



ORDINANCE NO. 06-2013

AN ORDINANCE AMENDING CHAPTER 1121 DEFINITIONS TO AMEND NURSING HOME AND ADD ASSISTED LIVING FACILITIES DEFINITIONS

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

WHEREAS the Village Council has determined that the definition of “nursing home” included within the Codified Ordinances is outdated and does not properly describe services provided by “nursing homes”; and

WHEREAS, the Village Council has determined that another service similar, but different from “nursing homes” has developed over the years since the original definition of “nursing homes” was included in the Codified Ordinances; and

WHEREAS, those services that are similar, but not the same as “nursing homes” are often referred to as “assisted living facilities”; and

WHEREAS, Village Council has determined it necessary and appropriate to amend the definition of “nursing home” in the codified ordinances and include a definition of “assisted living services” in the codified ordinances;

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 welfare 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.

1121.02 SPECIFIC WORDS DEFINED.

(a) Words not otherwise defined herein shall be defined as found in Webster's Unabridged Dictionary.

(1) "Accessory building, use or structure" means a building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, structure or building.

Accessory buildings and structures includes those attached to or separate from the principal structure or building, and shall be applied consistent with Section 1171.03.

(2) "Agriculture" means the use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry, except swine and the necessary accessory uses for packing, treating or storing of goods produced on the premises. However, the operation of any such accessory uses shall be secondary to that of normal agriculture activities and the above uses shall not include the commercial feeding of garbage or offal to any animals.

(3) "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(4) "Basement" means a story having more than one-half of its height below the grade.

(5) "Bilevel" means any single-family dwelling with no one floor within thirty inches of finish grade.

(6) "Building" means any structure designed or intended for the support, enclosure, shelter or protection of animals, chattels or property.

(7) "Building height" means the vertical distance from the finish grade to the highest point of a coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

(8) "Building line" means the front yard setback; a line established by this Zoning Ordinance, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located except as may be provided by this Zoning Ordinance or approved by the Planning and Zoning Commission.

(9) "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

(10) "Club" means a building or portion thereof or premises owned or operated by a person for social, fraternal, literary, political, educational, recreational purpose primarily for the exclusive use of members and their guests.

(11) "Conditional use" means a use which more intensely affects the surrounding area in which it is located than permitted uses in the same zoning district, allowable only upon compliance with the provisions of Chapter 1131.

(12) "Conditional use permit" means a use permit issued by the Zoning Inspector upon compliance with Chapter 1131 to allow a use other than a principally permitted use to be established within the district.

(13) "Council" means the Council of the Village of Johnstown.

(14) "Court" means an unoccupied, open space, other than a yard, on the same lot with a building which is bounded on two sides by the walls of such building.

(15) "Inner court" means a court enclosed on all sides by exterior walls and lot lines on which walls are allowable.

(16) "Outer court" means a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

(17) "Density" means a unit of measurement: the number of dwelling units per acre of land,

A. "Gross density" means the number of dwelling units per acre of land to be developed

B. "Net density" means the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

(18) "Dwelling" means a permanent building used primarily for human habitation by one or more families but does not include mobile homes.

(19) "Multiple-family dwelling" means a building used or designed as a residence for three or more families living independently of each other.

(20) "Single-family dwelling" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.

(21) "Two-family dwelling" means a building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

(22) "Dwelling unit" means space, within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

(23) "Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

(24) "Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage no such family shall contain over five persons.

(25) "Floor area of a residential building" means the sum of the gross horizontal area of the several floors of a residential building, excluding basement, vestibules, open or closed porches or verandas and open or closed stairways floor areas. All dimensions shall be measured from the interior faces of the walls.

(26) "Floor area of a nonresidential building" means the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts, and rooms, storage spaces, display windows and fitting rooms and similar areas.

(27) "First floor area" means the area of the floor at or above grade but within thirty inches of finished grade.

(28) "Second floor area" means the area of the floor above eight feet above the finished grade.

