



Special Planning & Zoning Commission Meeting
Thursday, June 10, 2021 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Design Review Districts and Standards Document - Commissioner review
 - a. [Document Draft](#)
 - b. Resolution 2021-21 Review and Recommendation to Council
 - c. Ordinance 25-2021 Review and Recommendation to Council
4. Other Business
5. Adjourn



RESOLUTION 2021-21

A RESOLUTION TO ADOPT THE PROPOSED DESIGN REVIEW DISTRICTS AND STANDARDS AS PRESENTED

WHEREAS, the purpose of the Design Review Districts and Standards is to provide direction and guidance to Village agencies, other public agencies, private individuals, and organizations as they prepare detailed plans for future growth and development in Johnstown; and

WHEREAS, the Village has devoted considerable staff, Commission, and public attention to the development of the Design Review Districts and Standards; and

WHEREAS, at the June 10, 2021 Planning and Zoning meeting, the Commission voted X-X in favor of forwarding to Village Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO; A MAJORITY OF THE MEMBERS CONCURRING THAT:

Section 1: That the draft plan as approved at the June X, 2021 Planning and Zoning meeting; public hearing with any amendments finalized by the Village Council on June X, 2021 be adopted as the Design Review Districts and Standards for the Village of Johnstown.

Section 3: It is found and determined that all formal actions of this Village Council, concerning and relating to the recommendation of adoption of this Resolution, were approved in an open meeting of this Village 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 VILLAGE OF JOHNSTOWN.

Introduction/Public Hearing/Vote: June 15, 2021

By:

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe
Clerk of Council

Yazan Ashrawi
Law Director

VILLAGE OF JOHNSTOWN



ORDINANCE 25-2021

AN ORDINANCE AMENDING CHAPTER 1187 OF THE VILLAGE OF JOHNSTOWN CODIFIED ORDINANCES

WHEREAS, Chapter 1187 of the Village of Johnstown Codified Ordinances (the “Codified Ordinances”) governs the Design Review Administration and Regulations in the Village of Johnstown; and

WHEREAS, The Planning and Zoning Commission has recommended to Council for their review and approval, the Design Review Districts and Standards; and

WHEREAS, the proposed amendments to Chapter 1187 establish a Design Review Board for the review and enforcement of the Design Review Districts and Standards; and

WHEREAS, after review of all uses, the Council of the Village of Johnstown desires to amend Codified Ordinance Chapter 1187 Design Review Administration and Regulations.

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

Section 1. That Chapter 1187 is; changes and edits as shown attached to this ordinance,

Section 2. It is found and determined that all formal actions of this Village Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this Village Council and that meetings resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the VILLAGE OF JOHNSTOWN.

Date of Introduction: June 15, 2021

Public Hearing/Vote: July 6, 2021

Effective:

By: _____

Chip Dutcher, Mayor

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan S. Ashrawi, Law Director

DRAFT

1187.01 ADOPTION.

It is deemed in the best interest of the public to encourage beneficial development of the community and thereby to formulate a process to review, regulate, and encourage designs of buildings, structures, and spaces in relationship to specified areas of the community.

(Ord. 16-2010. Passed 8-17-10.)

1187.02 PURPOSE.

(a) The purpose of the Design Review Districts (Districts) is to promote the general health, safety and welfare of the Village of Johnstown by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, new residents, and to make the Village of Johnstown a more attractive and desirable place in which to live and work. The Design Review ~~Overlay~~ Districts ~~have~~ also been created to recognize, preserve and enhance the architectural and historical character of the community and to prevent intrusions and alterations within the established zoning districts which would be incompatible with their established character. The Design Review Districts are defined in the Design Review Districts and Standards plan, adopted in 2021, which is incorporated herein as reference.

(b) The Design Review Districts ~~is an~~ are Overlay Districts. This means that the requirements of this chapter are requirements which must be met in addition to the established requirements and standards of the base district over which the Design Review District is placed. (Ord. 16-2010. Passed 8-17-10.)

1187.03 DEFINITIONS.

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

(a) "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a Certificate of Appropriateness in order to undertake an environmental change within the Districts.

