



ORDINANCE NO. 05-2013

**AN ORDINANCE AMENDING CHAPTER 1151 MULTIPLE-FAMILY
RESIDENTIAL AR-1 DISTRICT TO ALLOW NURSING HOME AND
ASSISTED LIVING FACILITIES AS A CONDITIONAL USE**

WHEREAS, the Village of Johnstown has included a definition of “nursing home” in its Codified Ordinances; and,

WHEREAS, Council has recently updated the definition of "nursing home" as set out in its codified ordinances and included a definition of "assisted living facilities"; and

WHEREAS, the Codified Ordinances of the Village do not contain language that would allow the establishment of a nursing home or assisted living facility; and,

WHEREAS, the Village Council as determined that it is in the best interest of the village of Johnstown to include a conditional use that would allow “nursing home” and “assisted living facilities” as a conditional use in the appropriate zoning district; and

WHEREAS, the Village Council has determined that the appropriate district for assisted living facilities and nursing homes to be established as a conditional use is the Residential AR-1 District; and

WHEREAS, the Village Council has been informed that a local business will be making a major investment in a facility within the village limits contingent upon their ability to obtain the proper zoning certificate; and

WHEREAS, Village Council believes it is in the best interest of the village and will serve the health and welfare of village residents to pass this legislation as an emergency;

NOW, THEREFORE, BE IT ORDANED BY THE COUNCIL OF THE VILLAGE OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO; NO LESS THAN FIVE OF THE MEMBERS CONCURRING THAT:

Section 1.

The adoption of this legislation as an emergency measure is necessary for the immediate preservation of the public peace, health, safety or welfare, specifically, the adoption of the emergency measure will permit the investment of a 9.3 million dollar grant in a renovation of a facility that will benefit the health, safety and well-fare of the residents of the Village of Johnstown

Section 2.

Additions to the Zoning Ordinance are shown in grey and deletions are struck.

Section 3.

1151.01 PURPOSE.

The purpose of the AR-1 District is to encourage the establishment of medium density residential development in the form of multiple-family residential uses not to exceed twelve dwelling units per gross acre. All AR-1 Districts shall abut upon either an arterial or collector street and have centralized water and sewer facilities of sufficient capacity.

1151.02 PERMITTED USES.

In an AR-1 District, the following uses are permitted:

- (a) Multiple-family dwelling structures;
- (b) Accessory structures and uses in association with permitted structures;
- (c) Rental office in relation to multiple family use;
- (d) Public schools offering general education courses and having no facilities on the lot regularly used for the housing or sleeping of students, faculty or staff;
- (e) Church or other place of worship provided it occupies a lot of not less than two acres.

1151.03 CONDITIONAL USES.

The following uses shall be permitted in the AR-1 District, subject to approval by the Planning and Zoning Commission in accordance with Chapter 1131.

- (a) Public parks, playgrounds and playfields operated with or without a fee;
- (b) Private schools, including child care centers, offering general education courses and having no facilities, on the lot, regularly used for the housing or sleeping of students, faculty or staff;
- (c) General public facilities such as public libraries, municipal buildings and community buildings;
- (d) Private pool, tennis court or other recreational facility for the exclusive use of an AR-1 District lot.
- (e) Nursing Home
- (f) Assisted Living Facility

1151.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of the land and buildings are applicable in the AR-1 District:

- (a) Lot Requirements
 - (1) Each lot shall consist of not less than 10,000 square feet. The lot area shall be allocated to the following unit types in any combination not to exceed the lot size one bedroom, 1,500 square feet; two bedrooms, 2,000 square feet and three bedrooms or more, 2,500 square feet
 - (2) Each lot shall have a minimum width of eighty feet at the front line of the dwelling or other permitted structure closest to a publicly dedicated right-of-way. Each lot shall have access to and abut on such public right-of-way for a distance of not less than eighty feet, except that, when the right-of-way upon which such fronts is other than a straight line the chord distance may be reduced to sixty-five feet;
 - (3) Each lot shall have a front setback of not less than twenty-five feet;
 - (4) Each lot shall have a rear setback of not less than twenty-five feet;

(5) For permitted structures there shall be a total side setback of not less than twenty-five feet with a minimum of ten feet on one side. For conditional use structures there shall be a side setback on each side of the structure of twelve feet or more;

(6) Permitted and conditional structures shall not cover the lot by more than thirty-five percent (35%). Pavement shall not cover the lot by more than twenty percent (20%). (Ord. 16-11. Passed 9-20-11.)

(b) Building Requirements.

(1) No dwelling shall exceed thirty feet in height. Maximum height for other structures shall not exceed a safe height as determined by the Fire Chief and reviewed and approved by the Planning and Zoning Commission;

(2) Dwellings may contain any combination of one, two or three or more bedroom units provided each unit contains the following minimum amounts of living area:

- A. One bedroom - 700 square feet.
- B. Two bedrooms - 800 square feet.
- C. Three bedrooms - 1,000 square feet.
- D. Efficiency unit - 600 square feet.

(3) When there are two or more buildings located on a single lot, the minimum distance between opposite walls shall be twelve feet for facing walls with no windows or doors. If one or both of the walls facing each other have windows or other wall openings the minimum distance between such walls shall be equal to one and one-half times the height of the higher building.

(c) Site Requirements.

(1) A traffic and parking system plan shall be required that details points of ingress and egress into the property, parking areas with the number of parking spaces, access drives and pedestrian walkways, shown. The plan shall be so designed to minimize conflict points between pedestrian and vehicular movements.

(2) Outdoor trash container systems shall be sufficient to prevent any overflow and screening shall be provided to enclose such containers and hide them from view.

(3) Storm drainage and runoff collection shall be sufficient to prevent any standing water.

(4) Minimizing the number of curb cuts within the lot frontage and joint curb cuts between adjacent uses are encouraged, therefore the minimum distance between curb cuts shall be 120 feet and such curb cut shall be no more than thirty-five feet.

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

(6) For each 15,000 square feet of bedroom area, in any combination, there shall be a 5,000 square foot of open space, exclusive of any yard requirements. Such open space shall be landscaped with natural vegetation and may include outdoor recreational facilities.

1157.01 PURPOSE.

The purpose of the GCC-2 District is to designate appropriate areas for the establishment and development of commercial activities to service regional needs.

1157.02 PERMITTED USES.

In addition to the uses allowed in Chapter 1155, the following uses are permitted in a GCC-2 District:

- (a) Drive-in restaurants;
- (b) Fast food restaurants;

- (c) Equipment repairs;
- (d) Auto sales and service;
- (e) Tractor sales and repairs;
- (f) Carryout operations;
- (g) Shopping centers or malls.

1157.03 CONDITIONAL USES.

The following use shall be allowed in the GCC-2 District, subject to the approval of the Planning and Zoning Commission in accordance with Chapter 1131:

(a) Multi-family dwelling structures up to eight units per gross acre, provided that such housing otherwise complies with Section 1151.04 and provided that such housing meets the following additional requirements.

- (1) Public frontage shall not exceed 100 feet; and
- (2) All buildings must be set back at least 400 feet from the main public street where the primary entry point of the project is or will be established.

- (b) Nursing Home
- (c) Assisted Living Facility

1157.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

The district development standards in a GCC-2 District shall comply with Section 1155.04. (Ord.

Section 4. 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 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

By:
Effective Date: May 7, 2013


Sean Staneart, Mayor

ATTEST TO:

APPROVED AS TO FORM:


Teresa Monroe
Clerk of Council


David Wigginton
Law Director