(29) "Private garage" means a detached accessory building or portion of a principal building for the parking or temporary storage of noncommercial automobiles, travel trailers and/or boats of the occupant.

(30) "Public garage" means a detached accessory building or portion of principal or accessory building other than a private garage used for parking or temporary storage of passenger automobiles for some commercial purpose.

(31) "Service station garage" means a building, structure or land, used for dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories including lubrication of automobiles and replacement or installation of minor parts or accessories. It does not mean a repair garage nor a body shop.

(32) "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

(33) "Home occupation" means an occupation conducted in a dwelling unit subject to the provisions of Section 1171.02.

(34) "Hospital" means a place used for the care, diagnosis and treatment of such, ailing, infirm or injured persons and those who are in need of medical and surgical attention, with room, board and/or overnight facilities on the premises.

(35) "Hotel", "motor hotel" or "inn" means a building or part of a building in which lodging or boarding and lodging are provided for compensation on a temporary basis. This does not include a multi-family dwelling wherein a person or family resides with intent to dwell therein.

(36) "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

(37) "Kennel or cattery" means any lot or premises on which four or more domesticated nonfarm animals more than four months old are housed, groomed, bred, boarded, trained or sold.

(38) "Living area" means the floor area of residential building excluding garage areas, washroom areas and closets.

(39) "Off-street loading space" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be

included as off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(40) "Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an approved private street and may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, of complete lots of record and portions of lots of record or a portion of lots of record.

(41) "Lot coverage" means the ratio of an identified area of a lot to the horizontally projected area of the lot, expressed as a percentage.

(42) "Lot frontage" means the portion of the lot abutting upon a public street.

(43) "Minimum area of the lot" shall be the area of the lot computed exclusive of any portion of the right of way of any public thoroughfare.

(44) "Lot of record" means any lot which individually or as a part of a subdivision, has been recorded in the office of the Recorder of Deeds of the County.

(45) "Lot Types". Terminology used in this Zoning Ordinance with reference to corner lots, interior lots and through lots is as follows:

A. "Corner lot" means a lot located at the intersection of two or more public streets. A lot abutting on a curved public street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meets at an interior angle of less than 135 degrees.

B. "Interior lot" means a lot other than a corner lot with only one frontage on a street.

C. "Through lot" means a lot other than a corner lot with a frontage on more than one street.

(46) "Width of lot" means the mean width measured at the building line and at right angles to its depth.

(47) "Nonconforming use" means a building, structure or use of land existing at the time of enactment of this Zoning Ordinance, which does not conform to the regulations of the district or zone in which it is situated.

(48) "Nursing home or nursery" means ~~a home or facility for the care and treatment of babies, children, pensioners or elderly people.~~ a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care. The phrases "physical impairment," "mental impairment," "skilled nursing services" and "personal care services" shall be defined by the relevant provisions of the Ohio Revised Code. Section 1121.02(a) shall not apply to the definition of these phrases.

(49) "Plant materials nursery" means land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

(50) "Open space" means an area open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning and Zoning Commission deems permissive.

(51) "Off-street parking space" means an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

(52) "Planned Unit Development" means an area where a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under this Zoning Ordinance.

(53) "Planning and Zoning Commission" means the Planning and Zoning Commission of the Village of Johnstown, Licking County, Ohio.

(54) "Plat" means a map plan or layout of a subdivision indicating the location and boundaries of individual properties.

(55) "Public service facility" means the erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping station, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

(56) "Public way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.

(57) "Quasi-public use" means churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

(58) "Repair shop" or "body shop" means a building or structure used for major restoration, replacement, rehabilitation, reconstruction of a motor vehicle structure, mechanical parts or body

(59) "Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment, such as grade separation, landscaped areas, viaducts and bridges.

(60) "Seat", for the purposes of determining the number of off-street parking spaces required for certain uses, means, a permanently installed seat or each twenty-four lineal inches of benches, pews or space for loose chairs.