(b) "Certificate of Appropriateness" means a certificate authorizing any environmental change within the Design Review Districts.

~~—(c) "Design Guidelines and Requirements" means the building, construction and design standards that apply to any environmental change within the Village of Johnstown. The Design Guidelines and Requirements shall have the force and effect of law. Until such time that specific guidelines are developed, the Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings shall be used as well as any other accepted architectural standards.~~

(c) "Design Plan" means a plan for the general design of a residential housing development within the City. A Design Plan must be approved as part of the overall Development Plan.

(d) "Design Review Districts and Standards" refers to the document providing building, construction and design standards for any environmental change within all Design Review districts as well as general design standards for the Village of Johnstown.

(e) "Districts" means the Design Review Districts.

(f) "Environmental change, major" means new construction, alterations which change, modify, reconstruct, remove or demolish any exterior features of an existing structure that are not considered to be

minor modifications, demolition, building addition, the addition of signage or changes to nonconforming signs and the construction of accessory buildings, structures including, fences, walls, retaining walls, decks, porches, swimming pools and spas, and similar changes as determined by the Village Manager, subject to the provisions of this chapter.

(g) "Environmental change, minor" means the addition or deletion of awnings, canopies, replacement of windows and doors, gutters, skylights, solar panels, satellite dishes and similar appurtenances as determined by the Village Manager; face changes to otherwise conforming signs; changes to paint and siding colors; changes in materials but not in appearance; re-roofs; landscape modifications; the construction of sports fields and associated bleachers, fences, dugouts and like facilities not requiring a commercial building permit, as approved by the Village Manager and modifications to off-street parking and loading areas containing less than five spaces. All minor environmental changes must comply with the Design Guidelines and Requirements of this chapter. Minor environmental changes done in conjunction with major environmental changes are to be treated as major changes for the purposes of this chapter.

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

(i) "Owner" means the owner of record, and the term shall include the plural as well as the singular.

(Ord. 16-2010. Passed 8-17-10.)

1187.04 DISTRICT BOUNDARIES.

~~—The Design Review District shall consist of all properties located in any GCC-1, GCC-2, and LM zoning districts and any other properties in any other zoning district which are non-conforming uses in that district and shall apply to all environmental changes.~~

The Design Review Districts have been defined in the Design Review Districts and Standards Plan and are as follows: Historic Village Center, Corridor and Urban Neighborhood District. A map of the districts can be viewed on page 8 in the Design Review Districts and Standards Plan. New non-residential structures or additions in GCC-1, GCC-2, and LM zoning districts are also subject to the Certificate of Appropriateness requirement.

1187.05 REVIEW AND APPROVAL AUTHORITY.

~~—The duties and functions of TITLE NINE shall be carried out by the Planning and Zoning Commission. The Design Review Board is hereby established to carry out the duties and functions of TITLE NINE. The Design Review Board shall consist of five members. All five members shall be appointed by City Council, each being residents of the City. All members shall be appointed by Council for terms of four years. Initial term lengths shall be staggered so as to provide continuity of membership on the Board. Terms shall begin thirty (30) days after enactment of this legislation. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall hold office for the remainder of the term.~~

- (1) **Duties and Responsibilities.** The Design Review Board shall review Certificate of Appropriateness and Design Plan applications in accordance with this section. The Design Review Board shall also perform any other duties outlined in this code. It shall also be the duty of the Design Review Board:

- i. To protect property rights and values;
- ii. To enhance the built environment, make reports, hold public meetings/hearings and perform all other duties as may be prescribed by Licking County, the Ohio Revised Code (ORC) and this code;
- iii. To review development proposals as required by this code; and
- iv. To provide recommendations to the City Council on issues that the Council may refer to the Commission.

(2) **Rules of Procedure.** The following Rules of Procedure shall be followed:

- i. **Quorum Requirement.** A quorum of three (3) members, which may include one or more of the “standing alternates”, is required to render any decision. A majority of those voting shall prevail.
- ii. **Conduct of Meetings.** To implement the purpose of the DRB, certain procedures shall be adopted to include, but not be limited to, a regularly scheduled weekly or biweekly meeting attended by members of the DRB. Written meeting reviews setting forth decisions and findings shall be made. These records shall be preserved as part of the official proceedings for each developmental proposal. Lastly, the DRB shall generally follow “Robert’s Rules of Order” and may prepare and adopt supplemental procedural rules, subject to the approval of the City Council, that will ensure the accomplishment of the stated purpose and promote the efficiency and effectiveness of the design review process.

