mayor Tiffany Hollis

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

1141.05 New Community Authority.

(a) From and after the effective date of this Section 1141.05, the City shall not enact any legislation accepting the following territory for annexation under Ohio Revised Code Section 709.04 until there has been compliance with the following requirements relating to the Johnstown New Community Authority which was established by the City pursuant to Ordinance 11-2024, as that legislation may be amended in the future (the "Authority"):

(1) If the newly annexed area is greater than five (5) acres in area and its current use is agricultural or residential, the property shall be required to be irrevocably added to the Authority, but shall not be subject to any community development charge levied by the Authority until such time as the property owner requests and is granted a legally effective rezoning of the property to a higher or denser use from that which exists on the property immediately upon the annexation.

(2) If the current use of the newly annexed area is other than agricultural or residential, regardless of its size, the property shall be required to be irrevocably added to the Authority and thereafter shall be subject to any community development charge levied by the Authority.

(3) If the newly annexed area is five (5) acres or less in area and the current use is agricultural or residential, any legislation rezoning the territory to a higher or denser use as compared to that which exists on the property prior to such a rezoning shall include, whether or not expressly stated in the rezoning legislation, a requirement to irrevocably add the property to the Authority and thereafter shall be subject to any community development charge levied by the Authority.

(b) From and after the effective date of this Section 1141.05, any legislation rezoning property greater than five (5) acres in size that was annexed to the City prior to the effective date of this provision that, when approved, will apply a different zoning classification to the property when compared to the designation which applied to it on the effective date of this provision, shall include, whether or not expressly stated in the rezoning legislation, a requirement to irrevocably add the property to the Authority and thereafter shall be subject to any community development charge levied by the Authority.

(c) Within thirty (30) days after appropriate action is taken by the City becomes legally effective which initiates the requirement to add property to the Authority, the property owner shall fully execute a declaration of covenants or other instrument as necessary to give legal effect to the jurisdiction of the Authority over the property, in a form approved by the Authority, and shall cause the same to be recorded at its sole cost. Following such recording, the property owner shall provide a recorded copy of the document to the City and the Authority for their records. The property owner also shall execute any other documents or instruments required by the City, the Authority, or applicable law to subject the property to the Authority. The failure of a property owner to comply with the

Exhibit A Ordinance 06-2026

requirements of this Section 1141.05 shall constitute a zoning violation enforceable pursuant to other relevant provisions of the Codified Ordinances.

(Ord. 06-2026. Passed __ - __-2026.)

Ad Preview

**NOTICE OF
PUBLIC HEARING**

Johnstown City Council will hold two public hearings on Tuesday, June 16, 2026, at 6:30 p.m. in council chambers located at 599 South Main Street, Johnstown, Ohio 43031 regarding amendments to **Chapter 1165, text of the Planned Development PD zoning district, and to Chapter 1141, Districts Generally**, adding a section to govern the City's New Community Authority.

A copy of the proposed text changes can be made available by request to:

Clerk of Council

599 South Main Street
Johnstown, Ohio 43031

tmon-

roe@johnstownohio.org

740-967-3177 ext. 6

(NADV 06/05/26 12382720)



ORDINANCE 07-2026

AN ORDINANCE TO AMEND CHAPTER 1165 OF THE CITY'S CODIFIED ORDINANCES

WHEREAS, The City of Johnstown 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, On April 21, 2026, City Council passed Resolution 2026-32 initiating the proposed changes to the Codified Ordinances; and

WHEREAS, On May 26, 2026, the Planning and Zoning Commission recommended to Council that the amendment be granted with modification; and

NOW, THEREFORE, BE IT ORDAINED 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 accepts the recommendation of the Planning and Zoning Commission to adopt the proposed changes to Zoning Ordinance Chapter 1165 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 Ordinance, 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: June 16, 2026

Vote: July 21, 2026

Effective:

By: _____

Mayor Tiffany Hollis

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

Exhibit A Ordinance 07-2026

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.

Exhibit A Ordinance 07-2026

(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

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.)

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.)

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.

Commented [TM1]: P&Z recommendation

Commented [TM2R1]: "in accordance with applicable procedures" be changed to "in City Council's sole discretion."

(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.

(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.)

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.)

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 .

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(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.

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