(61) "Setback" means a line established by the Subdivision Regulations or Zoning Ordinance generally parallel with and measured from the property line, right of way or edge of pavement whichever is further from the centerline of the road defining the limits in which no building or structure may be located above ground, except as may be provided in the Subdivision Regulations or Zoning Ordinance.

(62) "On-site sewer" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the health and sanitation officials having jurisdiction.

(63) "Sidewalk" means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

(64) "Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization. Separated letters or printing located on a building spelling the name of the establishment and the goods sold on the premises do not constitute a "sign" for purposes of this section.

(65) "Story" means that part of a building between the surface of a floor, whether or not counted for purposes of computing floor area ratios, and the ceiling immediately above.

(66) "Half-story" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

(67) "Structure" means anything constructed or erected, the use of such requires location on the ground or attachment to something having a fixed location on the ground. Among other things structures include, buildings, stadiums, platforms, radio towers, sheds, storage bins, fences and signs.

(68) "Swimming pool" means a pool, pond, lake or open tank containing at least one and one-half feet of depth of water at any point and maintained as a swimming pool by an owner.

(69) "Thoroughfare, street or road" means the full width between property lines bounding every public right of way of whatever nature with a part thereof to be used for vehicular traffic and designated as follows:

A. "Alley" means a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general circulation.

B. "Arterial street" means a general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.

C. "Collector street" means a thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

D. "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

E. "Dead-end street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

F. "Local street" means a street primarily for providing access to residential, commercial or other abutting property.

G. "Loop street" means a type of local street, each one of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from such arterial or collector street, nor normally more than 600 feet from each other.

H. "Marginal access street" means a local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

(70) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type such as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer

(71) "Trailer park", "mobile home park" or "house trailer park" means any site, lot, field or tract of land upon which two or more house trailers capable of being used for habitation are parked or situated.

(72) "Use" means the specific purposes for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

(73) "Variance" means a modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(74) "Veterinary animal hospital or clinic" means a place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

(75) "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot

upward; provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. (Ord. 1996-36. Passed 1-7-97.)

(76) "Front setback" means a setback extending across the full width of the lot and measured from the property line, right of way or edge of pavement whichever is further from the centerline of the road.

(77) "Rear setback" means a setback extending across the full width of the lot and lying between the rear line of the lot and the nearest wall of the principal building. The depth of the rear setback shall be measured at right angles to the rear line of the lot. On both corner lots and interior lots, the rear setback shall in all cases be the opposite end of the lot from the front setback.

(78) "Side setback" means a setback extending from the principal building to the side lot line on both sides of the principal building.

(79) "Zoning Map" means the zoning district map or maps of the Village, together with all amendments subsequently adopted by Council resolution.

(80) "Zoning Certificate" means a document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

(81) "Split level" means any single-family dwelling with multiple living areas, but excluding bilevel.

(82) "Efficiency unit" means a single-family, one room apartment unit, excluding bathroom facilities.

(83) "Zoning Ordinance" means Ordinance 1983-20, as amended, which comprises Titles Three, Five and Seven of this Part Eleven.

(84) "Manager" means the person appointed pursuant to Section 5.01 of the Municipal Charter

(85) "Recreational vehicle" means a vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses and is classed as follows:

A. "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent-type foldout camping trailer.

B. "Motor home" means a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping

C. "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

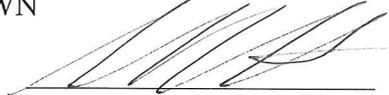
D. "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth wheel hitch ordinarily installed in the bed of a truck.

E. "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute Standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of 400 square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

(86) "Assisted Living Facility" means the following home and community-based services as they are defined in the Ohio Revised Code: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming

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 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 Stanart, Mayor



ATTEST TO:

APPROVED AS TO FORM:


Teresa Monroe
Clerk of Council


David Wigginton
Law Director