(Ord. 16-2010. Passed 8-17-10.)

1187.06 CERTIFICATE OF APPROPRIATENESS AND DESIGN PLAN REQUIRED.

- i. No environmental change shall be made to any property within the District until a Certificate of Appropriateness (COA) has been properly applied for and issued by Manager or the Planning and Zoning Commission. No zoning permit shall be issued for any major or minor environmental change now or hereafter in the District or subject to the Design Review process, unless a Certificate of Appropriateness has been issued. In cases where a standard is not required by the zoning text or code, then a "no permit required" certificate may be issued by the Village Manager.
- i. A Certificate of Appropriateness is required for any new non-residential structure or addition within the Design Districts, as well as GCC-1, GCC-2 and LM zoning districts and any other properties in any other zoning district which are non-conforming uses in that district and shall apply to all environmental changes. A Design Plan is required as part of the Development Plan for any new residential development in Johnstown.
- ii. A zoning permit for a structure(s) requiring a Certificate of Appropriateness or Design Plan approval shall be issued only after approval by the Design Review Board.
- iii. Exterior work on a structure that requires approval by the Design Review Board shall not commence until approval is granted by the Design Review Board. Should work commence prior

to the Design Review Board approval, the property owner shall be subject to penalties per Section 1125.99 of the Planning and Zoning Ordinance.

1187.07 PROCEDURE FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS OR DESIGN PLAN APPROVAL.

- (a) Applications for the approval of the Certificate of Appropriateness or Design Plan:
 - 01. Shall be filed with the City on forms provided by the City;
 - 02. Shall include all required supplemental information, including such plans, drawings, specifications and other materials as may be needed by staff or the Design Review Board to make a determination;
 - 03. Shall be submitted by the application deadline as established by the City;
 - 04. Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

~~The application for a Certificate of Appropriateness shall be made to the Planning and Zoning Commission on such forms as prescribed by the Village Manager of the Village of Johnstown, along with such plans, drawings, specifications and other materials as may be needed by staff or the Planning and Zoning Commission to make a determination.~~

~~— (1) The materials that may be required include but are not limited to:~~

~~— A. A dimensioned site plan showing existing conditions including all structures, pavement, curb cut locations, natural features such as tree masses and riparian corridors, and rights-of-way.~~

~~— B. A dimensioned site plan showing the proposed site change including structures, pavement, revised curb cut locations and landscaping.~~

~~— C. Illustration of all existing building elevations to scale.~~

~~— D. Illustrations of all proposed building elevations to scale.~~

~~— E. Samples of proposed building materials.~~

~~— F. Color samples for proposed roof, siding, etc.~~

~~— (2) For review of signage, the following submittal requirements apply:~~

~~— A. Illustrations of all existing site signage including wall and ground.~~

~~— B. Illustrations of proposed sign age to scale.~~

~~— C. A dimensioned site plan showing location of existing ground mounted signs.~~

~~— D. A dimensioned site plan showing the proposed location of ground mounted signs.~~

~~— E. Samples of proposed sign materials.~~

~~— F. Color samples of proposed sign(s).~~

~~— G. Proposed lighting plan for sign(s).~~

(b) Design Plan Materials for Submission. The materials that may be required for submission as part of the Design Plan include but are not limited to:

- (a) A dimensioned site plan showing existing conditions including all structures, pavement, curb-cut locations, natural features such as tree masses and riparian corridors, and rights-of-way.
- (b) A dimensioned site plan showing the proposed site change including structures, pavement, revised curb-cut locations and landscaping.
- (c) Illustration of all existing building elevations to scale.
- (d) Illustrations of all proposed building elevations to scale.
- (e) Samples of proposed building materials.
- (f) Color samples for proposed roof, siding, etc.
- (g) Illustrations of all existing site signage including wall and ground.
- (h) Illustrations of proposed signage to scale.
- (i) A dimensioned site plan showing location of existing ground mounted signs.
- (j) A dimensioned site plan showing the proposed location of ground mounted signs.
- (k) Samples of proposed sign materials.
- (l) Color samples of proposed sign(s).
- (m) Proposed lighting plan for sign(s).

(c) Staff, including the City Engineer and the City Planner, shall review the submitted materials for completeness and shall:

- 01. If it is found to be complete, place the Certificate of Appropriateness or Design Plan application on the next appropriate Design Review Board agenda; or
- 02. If it is found to be incomplete, reject the application and return the application and fee to the applicant with an itemization of deficiencies.

~~—(b)(d)~~ Any minor environmental change requires a Certificate of Appropriateness issued by the Village Manager.

~~—(c)-(e)~~ Any major or minor environmental change which requires a variance to the requirements of this chapter requires a Certificate of Appropriateness to be issued by the Planning and Zoning Commission.

~~—(d)~~ Upon review of the application for a Certificate of Appropriateness, the Planning and Zoning Commission or Village Manager shall determine whether the proposed environmental change promotes, preserves and enhances the architectural and historical character and will ensure that, at a minimum, the proposed environmental change complies with the criteria set forth herein and the design Guidelines and Requirements. Upon completion of its review, the Planning and Zoning Commission or the Village Manager will issue or deny a Certificate of Appropriateness to the applicant.

~~—(e)—In determining the appropriateness of specific environmental change, the Planning and Zoning Commission shall conduct a public hearing on the project and solicit input from staff members or other consultants or service providers to the Village.~~

(f) **Design Plan Approval and Issuance of Certificate of Appropriateness.** The Design Review Board shall - after receipt of reports from the City Planner or City Engineer - determine whether the Certificate of Appropriateness or Design Plan shall be approved, conditionally approved, or disapproved. The application shall not be approved unless the Design Review Board finds that all of the applicable provisions in the Planning and Zoning Ordinance and the Design Review Districts and Standards have been satisfied and that the site plan meets the purpose and intent of this chapter,

including the location and configuration of the building(s), landscaping, off-street parking, driveways and site amenities are visually harmonious within the site and its surroundings.

- i. If the Design Plan is disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting.
- ii. Design Plans must be approved, conditionally approved or disapproved within thirty (30) working days from the date of receipt. This thirty (30) day period may be extended by the mutual agreement of the Design Review Board and the applicant.
- iii. Design Plan approval shall be for a period not to exceed eighteen (18) months from the approval date of the Design Plan.
- iv. If no construction has begun within two (2) years after approval is granted, the approved Exterior Plan shall become null and void.
- v. Design Plans approved prior to the adoption of this section, in which work has not commenced, shall become null and void one (1) year after the adoption of this section.

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

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

(a) The compliance of the application with the Design Guidelines and Requirements. The proposed environmental change is to comply with the Design Guidelines and Requirements of the Village, incorporated by reference.

(b) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(c) The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.

(d) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(e) Each property shall be recognized as a physical record of its historic time, place and use. Alterations that have no historical basis and which seek to create an appearance inconsistent or inappropriate to the original integrity of the property shall be discouraged.

(f) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(g) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(h) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures if appropriate shall be undertaken using the gentlest means possible.

(i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(k) Significant archeological resources affected by a project shall be protected and preserved, if such resources must be disturbed, mitigation measures shall be undertaken.

(l) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

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

1187.09 DEMOLITION OF STRUCTURES.

In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure, the Planning and Zoning Commission or Village Manager shall grant the demolition and issue a Certificate of Appropriateness when at least one of the following conditions prevails.

(a) The structure contains no features of architectural and historic significance to the character of the individual precinct within which it is located.

(b) There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.

(c) Deterioration has progressed to the point where it is not economically feasible to restore the structure.

(Ord. 16-2010. Passed 8-17-10.)

1187.10 MAINTENANCE.

Nothing in this Chapter shall be construed to prevent ordinary maintenance or repair of any property within the Design Review District, nor shall anything in this Chapter be construed to prevent any change,

including the construction, reconstruction, alteration or demolition of any feature which in the view of the Village Manager is required for the public

safety because of an unsafe, insecure or dangerous condition.

(Ord. 16-2010. Passed 8-17-10.)

1187.11 Modifications

Certificates of Appropriateness or Design Plans which have been previously approved by the Design Review Board and require minor modifications may be made with the approval of the Chair of the Design Review Board and the City Planner. To apply, the applicant shall submit to the City Planner four (4) sets of the previously approved plans and the proposed minor modification, along with a written statement explaining the reason for the proposed minor modification. Within ten (10) working days after the plan submission, the City Planner and the Chair of the Design Review Board shall review and approve or disapprove the minor modification. Input from the City Engineer can be requested by the City Planner and the Chair of the Design Review Board. Approval shall be granted only if the City Planner and the Chair of the Design Review Board unanimously agree the minor modification does not significantly change the previously approved plan. If unanimous consent is not obtained, the proposed minor modifications are disapproved and can only be made if approved by the Design Review Board.

1187.124 VARIANCES.

Any variance request shall follow the provisions as set forth in Chapter 1133 of the Codified Ordinances of the Village of Johnstown.

(Ord. 16-2010. Passed 8-17-10.)

1187.132 APPEALS.

(a) Any applicant aggrieved by a decision of a Village Manager involving an environmental change, may appeal the decision to the Planning and Zoning Commission. Such appeal must set forth in writing the grounds for the appeal and must be filed with the Village within thirty (30) days of the issuance of decision being appealed.

(b) Any applicant aggrieved by any decision of the ~~Planning and Zoning Commission~~Design Review Board may appeal the decision to the ~~Council~~Planning and Zoning Commission of the Village of Johnstown. Such appeal must set forth in writing the grounds for the appeal and must be filed with the ~~Clerk of Council~~Village within thirty (30) days of the adverse decision.

(Ord. 16-2010. Passed 8-17-10.)

1187.143 APPLICATION FOR VARIANCES AND APPEALS.

Any person owning or having an interest in property, after being denied a Certificate of Appropriateness (COA) or Design Plan Approval, may file an application to obtain a variance from the requirements of this chapter or appeal from the decision of the Village Manager involving an environmental change. Fifteen copies of a provided application accompanied by a copy of the denied COA and a statement of the reason for denial should be filed with the Village Manager not more than 20 days from the date such denial of the COA was issued. The application of a variance or an appeal shall contain the following information:

(a) Name, address and phone number of the applicant.

- (b) Legal description of property as recorded in Licking County Recorder's office.
- (c) Each application for a variance or appeal shall refer to the specific provisions of this chapter which apply.
- (d) The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Licking County Auditor's current tax list.
- (e) A narrative statement explaining the following:
 - (1) The use for which variance or appeal is sought.
 - (2) Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - (3) The specific reasons why the variance or appeal is justified according to this chapter.
 - (4) Such other information regarding the application for variance or appeal as may be pertinent or required for appropriate action by the Planning and Zoning Commission.

(Ord. 16-2010. Passed 8-17-10.)

1187.154 PUBLIC HEARING AND NOTICE.

- (a) Public Hearing. The Planning and Zoning Commission shall hold a public hearing within 45 days after receipt of an application for an appeal or variance from an applicant.
- (b) Notice of Public Hearing.
 - (1) Before conducting the required public hearing, notice of the hearing shall be given in one or more newspapers of general circulation in the Village at least seven days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.
 - (2) Written notice of the required public hearing shall be mailed by first class mail. at least ten days before the day of the hearing to owners of property within 200 feet from, contiguous to, and directly across the street from the property being considered.

(Ord. 16-2010. Passed 8-17-10.)

1187.99 PENALTY.

- (a) Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature now or hereafter within the Design Review District in violation of this chapter shall be subject to the penalties specified in Section [1125.99](#).
- (b) Any property owner that demolishes a structure within the Design Review District in violation of this chapter shall be subject to a fine of up to ten thousand dollars (\$10,000). (Ord. 16-2010. Passed 8-17-10.)